SESLHD PROCEDURE
COVER SHEET

NAME OF DOCUMENT	Responding Electronically to Subpoena Requests - NSW Subpoena Response Portal Procedure
TYPE OF DOCUMENT	Procedure
DOCUMENT NUMBER	SESLHDPR/662
DATE OF PUBLICATION	June 2020
RISK RATING	Medium
LEVEL OF EVIDENCE	National Safety and Quality Health Service Standard: Standard 1.16 Health Care Records
REVIEW DATE	June 2023
FORMER REFERENCE(S)	N/A
EXECUTIVE SPONSOR or EXECUTIVE CLINICAL SPONSOR	Dr Jo Karnaghan Director, Clinical Governance and Medical Services
AUTHOR	Therese Finch, SESLHD Drug & Alcohol HIM therese.finch@health.nsw.gov.au
POSITION RESPONSIBLE FOR THE DOCUMENT *including email address*	Co-Chairs of the SESLHD Health Records and Medico Legal Committee mervat.dawoud@health.nsw.gov.au antony.sara@health.nsw.gov.au
KEY TERMS	ARIA – E-prescribing of Chemotherapy CHIME – Community Health Information Management System eMR – electronic Medical Record (Cerner) eRIC – electronic Record for Intensive Care idose – daily dosing management MOSAIQ – Oncology Information System WTIS – Workforce Transactions and Information Services P&C – People & Culture
SUMMARY	A guide for medico legal staff and Workforce Transactions & Information Services (WTIS) People and Culture (P&C) staff on how to use the NSW Subpoena Response portal when responding to subpoena requests from the NSW Courts. The procedure will standardise the process to be used by SESLHD services responding electronically to subpoena requests.

Responding Electronically to Subpoena Requests - NSW Subpoena Response Portal Procedure

1. POLICY STATEMENT

The NSW Subpoena Response portal has been reviewed by the SESI Program Manager, ICT Cyber Security & Strategy, and assessed as meeting the privacy standards required for the transfer of sensitive medico legal information between SESLHD Medical Records Departments or SESLHD Workforce Transactions & Information Services People & Culture staff and the NSW Courts.

This procedure is necessary to standardise the use of the NSW Subpoena Response portal in SESLHD. It will ensure completeness and monitoring of files uploaded. Using the portal will reduce production costs incurred by medical record departments responding to subpoena requests, by enabling staff to use a more efficient electronic option where this is available.

The procedure only applies to SESLHD medical record departments and SESLHD Workforce Transactions & Information Services People & Culture department.

2. BACKGROUND

Historically subpoena responses have been provided to the courts in paper or disc form. This is resource intensive. The NSW Subpoena Response Portal is now available and provides an alternate option for medical records and employment records subpoenaed by the court to be transferred electronically.

The NSW Subpoena Response portal features:
- Fast file upload for files of different formats and sizes including text, image, audio, video or other data.
- Secure – NSW Courts encrypt data to keep documents secure. The portal has been approved for use by SESLHD ICT Health.
- Efficiency – documents are received immediately by the court.
- Disposal – all files loaded into the portal are destroyed after the appeal period for the case has expired.

3. RESPONSIBILITIES

3.1 Employees will:
Medical Records staff, WTIS staff and P&C staff may use this procedure when subpoena documentation specifies that the information requested can be uploaded to the court via the NSW Subpoena Response portal.

Note: Medical records staff who need to respond to a subpoena request are required to register as a user in the NSW Subpoena Response portal using their @health email address and the account name for their hospital. WTIS and P&C staff will set up and use the generic email account set up for their services.

3.2 Line Managers will: Distribute information about this procedure to their staff.

- Distribute the FAQ to their staff.
- Support staff with the set up and use of the NSW Subpoena Response portal.
- Ensure staff follow this procedure.
- Ensure that employee access to the portal is terminated after conclusion of their employment.

3.3 Department / Service Managers will:

Distribute information about this procedure to relevant staff in their departments. Medical Records managers should register an account in the name of the service/ department using the naming convention specified in

3.4

Medical record managers should perform regular reviews of the restricted access share drive set up for their hospital site, to ensure that documents are saved as per this procedure and the naming format is being adhered to by staff.

