



POLICY ON RESPONDING TO SUBPEONAS, POLICE AND MEDIA

PURPOSE

To establish guidelines for management and staff to follow in responding to subpoenas, requests for information, police investigations and media requests for information.

SCOPE

This policy applies to all employees of LADD.

POLICY

The Board of Directors and management of LADD are committed to operating in accordance with responsible business practices and legal requirements and to providing methods for which employees will comply with all lawfully executed subpoenas, search warrants or other types of legal directives as well as requests for information from the media.

STANDARDS AND DEFINITIONS

None

PROCEDURE

In the interest of orderly, consistent management of the information released for legal proceedings or to the media, the following procedures are in effect:

LAW ENFORCEMENT

1. Employees must report to their supervisor any contact by law enforcement at the time the contact is made and prior to disclosing confidential information.
2. The supervisor will contact the Regional Director for further guidance and authorization to disclose information to law enforcement.
3. If information is to be disclosed the Regional Director will email the details of the disclosure to the Executive Director or CCO who will enter the information in the Disclosure database.
4. Once authorized employees may disclose protected health information in response to a law enforcement request for such information about an individual for the following reasons:
 - as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests
 - to identify or locate a suspect, fugitive, material witness, or missing person
 - in response to a law enforcement official's request for information about a victim or suspected victim of a crime
 - to alert law enforcement of a person's death, if the covered entity suspects that criminal activity caused the death
 - when a covered entity believes that protected health information is evidence of a crime that occurred on its premises
 - by a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime
3. if the information is needed to identify or apprehend an escapee or violent criminal ***Serious Threat to Health or Safety***. Employees may disclose protected health information they believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat).
4. Any time information is released it is to be documented and the guardian is to be notified.

SUBPOENAS, SEARCH WARRANTS OR OTHER LEGAL DIRECTIVES

1. In the event that LADD employees are presented with a subpoena, search warrant or other type of legal directive that is related to LADD they must immediately contact their direct supervisor who will contact the Regional Director. Employees are to ask the person presenting this information to present them with proper identification and to remain outside of the location until they can contact their direct Supervisor for further direction; employees are not to allow the person into the program.
2. Administration will review the identification to make certain the individuals conducting the search are valid members of a law enforcement agency and that the search is authorized by a court of law.
3. The law enforcement officials should then be permitted to conduct the search as duly authorized by the search warrant.
4. In the event that the designated member of Administration is unavailable or is determined to have a conflict of interest regarding the subpoena, search warrant or other legal directive, the matter should be referred to the Executive Director or CCO.
5. It is the policy of LADD to assess the validity and scope of the subpoena, search warrant or other legal directive to ensure that the person supported, corporate or employee's privacy and confidentiality rights are not violated.
6. When appropriate, subpoenas for consumer records may be referred to the designated mental health agency, who is the holder of the record per the state Mental Health Code.
7. If it is determined that the subpoena, search warrant or other legal action is related to a potential quality of care issue or other potential violation of corporate policy, Administration shall initiate an investigation and recommend whether any interim action is appropriate as long as this investigation does not interfere with law enforcement officials.
8. Any written court or legal documents delivered to a work location must not be opened and sent immediately to the CCO at the LADD office.

MEDIA

1. Any employee or management personnel who are contacted by the media (newspaper reporter, TV reporter, etc.) must direct the media to the Executive Director or CCO.
2. Employees will not give out any location, employee, person supported or Management telephone numbers to a member of the media. They will inform the member of the media that they will have someone get back with them as soon as possible. Employees will write down their information and telephone number to provide to a member of Management.
3. At the time of contact, employees or Management must immediately inform their direct supervisor who will contact a member of Administration.
4. Employees must be professional and courteous to the media contact.
5. Use the following as the basis for a response. "I am currently providing support services and in order to provide the care that is needed I cannot answer your questions. If you will give me your name and number I will have someone get back with you as quick as possible."

ADMINISTRATION

1. Administration is to assume full responsibility for overseeing and complying with the legal matters addressed in this policy or the contact made by the media. When possible the Executive Director or CCO will be contacted for further direction.
2. The Executive Director in conjunction with the CCO may seek legal counsel.