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Department of Commerce & Consumer Affairs Medical Claims Conciliation Panels Design Professional Conciliation Panels State of Hawai'i

February 27, 1998

MEMORANDUM

To: Attorneys for Parties Appearing Before the MCCP

From: Rod Maile, Senior Hearings Officer

Re: Production of Medical Records

In order to: 1) comply with the provisions of Hawai'i Revised Statutes §671-13; 2) minimize the inconvenience to persons required to produce medical records; and 3) reduce the costs of the production process, we request that the parties utilize the basic subpoena process for the production of documents, rather than use the "Subpoena and Notices of Taking Deposition Upon Written Interrogatories" process.

The basic subpoena form provides the person or entity subpoenaed with the option of *delivering* or *mailing* legible copies of the medical records, to the person or entity identified, within a specific time frame. A copy of the MCCP subpoena form is attached to this Memorandum for your review and consideration.

Because the Medical Claims Conciliation Panel process is not bound by the formal rules of evidence, the Panel does not require certified copies of records, and the production of records in compliance with a subpoena should provide adequate foundation or authentication, if required by the MCCP.

Lastly, in specifying what documents must be produced, please note that Hawai'i Revised Statutes §671-13 limits the kinds of information that can be requested for production:

Except for the production of hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider, *discovery* by the parties shall not be allowed. (Emphasis added)

Requests for the issuance of subpoenas which are inconsistent with the provisions of Hawai'i Revised Statutes §671-13, will be rejected by the MCCP.

Thank you very much for your cooperation in this matter, and if you have any questions, please do not hesitate to contact the MCCP.