

## SUBPOENA REVIEW CHECKLIST

1. Do you have the records requested?
2. Who issued the subpoena, and in what context?
3. Is San Mateo County Mental Health Services a party to the suit?
4. Is the subpoena valid?

### Validity of Subpoena - - The subpoena:

- a. must be issued by clerk of court or the attorney handling lawsuit;
  - b. must be addressed to San Mateo County Mental Health or to one qualified to certify the requested medical records;
  - c. the date specified for the production of records must be at least 20 days after the subpoena was issued and at least 15 days after it was served; DO NOT respond sooner unless client has so requested in writing;
  - d. the records requested must be identified with reasonable particularity regarding each item or category to be produced; and
  - e. must include client consent documentation.
5. Have you received documentation evidencing that the client has been notified?
  6. Is the client a minor?
  7. Do the records requested include mental health records, records relating to alcohol or drug abuse, or records regarding AIDS or HIV test results? Is there clear consent for EACH category of information?
  8. Has the client waived the physician-patient privilege?