

**NOTICE TO INDIVIDUAL -
SUBPOENA DUCES TECUM FOR HEALTH RECORDS**

Using This Form

Virginia Code § 32.1-127.1:03 requires that when the health records of a pro se party or non-party witness are subpoenaed from a health care entity, a notice must be provided to the individual. The specific language of the notice is set out in the statute. This form contains the language required by the statute.

ATTACHMENT: This form should be attached to the Subpoena Duces Tecum.

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Data Elements

1. Name and title, if applicable, of person requesting subpoena or issuing subpoena.
2. Name of health care entity who is the custodian of the health records requested.

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Commonwealth of Virginia Va. Code § 32.1-127.1:03

NOTICE TO INDIVIDUAL:

The attached document means that **1**
.....

has either asked the court to issue a subpoena or a subpoena has been issued by the other party’s attorney to your doctor, other health care providers, or other health care entity:

..... **2**
.....
.....

requiring them to produce your health records.

Your doctor, other health care provider, or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court to quash the subpoena. If you elect to file a Motion to Quash, such motion must be filed within fifteen (15) days of the date of the request or of the attorney-issued subpoena.

You may contact the clerk’s office to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest.

If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the records to the clerk of court in a sealed envelope or package for safekeeping while your motion is decided.