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## Subpoenas: What You Should Know

If you receive a subpoena, when do you release a copy of your patient's medical record?



- In the course of a lawsuit, a Subpoena Duces Tecum (Production of Records), requires a copy of a patient's medical record to be given to the requesting party.
- California law requires that a patient be given notice when a copy of their medical record is requested. Usually, this notice is sent to the patient's attorney and included with the subpoena as a "Notice to Consumer" or a signed "Authorization".
- The subpoena will specify the exact date the records should be released.
- The medical record should not be released until the date specified on the front of the subpoena. This allows the patient and/or their attorney time to object to the release of the medical record.
- **Mental health records, HIV/AIDS testing, or drug and alcohol treatment records should not be released without the patient's specific consent to release these special records.**
- **The risk management hotline is available to assist you with any questions you may have regarding a subpoena received by your office.**

- Ann Whitehead, RN, Esq.  
CAP Risk Management & Patient Safety

*If you have any further questions, please use the "Contact Us" button to the left.*

*Published comments of this information should not be considered legal advice applicable to a specific situation. Legal guidance for individual matters should be obtained from a retained attorney.*