INSTRUCTIONS FOR RESIDENTS/FELLOWS
AND PROGRAM ADMINISTRATORS
UPON RECEIPT OF SUBPOENAS

From time to time, University of Minnesota Residents and Fellows will receive a subpoena requiring them to testify as a witness in court or be deposed as a person with knowledge for a lawsuit that involves non-University parties. Most often subpoenas come from County Attorneys' offices for testimony in criminal cases, mainly about care provided to the defendant or the victim.

If you receive a subpoena for a case in which you or the University is a named defendant or could be a defendant, contact Academic Health Care Counsel listed below immediately.

Here are things to know and to do when you receive a subpoena:

1. Understand that unless the party issuing the subpoena releases you from the subpoena, you must appear when called.

2. The resident/fellow, or the program administrator on the resident/fellow's behalf, should call the number on the subpoena immediately and do the following:

A. Tell them that you are a University of Minnesota resident/fellow
B. Ask them to tell you the nature of the matter (e.g. criminal matter, civil matter)
C. Ask them for the name of the patient they seek your testimony about (do not disclose any patient information during the call)

3. Reiterate that you are a resident/fellow, and that you provided care to the patient in the course of your training experience. Many times parties issuing the subpoena will make a list of all providers who are noted in a patient's record and subpoena everyone. Suggest they use a non-trainee doctor who could provide the same testimony. Many times they will do that.

4. If they do not release you from the subpoena, ask for a copy of the signed HIPAA patient authorization allowing you to discuss PHI. If they do not have patient authorization, tell them that you will need a judge to order you to release PHI. **Important, do not share any details of your care of a patient or other PHI without either the authorization or the court order (which can be issued orally by a judge from the bench)**.

5. If they do not release you from the subpoena, asked to be prepped for the deposition or trial. Ensure you have the authorization or court order described in #4 above before sharing PHI with the attorney prepping you. **If you get to this stage, contact Academic Health Center Counsel noted below.**

6. Know that many times cases settle. But unless you are informed by the party issuing the subpoena that the case has settled or your testimony is not needed, you must cooperate with the subpoena. While inconvenient, you will need to keep your schedule clear for the date(s) identified in the subpoena until/unless you were informed that you do not need to appear.

Questions – Call Academic Health Center Counsel Jennifer Lohse 763-639-7992.