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IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile
Year of Birth _____ A male female

Case No. _____

HIPAA SUBPOENA

Pursuant to K.S.A. 38-2341
and 45 C.F.R. 164.501

TO: _____

You are commanded to personally appear at _____ County/District Court, on the ____ day of _____, _____, at _____ a.m. p.m. to testify on behalf of _____ (*party*) in the captioned matter.

Having reviewed relevant provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and associated regulations thereof to include 45 C.F.R. 164.501 *et seq.* and all relevant privileges that may be applicable to this matter to include any physician-patient privilege or other treater privilege, the Court has determined that any such privilege(s) has either been waived or does not apply.

Accordingly, the Court hereby orders that copies of all health care records which contain “protected health information” (PHI) pertaining to, held by or in the possession or control of any health care provider to include any physician, psychologist, hospital, clinic, pharmacy, allied health care provider, durable medical equipment provider, or other treater (collectively “health care provider”) shall be provided to _____ (“Requester”). The term “all health care records” shall include any health care records in the control or possession of the health care provider whether the health care provider created the record or not. “Health information” shall mean that term as it is defined in HIPAA to mean care, services, or supplies related to the health of an individual and includes but is not limited to preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual of that affects the structure or function of the body and the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

The Requester shall pay all costs associated with copies as directed by law or reasonable copying costs if not directed by any applicable law. Requester shall also be entitled to compare any such copies to the original records held by or in the control or possession of any health care provider. The health care provider shall provide the records as they are maintained in the regular course of business. Any health care provider responding to this order shall be deemed in compliance with 45 C.F.R. § 164.512(e)(1)(I) that, in response to an order of a court, the “covered

entity”, in this case the health care providers, may disclose the protected health information as directed by a court order and this order hereby directs the disclosure of such records.

Govern yourself accordingly, under penalty of law.

Judge of the District Court

- Certified Mail Service Requested
- Personal Service Requested

REPORT OF PERSONAL SERVICE

I received this subpoena on ____/____/____ and served the same by personal service upon _____ on ____/____/____.

Date: _____, _____
Name, Title

Authority

K.S.A. 38-2341, HIPAA and 45 CFR 164.501 *et seq.*

Notes on Use

Subpoenas may be issued and served as provided in civil procedure, and may compel the attendance of witnesses from any county in the state and from outside of the state. Disobedience of subpoenas shall be punished as provided by the code of civil procedure. K.S.A. 38-2341. This form is drafted to comply with federal law, as well.