
 HAWAII HEALTH SYSTEMS CORPORATION <i>Quality Healthcare for All</i> PROCEDURE	Department: Office of the General Counsel	Procedure No. ADM 0034B
		Supersedes Policy No.
Subject: Person Authorized to Accept Service of Process	Approved By:  By: Edward N. Chu Its: HHSC President & CEO	Approved Date: July 27, 2023
		Last Reviewed: June 16, 2023

I. **Purpose:** To provide guidance to employees regarding different types of legal process that may issue to HHSC, its Facilities, patients or residents, define who is authorized to accept service of each type of process, and set forth how to accept service if authorized to do so.

II. **Definitions:**

Corporate Office means the Hawaii Health Systems Corporation (HHSC) Corporate Office, located at 3675 Kilauea Avenue, Honolulu, Hawaii, 96816, telephone (808) 733-4020.

Facilities means the various hospitals and clinics that are a part of HHSC. "Facilities" excludes the Corporate Office.

Legal Process (also referred to as "process") are the proceedings in a civil lawsuit or criminal prosecution, and describe the formal notice or writ used by a court to exercise jurisdiction over a person or property. Such process is usually "served" upon a party, to compel that party to come to court or produce something, and may take the form of a summons, mandate, subpoena, warrant, or other written demand issued by a court.

III. **Procedure:**

A. **Legal Status of Hawaii Health Systems Corporation (HHSC):** Under Hawaii law, only HHSC can sue or be sued, rather than any of its Facilities, geographic regions, or other business divisions. Therefore, legal process for lawsuits against HHSC (for example, a Summons and Complaint) cannot be properly issued for, or be served upon, any Facility. For example, lawsuits against Hilo Medical Center must name and be served upon HHSC, rather than Hilo Medical Center.

1. No one in the Facilities may accept service on behalf of HHSC, HHSC Facilities, or the PCEO.
2. Service must not be accepted at a Facility on behalf of a region, a regional board, or that Facility, since they are not legal entities and cannot be sued directly.

3. If a process server inquires as to who is authorized to accept service of a Summons and Complaint for a lawsuit against HHSC or any Facility, please direct them to the HHSC Corporate Legal Department at 3675 Kilauea Avenue, Honolulu, Hawaii. They may call the main telephone line at (808) 733-4020 to arrange an appointment in advance to serve process.
4. Service of process must not be accepted on behalf of the State of Hawaii, as only the State Attorney General may accept service on behalf of the State.

B. WHO MAY SIGN AN ACKNOWLEDGMENT OF SERVICE:

1. **Legal documents naming HHSC, any Facility or HHSC geographic region, and/or the President/CEO (PCEO) as a party:** Only the following individuals, located at the HHSC Corporate Office, are authorized to accept service of process on behalf of HHSC:
 - a. Any HHSC lawyer in the HHSC Corporate General Counsel's Office, or the Corporate Director of Risk Management; or
 - b. If none of the above is present and able to accept service of process, the General Counsel's Department secretary or paralegal may accept service, or
 - c. In the event none of the above is present, then the executive assistant to the PCEO may accept service.

HHSC General Counsel may authorize limited exceptions to the foregoing, in advance, in appropriate circumstances.

2. **Other types of legal process:** Legal process that does not involve claims against HHSC, such as subpoenas or court orders for medical records of a particular HHSC Facility, may be accepted at the Facility according to its policy and procedure. Subpoenas for records maintained at the Corporate Office shall be accepted in the same manner as outlined in III.B.1., above.
 - a. Subpoena or court order for medical records:

Acceptance of service of these items should be handled directly by the Facility's HIM or Medical Records department, and processed in accordance with facility policy and procedure. If it is unclear whether a document is a new lawsuit or some other type of legal process, contact the regional risk manager for assistance prior to accepting service.

b. Subpoenas for *employee records*:

Acceptance of service of these items should be handled directly by the Facility's Human Resources Department and processed in accordance with facility policy and procedure. If it is unclear whether a document is a new lawsuit or some other type of legal process, contact the regional risk manager for assistance prior to accepting service.

c. Summons and subpoenas naming *facility employees*:

