



Method No.: Subpoena Receipt
Date: 5/9/2014
Supersedes: New
Bureau of Public Health Laboratory, Ohio Department of Health

Subpoena Receipt

Purpose: The purpose of this procedure is to outline the process for receipt of subpoenas and the promulgation of related tasks.

Principle: The Alcohol and Drug Testing Program receives subpoenas for court testimony and subpoenas for the duplication of documents which must be recorded and responded to on a case by case basis

1. Procedure

- 1.1. The Alcohol & Drug Testing Program (ADT) of the Bureau of Public Health Laboratory receives subpoenas in association with functions performed during the normal course of business.
- 1.2. All subpoenas must be properly served to the Ohio Department of Health Office of General Counsel at 246 North High Street 7th floor Columbus, Ohio 43215.
- 1.3. All subpoenas and ancillary paperwork will be scanned and entered into the badt@odh.ohio.gov calendar upon receipt by Office of General Counsel
 - 1.3.1. The calendar entry will be added on the date of appearance of the subpoena.
 - 1.3.2. The initials or the title of the individual subpoenaed in addition to the case name will be used as the title for the calendar entry.
 - 1.3.3. Information outlining how the subpoena was received (hand-delivered, certified mail, faxed, US mail, etc.) and the date of receipt will be added as notes to the calendar entry.
 - 1.3.4. The calendar entry will be color coded red to draw the attention of the ADT Program Administrator or designee.
- 1.4. All calendar entries will be reviewed by the ADT Program Administrator or designee.
 - 1.4.1. The ADT Program Administrator or designee will determine if the subpoena fits the procedure criteria for proper service and will add notes to the calendar entry documenting the date of review with their initials. The calendar entry will be color coded green if properly served. The individual subpoenaed will be notified of their commitment.
 - 1.4.2. If the subpoena is improperly served, as a courtesy, the ADT Program Administrator or designee will attempt to contact the attorney issuing the subpoena, to update him or her on the subpoena status and proper service criteria. The prosecutor in the case will also be notified that ODH personnel

- subpoenaed will not be attending due to improper service. This will be documented in the calendar entry notes and color coded blue.
- 1.4.3. The ADT Program Administrator or designee will request a motion to quash for any subpoena request deemed objectionable. This will be documented in the calendar entry notes and color coded yellow.
 - 1.4.4. Should ADT be contacted regarding a subpoena being cancelled or the court date is being changed, this change will be documented in the calendar entry notes and color coded orange. Program personnel are responsible for checking the BADT calendar for subpoenas and looking at the dated entries for changes to the subpoena.
- 1.5. A subpoenaed case file containing documents in response to the subpoena will be prepared by ADT staff.
 - 1.5.1. The standard case file of notarized documents will include:
 - 1.5.1.1. Instrument Certification Report;
 - 1.5.1.2. Vendor Certificate of Analysis for Ethanol Breath Standard;
 - 1.5.1.3. ODH Lot or Batch Certificate;
 - 1.5.1.4. Instrument Diagnostic Test (when placed in service);
 - 1.5.1.5. Inspector's Certification Statement;
 - 1.5.1.6. Vendor Certificate of Calibration;
 - 1.5.1.7. Request for Repair (if applicable);
 - 1.5.1.8. Statement of Repair (if applicable); and
 - 1.5.1.9. Vendor Service Work Order (if applicable).
 - 1.5.2. The standard case file of printed documents will include:
 - 1.5.2.1. Subject Test Record;
 - 1.5.2.2. Instrument Notes (if applicable); and
 - 1.5.2.3. Operator access card information.
 - 1.5.3. All responses to non-standard case file documents requests will be reviewed by the Program Administrator or designee and processed accordingly.
 - 1.5.4. The date of case file completion will be documented in the calendar entry notes.
 - 1.6. All case files will be reviewed by the ADT Program Administrator or designee prior to release.
 - 1.6.1. The ADT Program Administrator or designee will review the subpoena and case file contents for completeness and document the review in the calendar entry notes.
 - 1.7. The subpoena and case file will be released to the appropriate entity.
 - 1.7.1. ADT staff will release the subpoena and case file documents to the individual called to testify or entity generating subpoena.
 - 1.7.2. Release can be via hand-delivery or mail service.
 - 1.7.3. Release will be documented in the calendar entry notes.
 - 1.8. The Program Administrator or designee can use discretion regarding the process of a subpoena throughout the procedure.

Appendices:

Appendix 1:

Calendar Entry Color Coded Chart:

Color	Meaning
Red	Initial calendar entry alert
Orange	Case rescheduled
Yellow	Motion to Quash
Green	Properly served
Blue	Improper service
Purple	Subpoena in conflict
Grey	Witness not needed