**Rejection Letter, Subpoena Unenforceable**

Date: \_\_\_\_\_\_\_\_\_\_

Dear Sir/Madam:

We acknowledge receipt of your Subpoena seeking records. Unfortunately, your Subpoena is unenforceable because you have not provided adequate notice to the patient or the patient’s attorney for them to have the opportunity to request a protective order.

The Washington Uniform Health Care Information Act, RCW 70.02.060, requires that prior to service of a discovery request or compulsory process on a health care provider, an attorney must provide advance notice to the health care provider and the patient or the patient’s attorney. This notice must indicate the health care provider from whom the information is sought, what health care information is sought, and the date by which a protective order must be obtained to prevent the health care provider from complying. In addition, federal law (45 CFR Parts 160, 162, and 164) requires sufficient information about the litigation or administrative proceeding to permit the individual to raise an objection. The state statute requires that adequate notice be given, but no less than fourteen days from the date of service of the notice.

Further, federal law allows either party to seek a qualified protective order that prohibits the parties from using or disclosing the PHI for any purpose other than the litigation or proceeding for which such information was requested; and requires the return or destruction of the protected health information at the end of the litigation or proceeding.

The subpoena you provided is enclosed. Please submit your request for health care records in accordance with RCW 70.020.060.

Additionally, you should be aware that certain types of health care information are entitled to heightened confidentiality protections, such as:

* Drug and Alcohol Records- 42 U.S.C. & 299-2 42 CFR Part 2;
* STD/HIV/AIDS Records- RCW 70.02, RCW 70.24;
* Mental Health Records-RCW 70.02;
* Sexual Assault Counseling Records-RCW 70.125.065.

If the information you are seeking contains heightened confidentiality protections, it will require a court order or a specific patient authorization

If you have questions, please contact our office at 206.XXX.XXXX from X:XX a.m. to X:XX p.m., Monday through Friday.

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Release of Information Office

Health Information Management

Enclosures

Cc: patient