

Handling Law Enforcement and Subpoena Requests Procedure



Background: Law enforcement representatives may present to Health Care for the Homeless (“the Agency”). They may present based on law, regulatory requirement, a request, or an inquiry. Depending on the nature of the visit, the Agency staff should interact with the safety officers according to the Agency procedure.

Purpose: to outline staff members' roles when interacting with law enforcement personnel.

Definitions

1. **Law enforcement personnel:** inclusive of local police, marshals, Drug Enforcement Administration (DEA) agents, Department of Corrections, or other groups who are involved in maintaining public safety.
2. **Subpoena:** a written request ordering a person to attend court.
3. **Request of Information (ROI):** Request of information: Official form used to request records from the Agency.

PROCEDURE

I. Law Enforcement Presenting to the Agency

1. The Agency’s Policy is to cooperate fully during an investigation or inquiry regarding the Agency’s business practices (e.g., any subject matter that involves Health Care for the Homeless being investigated)
2. If law enforcement personnel present at any site, the Agency staff should obtain the full information regarding the scope of the request from a law enforcement representative prior to authorizing or completing any action.
 - a. If a law enforcement personnel presents in person:
 - i. First ask to see their identification.
 - ii. Ask about the reason for their visit and what their request entails.
 - iii. Refer the officer to the Security Manager (if unavailable Director of Facilities). Please also contact your supervisor
 - iv. For sites outside of Fallsway – Please direct them to the Practice Manager or Nurse Manager.
3. There are certain situations where the Agency **will NOT** be able to assist a member of law enforcement. These include:
 - a. Inquiries about the location of a client. As a health center, the Agency is covered by two regulations that limit our ability to disclose information about our clients without their consent.
 - i. If a police officer comes in asking about the location of a client, you should respond “I am unable to disclose any information about individuals receiving health services here due to HIPAA and other laws.”
 - b. Active warrant for client: The Agency may not release information about the location of a client even if there is an active warrant (unless this falls into the categories below.)

- i. If a police officer comes in asking about the location of a client, you should respond “I am unable to disclose any information about individuals receiving health services here due to HIPAA and other laws.”

Note: If the member of law enforcement is forceful or assertive in their request, please contact your supervisor and the CQO (or another Chief). Law enforcement personnel may not threaten or sway you in any way to assist them. If these tactics are used, it is because they are trying to intimidate you. When in doubt, seek assistance.

4. There are situations when the Agency **should** assist law enforcement. Please see below.
 - a. Actively involved in a chase or pursuit of an individual where health and safety is a threat.
 - i. If law enforcement presents noting they are actively pursuing an individual that is a threat to public safety (e.g., an individual committed a crime and enters the facility while being chased by law enforcement), you should cooperate to the best of your ability.
 - ii. You should contact facilities and security to announce over the PA system a shelter in place and allow the police to come into a facility.
 - b. The Agency filed charges against the individual and the police are following up on these charges:
 - i. Any staff member can help in an active investigation that involves the Agency
 - ii. If law enforcement personnel come in seeking information, we cannot inform them of medical or behavioral health services, however, we assist law enforcement in the apprehending of a client who damaged property, threatened staff or other clients, or who perpetrated assault.
 - c. A Search Warrant is issued for Health Care for the Homeless.
 - i. If a member of law enforcement has a valid search warrant, you should immediately contact the CQO or CEO.
 - ii. It is a crime to obstruct an agent in the lawful execution of a valid search warrant, so we will want to be as helpful as possible.
 - iii. All staff have the right to ask to see a copy of the search warrant or ask them to wait until a member of the leadership team presents.

A member of law enforcement may come in for several reasons. This procedure outlines several highly likely scenarios that may occur. However, if law enforcement personnel present with a request outside of the purview of this procedure, the staff member should contact the Security Manager and Director of Facilities, who will coordinate with the CFO and CQO. For sites outside of Fallsway – Please direct them to the Practice Manager or Nurse Manager.

Please remember you have rights and can say no to a law enforcement officer’s request. You should contact your supervisor to assist when dealing with law enforcement to ensure you are following the rules and regulations as well as the procedure outlined above.

II. Subpoena Management

1. The custodian of records is the only person at the Agency who can and should respond to a subpoena request. Please see the release of information procedure for more information on what can be released in a subpoena.
 - a. The Agency can only accept summons or subpoenas addressed to the Agency (Health Care for the Homeless). If it is addressed to a staff member, the CQO and Chief who supervises the staff members must be consulted about the request.

- b. The Agency will NOT accept subpoenas that are for a staff member and not related to the Agency's business operations.
 - c. The Agency will NOT accept a subpoena or a summons for any client of the Agency.
 - 2. When a subpoena is received (either in person or via mail), the receiving staff member should immediately alert the CQO/the custodian of records (COR).
 - a. Subpoena may be received by mail or by sheriff:
 - i. If Mailed:
 - 1. ROI is identified by the mail clerk and forwarded to the Medical Records Department.
 - 2. The Medical Records Specialist (MRS)
 - a. logs ROI details into spreadsheet
 - b. exports documents from the client chart
 - c. Batch and review records with Certificate of Authenticity (COA) letter
 - d. forwards to Custodian of Records (COR) for review and to sign and stamp COA letter.
 - ii. If received by sheriff:
 - 1. ROI is received by COR and/or designee.
 - 2. ROI is reviewed by COR and/or designee.
 - 3. ROI is forwarded to Medical Records Department to record into database and follows process above.
 - b. COR reviews records and signs COA.
 - c. COA is created to finalize authentication.
 - d. MRS receives Batch and signed COA, sends to requestor. (invoice when applicable)
 - e. MRS logs ROI as completed in spreadsheet.
3. The CQO will be responsible for receiving and assessing the subpoena following the release of information procedure.
4. If a law enforcement officer shows with a subpoena for Health Care for the Homeless, please follow the following contact tree:
 - a. Contact the Chief Quality Officer, if not immediately available:
 - b. Contact the Director of Human Resources, but if not immediately available:
 - c. Contact the Chief Financial Officer, but if not immediately available:
 - d. Finally, the Chief Executive Officer (CEO).
5. If the subpoena is addressed to a staff member at the Agency, the document should NOT be left in a staff members mailbox, but directly handed to one of individuals listed above.

REVIEW CYLCE

This procedure should be reviewed every two years or more often as required to stay compliant with local, state, and federal regulations.

Signed by: Tolu Thomas
 Position: Chief Quality Officer
 Date: 7/11/2023

Previous update: 3/15/2023