- i. Process servers or other persons seeking to serve legal documents upon a Facility employee shall be directed to the Facility Human Resources Department (HR).
- ii. Service of process on individuals must only be accepted by that named individual, unless the individual has given express authority for acceptance to someone else.
- iii. The Facility has no obligation to allow the process server to enter restricted areas to serve process on an individual.
- iv. Types of matters:
 - i. *Hospital related matter*. If HR believes the legal documents sought to be served may involve a hospital matter, HR should contact the regional risk manager for instructions, and the risk manager must determine whether or not the service involves a hospital matter and whether the hospital is under any obligation to cooperate with the process server in locating the employee.
 - ii. *Private matter*. If the legal documents sought to be served appear to involve a private employee matter, it is recommended that the employee be called and asked if they are free to come to the human resources department to accept service. If the employee is not free or does not want to accept service, then the process server should be told that the employee is not available.

d. Service of legal documents on *patients*:

If a process server indicates that they are there to serve process on a Facility patient, staff should contact the risk manager for assistance with the following:

- i. If the process server does not know whether or where the patient is in the facility, the facility may only provide the process server with such information if the patient has consented to have their information in the directory;
- ii. If the process server knows or learns where the patient is in the facility, risk management should check with the treating physician to determine whether the treating physician believes that the patient's treatment will not be disrupted by allowing service. If the treating physician believes the patient's treatment will be disrupted

by allowing service, the process server should be informed that the facility is not able to allow service;

- iii. If the physician does not believe that treatment will be affected by allowing the process server to see the patient, the facility should ask the patient if they want to accept service;
- iv. If the patient is in a restricted area, the facility is not obligated to allow the process server to enter the restricted area and the facility should inform the process server that the facility is not able to allow service.

e. Service of legal documents on *long term care residents*: .

If a process server indicates that they are there to serve process on a long term care resident (for example, guardianship petition), staff should contact the risk manager for assistance with the following;

- i. If the process server does not know whether or where the resident is in the facility, the facility may only provide the process server with such information if the resident has consented to have their information in the directory;
- ii. If the process server knows or learns where the resident is in the facility, risk management should alert the nurse or social worker, who will escort the process server to the resident's location;
- iii. If the resident is in a restricted area, the facility is not obligated to allow the process server to enter the restricted area and the facility should inform the process server that the facility is not able to allow service until the resident leaves the restricted area.

C. WHAT MAY BE ACCEPTED:

1. **Corporate Office:** For Hawaii Health Systems Corporation or the PCEO, summons & complaint and subpoenas for corporate records are accepted at the corporate office, as outlined above in B.1 and 2.

The documents to be served will be accompanied by a document that states the name of the party to be served, which must be signed by the authorized employee who is accepting service. The employee accepting service must check the document and verify that they are only accepting service for HHSC and/or the PCEO before signing it (or the Facility, in the case of a subpoena for facility records). It is acceptable if the name on the document states service is being accepted on behalf of "Hilo Medical Center, a facility of HHSC", for example, since HHSC is the named defendant.

2. **Facilities:** For Subpoenas of Facility records, each facility shall establish a process for acceptance of subpoenas seeking facility records. The process shall also address review and processing of the subpoena. Questions may be directed to General Counsel's office, the Corporate Director of Risk Management, or Facility Risk Management.

D. AFTER ACCEPTING SERVICE:

1. Once a decision has been made to accept service of process, the employee accepting service shall note on the document:
 - The date and time service was accepted, and
 - The entity or person on whose behalf the service was accepted (i.e. HHSC or the PCEO).
Ask the process server to wait while you do this. It is important that this information be noted directly on the first page of the document.
 - The authorized employee accepting service must make a copy of the document with the above notations added before returning the original to the process server.

2. The legal process accepted, including any other attached documents, should then be HAND DELIVERED or SCANNED to the appropriate party as soon as possible but not later than the close of business that day:
 - a. A Summons and Complaint or subpoena of corporate office records must go to a lawyer in the General Counsel's office or the Corporate Director of Risk Management for immediate review.
 - b. For a Summons and Complaint, General Counsel's office will scan and file/save the document served and forward it to the appropriate persons for review and processing, including as appropriate the involved Facility administrator or Regional CEO, Facility Chief HR Officer (for HR complaints), Facility risk manager and/or the Corporate Director of Risk Management (for professional or general liability matters).
 - c. Corporate Office and the Facilities may adopt further procedures addressing the timely distribution, review and handling of legal process received.

IV. Applicability: This policy applies to all employees, Facilities, and Corporate Office.

V. Reference: HRS Section 323F-7(c)(11)

VI. Attachments: ADM Policy 0034A.