[DATE]

[REQUESTING PARTY NAME]

[REQUESTING PARTY ADDRESS]

[CITY, STATE, ZIP CODE]

Re: Subpoena for Medical Records

Dear [REQUESTING PARTY]:

We have received your subpoena for health records relating to [PATIENT]. As you know, the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) prohibits us from disclosing patient health records in response to subpoenas or discovery requests that are unaccompanied by a court order unless certain specified conditions are met. Specifically, any such request for records that is unaccompanied by a court order must include either a written, HIPAA-compliant authorization from the patient whose records are sought or one of the following:

1. A written statement from the requesting party, accompanied by copies of all supporting documentation, demonstrating that:
   1. The party requesting the information has made a good faith attempt to provide written notice of the request to the individual (or, if the individual’s location is unknown, to mail a notice to the individual’s last known address);
   2. The notice included sufficient information about the litigation or proceeding in which the information is requested to permit the individual to raise an objection to the court or administrative tribunal; and
   3. The time for the individual to raise objections to the court or administrative tribunal has elapsed and either no objections were filed by the individual or all objections filed by the individual have been resolved by the court or the administrative tribunal and the disclosures being sought are consistent with such resolution.

or

1. A written statement from the requesting party, accompanied by copies of all supporting documentation, demonstrating that:
   1. The parties to the dispute giving rise to the request for information have agreed to a “qualified protective order,” as defined by 45 C.F.R. § 164.512(e)(v), and have presented it to the court or administrative tribunal with jurisdiction over the dispute; or
   2. The party seeking the information has requested a qualified protective order, as defined by 45 C.F.R. § 164.512(e)(v) from such court or administrative tribunal.

Your request lacks sufficient documentation to enable us to release the records. In the absence of an authorization, court order, or satisfactory assurances as described above, we are not permitted to release the information requested and ask that you withdraw the subpoena. If you have questions about our disclosure policy with regard to health records, please feel free to contact us.

Sincerely,