

Response to Subpoena Duces Tecum

[Hospital Letterhead]

Date: _____

Subpoenaing Party's Name: _____

Address: _____

Re: Response to Subpoena Duces Tecum

Dear _____:

On (date) _____, 20_____, we received the civil subpoena duces tecum you caused to be issued or served in connection with the case of (plaintiff) _____ v. (defendant) _____, (case number) _____.

You asked that the medical records of (name of patient) _____ be produced pursuant to this subpoena.

However, we have noted that the subpoena duces tecum does not comply with the following applicable statutory provision(s):

(Check all that apply)

- The subpoena duces tecum was not served together with a supporting affidavit (e.g., Application for Subpoena Duces Tecum or Application for Subpoena Duces Tecum Re Deposition).
- The subpoena duces tecum did not comply with the provisions of the Code of Civil Procedure because it was not accompanied by the required certification.
- The subpoena duces tecum did not comply with the provisions of Code of Civil Procedure Section 2020.430 since it required the production of records on a date which was less than 20 days after the subpoena was issued or 15 days after service.
- Other, explain: _____

We are not authorized to release a patient's medical records unless and until a valid subpoena duces tecum is issued. We have returned the subpoena duces tecum (and retained only a file copy for our records) so that you may correct any deficiencies. Once we receive a complete subpoena duces tecum or written authorization from the patient or the patient's legal representative for release, we will make appropriate arrangements to produce the records, provided the consumer/patient whose records are sought has not objected to the release.

(over)

Also, if your subpoena duces tecum indicated that a personal appearance is not required if the records are produced pursuant to Evidence Code Sections 1560 and 1561, we ask that you agree that the five-day period for the production of records under these sections will begin 15 days after you issued the subpoena. If you so agree, please sign the enclosed statement to that effect and attach it to the subpoena duces tecum.

Thank you for your assistance in this matter. Please call us if you have any questions about this letter.

Sincerely,

(Custodian of Medical Records)