

ISSUE DATE: March 28, 2023
EFFECTIVE DATE: May 18, 2023
REVISION DATE: XX/XX/XX

RECOMMENDER: Sarah Begeal LCSW DATE: 5/18/23
Sarah Begeal, Deputy Director of Community Services

ADMINISTRATIVE APPROVAL: Lori Morgan LCSW DATE: 5/18/23
Lori Morgan, Director of Community Services

COMMUNITY SERVICES BOARD APPROVAL: John Bezirgianian MD DATE: 5/18/23
John Bezirgianian, Medical Director &
Community Services Board Chair

REASON: Update to the 18 NYCRR Part 521 Regulations AND;
Amendments of the New York State Social Service Law Section 363-D

Policy and Procedure: Corporate Compliance
Topic: Subpoenas

Purpose:

A subpoena is an official demand for testimony or the disclosure of documents or other information. They may originate from law enforcement or administrative agencies. Every subpoena requires a careful legal review prior to response. In view of this and the serious legal implications of the receipt of a subpoena, TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE (sometimes referred to as "TCDMH" or "TCMH") has established standing policies and procedures to ensure that legal counsel reviews any subpoena immediately and coordinates the TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's response.

Policy:

It is the policy of TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE to comply with any lawful subpoena. Employees will remain courteous and professional when dealing with investigators or agents delivering a subpoena. No one is to impede in any way efforts to deliver a subpoena.

This Policy refers only to subpoenas related to TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE business matters.

Procedures:

1. Employees will remain courteous and professional when dealing with investigators or agents delivering a subpoena. No one is to impede in any way efforts to deliver a subpoena.
2. If a subpoena related to TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE business is received, either in person or via the mail, it must be delivered immediately to the Director of Community Services.
3. If delivered in person, the senior staff on duty must be provided with any information obtained during the service of the subpoena (e.g., the name, title, and telephone number of the serving agent/investigator, information provided by the agent/investigator).
4. Employees will only provide the agent/investigator with direction or information so they may deliver the subpoena to the appropriate or requested individual. Do not volunteer information to an agent/investigator or submit to any form of questioning or interviewing.
5. The Director of Community Services shall be immediately notified of the receipt or delivery of a subpoena. The Director of Community Services will promptly notify the Compliance Officer and determine who is most qualified and available to assist legal counsel in responding to the subpoena.
6. The Director of Community Services and Compliance Officer will await direction from legal counsel and then proceed under such direction.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing auditing and monitoring process in its Compliance Program, TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE will review this policy based on changes in the law or regulations, as TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all affected individuals, as well as notified of any updates or changes.

Tracking of the criteria above and results of this testing will be completed by the Compliance Officer, or designee. Additionally, results will be reported to the Compliance Committee and Governing Body on a regular basis.

Record Retention Statement:

TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.