4. PROCEDURE

4.1 Set up an account

Portal Link: https://subpoenaresponse.justice.nsw.gov.au/#/
Medical Record Managers will register an account in the name of their hospital using the naming convention of SESLHD-[Hospital]-Medical Records.

All medical records staff who need to respond to a subpoena request will register on the portal as a user, using their @health email address and the account name for their hospital (as above). Each staff member will need to set a password for their user account. The portal will send an email to the address registered. Click on the link and enter the email and password to access the portal. Medical Records departments may also set up a common (generic) mailbox address and use this address when entering contact details about the case number relevant to the response. Receipts for submitting electronic subpoenas are automatically sent to the 'Contact email address' entered in the portal. The receipt will appear in the mail box of all persons named on the generic email address. A generic email address can be requested by logging a call with SARA.

P&C staff will utilise the WTIS generic email SESLHD-PeopleandCultureEnquiries@health.nsw.gov.au in relation to all subpoena responses and will not require to create individual user accounts.

Staff should read the FAQ provided at:
https://subpoenaresponse.justice.nsw.gov.au/#/info/faq

Once an account has been set up staff will be able to respond to a subpoena by uploading the requested files as required.

When staff log into the portal, a list of previous subpoenas they have submitted is able to be viewed by case number and confirmation number. Staff can click on the link to see what documents were submitted and the date of submission.

4.2 Set up a share folder to temporarily save the documents

Medical Records Managers should set up a folder on their medical records or workforce services department share drive. Access to the folder should be restricted to those staff who will be uploading the subpoenas (log a call with SARA to place restrictions on share folders). Each subpoena response by medical records departments should have a separate folder created using the naming convention:

Case ID_[name of the court]_MRN_[Last Name]_[First Name]_ Hospital*.*

This will be known as the *case file folder.*

Save a copy of the subpoena to this folder.

Other documents for the subpoena response can now be saved to this folder in preparation for submission.

P&C staff will record all documents on Content Manager loaded into the portal.

4.3 Print to PDF from Cerner Reports

Log into Cerner Reports.

Select the encounters that need to be printed and complete the required fields. Ensure the output type is PDF. Preview the report. Save the PDF preview to the documents folder in the C drive of your computer. Then copy this to the case file folder using the naming convention of
*MRN_(Last Name)_(First Name)_ Hospital_[*eMR].

Delete the PDF from the C drive of the computer after you have copied it to the case file folder on the share drive.

4.4 Non-Cerner eMR Systems
Some facilities may have additional non-Cerner eMR systems from which documents must be extracted for inclusion in the subpoena such as:
- ARIA
- CHIME
- Developmental Assessment Clinic

- eRIC
- Hyperbaric Patient Information System
- idose Patient Information System
- Titanium

Patient information from these systems should also be saved directly from the system to a PDF document or printed and scanned to your email as a PDF and then saved in the case file folder using the naming format of *MRN_(Last Name)_(First Name)_ Hospital_[system].*

4.5 Paper files

Scan any documents required from a paper file to a PDF document. Send/scan the PDF document to your email address or alternatively to the generic email address for your medical records department. Large files may be automatically divided into several PDF documents by the copier. Staff may choose to manually divide large paper files into volumes or admissions before scanning these to separate PDF files. Save the PDF document from the email to the same case file folder as the other documents using the format of *MRN_(Last Name)_(First Name)_ Hospital_Paperfile_[Volume]*

4.6 Radiology Images

Radiology images should be saved in a .jpeg format file in the case file folder *MRN_(Last Name)_(First Name)_ Hospital_Radiology.*

4.7 NSW HealtheNet Clinical Portal Documents

If discharge summaries from other NSW Health facilities are to be included in the subpoena response, these should be printed to a PDF document and saved in the case file folder with other documents/images in preparation for uploading to the portal. Open the selected NSW Health Document in the HealtheNet Portal. Select Microsoft Print to PDF as the printer. Check the box 'Print to file' then select Print. Open the document and save this as an Adobe Acrobat PDF document in the case file folder. Naming convention will be *MRN_(Last Name)_(First Name)_ Hospital_HealtheNet_[name of document].*

4.8 People and Culture

P&C staff should use the WTIS and P&C Subpoenas – Checklist / Guide, to determine which documents should be included in the subpoena response for subpoenas received by their department.

