

Court Appearance and Related Requests

Purpose

The purpose of this policy is to outline definitions and processes related to subpoenas, depositions, and other related requests.

Subpoena

A subpoena is a court order that requires a person to appear before a court and testify or to produce specified evidence. Failure to comply with a subpoena, without adequate cause is punishable as contempt.

The Agency currently receives 20-40 employee subpoenas per month, but this number is likely to increase. Subpoenas received by the Agency are processed through the Risk and Safety office then sent to the employee as a packet via email.

Agency related subpoenas received at an employee residence, by mail, in-person, or via phone notification, must follow the same process as above. It is the employee's responsibility to send Risk and Safety a copy of the subpoena or contact information of the party producing the subpoena. Once that information is received and verified, a packet of information will be sent via email to the employee from a member of Risk and Safety.

When an employee's schedule conflicts with the dates listed on the subpoena, the employee is responsible for notifying the Operations Supervisor upon receipt of the subpoena. The Operations Supervisor will either allow the truck to be taken out of service during the scheduled time or the notify scheduling to have the employee removed from the schedule.

Employees scheduled to work during their regular shift (not overtime shift) on the court date(s), will stay on the clock during court attendance when possible. Employees will be paid for missed time at regular pay if they are removed from the schedule, come in late, or leave early for a court appearance. Employees not scheduled to work on the court date(s), will be paid for the time they are in court. No one will be paid for travel time to and from court. If you work a night shift, there must be at least 8 hours between the time you get off work and the time you are due in court. If not, you will be paid for a portion (up to 8 hours) of your remaining shift for the night prior; you will also be paid for your time in court.

Once processed, the subpoenaed employee will receive an email from Risk and Safety that will include the subpoena, a timecard, parking information, a copy of this policy, and the associated ePCR. To comply with the Agency HIPAA and Privacy policies, employees are required to delete the email and place any printed information containing PHI in shred bin following their court appearance.

Depositions

A deposition is the process of giving sworn testimony under oath prior to a trial, outside of a court room, and in the presence of attorneys representing both sides of the case (Plaintiff and Defendant).

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Depositions can be a few hours or several days. They are meant to explore the strengths and weaknesses of the opposing parties' cases and they can be quite stressful to attend. For this reason, Medic requires depositions to be held at Post 100.

Requests for deposition are processed through Risk and Safety and employees will be paid for their time. The depositions will be scheduled on the employee's day off when possible but when a deposition must be scheduled during working hours, Risk and Safety will work with the employee's supervisor to make appropriate adjustments.

Each deposition notification sent to an employee will have pertinent information included. To comply with the Agency HIPAA and Privacy policies, employees are required to delete emails and place any printed information containing PHI in shred bin at the conclusion of their deposition.

Other Requests

Employees contacted by law enforcement agencies, private investigators, insurance companies, attorney's offices, or anyone requesting information related to Agency business, should refrain from answering questions and refer the requestor to Risk and Safety.

Additional Information

All the above information is subject to change if circumstances deem it necessary.

For questions not answered in this document, refer to your Operations Supervisor or a member of Risk and Safety.

Specific questions regarding an issued subpoena can be directed to the ADA court liaison at (704) 805-7962, the ADA office at 704-686-0700, or the number provided on the subpoena.

If you feel unprepared for your deposition or court appearance, contact Risk and Safety for assistance.

NOTE: 2024 updates to The Privacy Rule prevent discussion of any patient care related to reproductive health with any party to include law enforcement, coroners/MEs, and any other legal authority. If you are subpoenaed for a case potentially involving reproductive health, or you are asked to speak to anyone about patient care related to reproductive health, do not comment on the patient care and contact Risk and Safety immediately.