

DECLARATION OF CUSTODIAN OF RECORDS

Name of patients: _____

(Name of patient)

I declare as follows:

I am employed by and am the duly authorized custodian records and am authorized to certify records for:

(Name of facility)

I certify that the accompanying records are true and complete copies of records maintained in the regular course and scope of business of my employer and were prepared by authorized personnel at or near the time of the acts, conditions or events which they intend to convey. No documents, records or other materials have been withheld except as noted below.

I certify that I have made a diligent, thorough and complete search of all available sources including the computer databases for both open and closed files and for all types of treatment and for all types of litigation whether in a storage facilities or any other location under the control of my employer for any and all items to be produced on the attached subpoena duces tecum or authorization for the patient named above.

I certify:

- That all records described in the subpoena duces tecum except the results of any HIV test were produced.
- That all records described in the subpoena duces tecum except any records which may be protected by California Welfare and Institutions Code section 5328 or 42 C.F.R. section 2.61 et seq. were produced
- That no records were produce because no records were found for the individual named on the subpoena duces tecum.
- That all records described in the subpoena duces tecum except the following records which are not in the possession of this facility:

Records were produced in the following manner:

- Records were made available to Med-Legal Photocopy Service for coping
- Records were delivered to Med-Legal Photocopy Service
- Records were mailed to the deposition officer at the address on the subpoena duces tecum in compliance with Evidence Code section 1560(c)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on _____, _____

Signature of Custodian

WCAB. No. _____

Case Number _____

Control Number _____

Declaration of Itemized Statement of Costs

Records of:

(Name of individual named on the subpoena duces tecum)

Fees may be charged under A or B but not both.

A

Witness fee of \$15.00 paid.

Receipt of third party for costs of retrieval from offsite storage company is attached.

Amount paid: _____

"Where the records are delivered to the attorney or the attorney's representative for inspection or photocopying at the witness' place of business, the only fee for complying with the subpoena shall not exceed fifteen dollars (\$15), plus actual costs, if any, charged to the witness by a third person for retrieval and return of records held offsite by the third person. If the records are retrieved from microfilm, the reasonable cost, as defined in paragraph (1), shall also apply." Evidence Code section 1563(b)(6)

B

Itemized Statement of Costs

California Evidence Code Section 1563(b) states:

(1) "Reasonable cost," as used in this section, shall include, but not be limited to, the following specific costs: ten cents (\$0.10) per page for standard reproduction of documents of a size 8 1/2 by 14 inches or less; twenty cents (\$0.20) per page for copying of documents from microfilm; actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to a subpoena; reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of sixteen dollars (\$24) per hour per person, computed on the basis of four dollars (\$6) per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a third person for the retrieval and return of records held by that third person.

(2) The requesting party shall not be required to pay those costs or any estimate thereof prior to the time the records are available for delivery pursuant to the subpoena, but the witness may demand payment of costs pursuant to this section simultaneous with actual delivery of the subpoenaed records, and until such time as payment is made, is under no obligation to deliver the records.

(3) The witness shall submit an itemized statement for the costs to the requesting party setting forth the reproduction and clerical costs incurred by the witness. Upon demand by the requesting party, the witness shall furnish a statement setting forth the actions taken by the witness in justification of the costs.

Clerical costs for retrieval of record:

Name of person retrieving records: _____

Date of service: _____

Time start / time end: _____

Clerical costs _____

Charge by third party for retrieval of records offsite:

Name of person retrieving records: _____

Date of service: _____

Receipt must be attached _____

Custodian reproduction costs: pages cost

Standard sized pages @ \$.10 per page: _____ _____

Mircofilm pages copied @ \$.20 per page: _____ _____

Oversized pages @ actual costs _____ _____

Page charges _____

TOTAL CHARGES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on _____, _____

WCAB. No. _____

Case Number _____

Signature of Custodian

Control Number _____