4.9 Uploading Documents to the Portal

- Log onto the portal using your email address and password.
- Enter the case number and other details as prompted by the portal.
- Upload the PDF documents and other images saved in the case file folder to the portal, following the portal instructions.

- Upload a copy of the subpoena and any cover letters that you would normally send to the court.
- Check the upload files to ensure all files in the *case file folder* have been uploaded to the portal.
- Medical records staff should then record the case number, confirmation number (provided after uploading) and date submitted to the portal, on the medico legal register or on the medical record request reporting system (e.g. ROI) used by your hospital.
- Follow the instructions of your medical records department for retaining or deleting the PDF copies of the file on the share drive.

4.10   Managing file size
Staff can attach up to 50 individual files per response, but the total size of all uploaded files in a response should be no more than 3GB (gigabytes).

Zipping files is the easiest way to reduce the size of large files. Portions of video and audio recordings may be removed by video editing software. Photos and scanned images may be cropped, scaled and compressed by an image editing tool. Staff must ensure that that context and details relevant to the subpoena are not lost by any edits or compression.

How to reduce the size of a PDF, use Adobe Acrobat installed on your PC:
- Open a PDF file
- Choose document > Reduce file size
- Select Acrobat 8.0 or later for file compatibility
- Click OK
- Name your modified file and save it.

4.11   Speeding up the loading process
If staff need to speed up the upload process they can compress the files before uploading. Use the latest browsers: If staff are using an older browser, files may take a few minutes to upload depending on its size. To minimize time-outs, staff must use one of the supported browsers noted in the FAQ. SESLHD staff could use Internet Explorer 11 or Google Chrome.

4.12   Legibility and Accessibility
Any file that you send electronically needs to be legible and accessible.

4.13   Multiple Responses
Extra items can be submitted as multiple responses can be submitted for each case.

4.14   Medico Legal Charges
- eMR documents printed to PDF – standard search fee charges apply as per the current MOH Health Records and Medical/Clinical Reports. Per page cost may or may not be charged at the facilities discretion. Refer to the current Records and Medical/Clinical Reports IB.

- Paper medical records scanned to a PDF – charges apply as per the current MOH Health Records and Medical/Clinical Reports IB.
- Other material – cost recovery charge only.

4.15 Objections to Producing the Medical Record

Objections to producing the medical record/employee records can be documented on a word document and loaded into the portal at the same time that other documents are loaded. Staff should consult with their mangers before lodging an objection.

4.16 Portal Unavailable

If the portal is unavailable or becomes unavailable during the upload process, staff should revert to the paper process.

5. DOCUMENTATION

Staff should read the FAQ provided by the NSW Attorney Generals Department which can be found at https://subpoenaresponse.justice.nsw.gov.au/#/

6. AUDIT

Audits are not required however medical record managers and workforce services managers should perform regular reviews of the share drive to ensure that this procedure is being adhered with by staff.

7. REFERENCES

NSW Health Policy PD2019_001 Subpoenas
NSW Health Policy PD2006_050 Health Records and Medical/Clinical Reports - Charging Policy
NSW Health Policy PD2015_036 Privacy Management Plan
SESLHD Procedure SESLHDPR/292 Hybrid Health Care Record Procedure

8. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
October 2019	0	Therese Finch, Co-Chair SESLHD Health Records & Medico Legal Committee
November 2019	1	Draft review and approved SESLHD Hospital Medical Record Managers and Health Information Managers
27/11/2019	1	Draft review and approved SESLHD Health Records & Medico Legal Committee
13/01/2020	1	Draft for comment
6/4/2020	1	SESLHD Professional Practice Unit comments included in the document
21/4/2020	1	SESLHD Workforce and Transactions and Information Services - People & Culture Directorate included in the document.

25/05/2020	1	Final approved by SESLHD Health Records & Medico Legal Committee
June 2020	1	Approved by Executive Council. Published by Executive Services.