

**NOTICE OF ISSUANCE OF SUBPOENA  
DUCES TECUM FOR HEALTH RECORDS**

CASE NO. \_\_\_\_\_

**GENERAL DISTRICT COURT**

**JUVENILE AND DOMESTIC  
RELATIONS DISTRICT COURT**

VIRGINIA: IN THE \_\_\_\_\_ COURT  
Name of court

Address of court

Telephone number

Plaintiff

V.

Defendant

\_\_\_\_\_  
Name of party requesting or causing issuance of the subpoena

by counsel *pro se*, pursuant to Rule [4:9](#) of the Supreme Court of Virginia, Virginia Code § [16.1.89](#)

and the Virginia Health Records Privacy Act<sup>i</sup>, is providing notice to the Court that:

a [Subpoena Duces Tecum](#) (Form DC-336),<sup>ii</sup> [or]

an [Attorney-Issued Subpoena Duces Tecum](#),<sup>iii</sup> (Form DC-498),

a copy of which is attached, is being issued<sup>iv</sup> to:

\_\_\_\_\_  
Name of doctor or health care entity and address  
for the health care records of:

\_\_\_\_\_  
Name and address of individual or nonparty witness

\_\_\_\_\_  
Date of birth

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Other identifying information if needed

The **Notice to Individual<sup>v</sup>** is:

not required to be served in this action; [or]

required to be served in this action, and is attached as attachment A.

**DOCUMENTS SUBPOENAED:**

The final day to file a motion to quash (object to) the subpoena *duces tecum* with the court is:

\_\_\_\_\_ Date<sup>vi</sup>

Respectfully submitted,

\_\_\_\_\_  
Requesting party or counsel

\_\_\_\_\_  
Name and address of law firm or *Pro Se*

\_\_\_\_\_  
Printed name of attorney

\_\_\_\_\_  
Virginia State Bar No. (optional)

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Fax number

\_\_\_\_\_  
E-mail address (optional)

**CERTIFICATE OF SERVICE**

I certify that true copies of the:

**NOTICE OF ISSUANCE OF SUBPOENA *DUCES TECUM* FOR HEALTH RECORDS with attached NOTICE TO HEALTH CARE ENTITIES;**

**NOTICE TO INDIVIDUAL (below);**

a [Subpoena Duces Tecum](#) (Form DC-336); **[or]**

an [Attorney-Issued Subpoena Duces Tecum](#) (Form DC-498); was

mailed, faxed \_\_\_\_\_, electronically mailed, by  
Fax No. Time

agreement, and/or hand-delivered on the \_\_\_\_\_, to<sup>vii</sup>:  
Month Day Year

Doctor or Health Care Entity (at the address on Page 1);

*Pro Se* Individual or Nonparty Witness (at the address on Page 1);

Opposing Counsel / *Pro Se* (not the individual) (at the below address)

\_\_\_\_\_  
Name and address of opposing counsel / *Pro Se* / nonparty witness

Other \_\_\_\_\_  
Name and address

\_\_\_\_\_  
Person Certifying

## ATTENTION HEALTH CARE ENTITIES

**DO NOT RESPOND to this application for the subpoena UNLESS you:**

1. receive notice that the individual / nonparty witness has filed a Motion to Quash the subpoena;
2. intend to file a Motion to Quash the subpoena; [or] until you
3. receive a written **Certification**<sup>viii</sup> from:

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Name of party requesting or causing issuance of the subpoena

If number 1) or 2) above occur, place the records in a sealed envelope. Attach to the sealed envelope a cover letter to the Clerk of Court that states that confidential Health Care Records are enclosed are to be held under seal pending the Court's ruling on the Motion to Quash the Subpoena.

For responding to 1), 2) or 3) above, use the **RESPONSE OF THE HEALTH CARE ENTITY TO A SUBPOENA DUCES TECUM FOR HEALTH RECORDS**, or a cover letter.

### NOTICE TO HEALTH CARE ENTITIES<sup>ix</sup>

**A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.**

**YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:**

**NO MOTION TO QUASH WAS FILED; OR**

**ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.**

**IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:**

**PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.**

**ADMINISTRATIVE PAGE**  
**NOTICE OF ISSUANCE OF SUBPOENA**  
***DUCES TECUM* FOR MEDICAL RECORDS**

**[DO NOT FILE THIS PAGE]**

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<sup>i</sup> Va. Code [§ 32.1-127.1:03](#)

<sup>ii</sup> For General District and JDR Courts

<sup>iii</sup> See [Attorney-Issued Subpoena Letter to Clerk of Court](#) and [Attorney-Issued Subpoena Letter to Sheriff](#).

<sup>iv</sup> See Supreme Court [Rule 4:9\(2\)](#)

<sup>v</sup> Va. Code § 32.1-127.1:03(H)(1) the party requesting or causing issuance of the subpoena has a duty to determine whether pro se or nonparty witness.

<sup>vi</sup> Va. Code § 32.1-127.1:03(H)(5) The motion to quash must be filed within 15 days of the date of the request or of the attorney-issued subpoena.

<sup>vii</sup> Virginia Supreme Court Rules [1:12](#) and [1:7](#)

<sup>viii</sup> Va. Code § 32.1-127.1:03 (H)(4) (See Certification of Requesting Party Regarding a Subpoena Duces Tecum for Health Records.)

<sup>ix</sup> Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Va. Code § 32.1-127.1:03(H)(2)