SESLHD PROCEDURE COVER SHEET

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FUNCTIONAL GROUP(S)	Records Management - Health Industrial and Employee Relations
KEY TERMS	ARIA – e-prescribing of Chemotherapy CHIME – Community Health Information Management System eMR – electronic Medical Record (Cerner) eRIC – electronic Record for Intensive Care idose – daily dosing management MOSAIQ – Oncology Information System HRBP –Human Resources Business Partnering P&C – People & Culture SFT – Secure File Transfer
SUMMARY	A guide for medico legal staff and Human Resources Business Partnering People and Culture (HRBP) staff on the process to be followed by SESLHD staff using the NSW Subpoena Response portal or when transferring information to the court by designated court email address, in response to a subpoena request from NSW and Federal Courts. The procedure will standardise the process to be used by SESLHD services responding electronically to subpoena requests.

1. POLICY STATEMENT

The NSW Subpoena Response portal has been reviewed by the SESI Program Manager, ICT Cyber Security & Strategy, and assessed as meeting the privacy standards required for the transfer of medico legal and other sensitive information between SESLHD Medical Records Departments or SESLHD Human Resources Business Partnering and the NSW Courts.

NSW and Federal Courts have also set up a number of nominated email addresses which can be used by SESLHD staff to securely transfer documents to the court.

This procedure is necessary to standardise the process and naming convention for a subpoena response. It will ensure completeness and monitoring of files uploaded. Using the electronic options to transfer records will reduce production costs incurred by medical record departments responding to subpoena requests, by enabling staff to use a more efficient electronic option where this is available.

The procedure only applies to SESLHD medical record departments and Human Resources Business Partnering People & Culture department.

The procedure is not a replacement for SESLHDPR/618 - Management of Subpoenas which sets out standard practice for all subpoena responses across SESLHD.

2. BACKGROUND

Historically subpoena responses have been provided to the courts in paper or disc form. This is resource intensive. The NSW Subpoena Response Portal and various other nominated email address for the courts are now available. This provides an option for medical records and employment records subpoenaed by the court to be transferred electronically.

The NSW Subpoena Response portal features:

- Fast file upload for files of different formats and sizes including text, image, audio, video or other data.
- Secure – NSW Courts encrypt data to keep documents secure. The portal has been approved for use by SESLHD ICT Health.
- Efficiency – documents are received immediately by the court.
- Disposal – all files loaded into the portal are destroyed after the appeal period for the case has expired.

Other courts may also provide a dedicated email address for the purpose of transferring records to the court.

- Surry Hills Children's Court - cc-surry-hills@justice.nsw.gov.au

- Federal Circuit and Family Court of Australia – Sydney@fcfcoa.gov.au

It should be noted that these email addresses are outside the approved NSW Health domain. Responses to these email addresses, and any other court email address which may be established in the future, should be transferred using Kiteworks NSW Health Secure File Transfer.

The formatting for each document as described below should be applied to all subpoena responses transferred electronically.

3. RESPONSIBILITIES

3.1 Employees will:

Medical Records staff and People and Culture (P&C) staff should use this procedure when subpoena documentation specifies that the information requested can be uploaded to the court via the NSW Subpoena Response portal or via a nominated email address of the court as specified on the subpoena.

Note: Medical records staff who need to respond to a subpoena request are required to register as a user in the NSW Subpoena Response portal, using their @health email address and the account name for their hospital. P&C staff will set up and use the generic email account set up for their services.

Set up an account for NSW Health Secure File Transfer. This can be applied for via a SARA ticket.

3.2 Line Managers will:

- Distribute information about this procedure to their staff.
- Distribute the **FAQ** to their staff.
- Support staff with the set up and use of the NSW Subpoena Response portal.
- Support staff to set up an account for NSW Health Secure File Transfer.
- Ensure staff follow this procedure.
- Ensure that employee access to the portal is terminated after conclusion of their employment.

3.3 Department / Service Managers will:

Distribute information about this procedure to relevant staff in their departments. Medical Records managers should register an account in the name of the service/ department using the naming convention specified in **4.1.**

Medical record managers should perform regular reviews of the restricted access share drive set up for their hospital site, to ensure that documents are saved as per this procedure and the naming format is being adhered to by staff.

4. PROCEDURE

4.1 Set up an account

Subpoena Response Portal

Portal Link: https://subpoenaresponse.justice.nsw.gov.au/#/

Medical Record Managers will register an account in the name of their hospital using the naming convention of SESLHD-[Hospital]-Medical Records.

All medical records staff who need to respond to a subpoena request will register in the portal as a user, using their @health email address and the account name for their hospital (as above). Each staff member will need to set a password for their user account. The portal will send an email to the address registered. Click on the link and enter the email and password to access the portal.

HRBP P&C staff will utilise the generic email, SESLHD-PeopleandCultureEnquiries@health.nsw.gov.au - in relation to all subpoena responses and will not require to create individual user accounts. This is to ensure subpoena responses are allocated and actioned in a timely manner by HR Consultants.All HR Consultants must have access to the generic email. Individual staff submitting emails through the generic email must enter their individual name as the 'contact name' when uploading documents to the portal. Receipts for submitting subpoenas electronically are automatically sent to the contact email address recorded at submission. The receipt will appear in the mailbox of all persons named on the generic email address.

All Staff using the portal should read the FAQ provided at:
https://subpoenaresponse.justice.nsw.gov.au/#/info/faq

When staff log into the portal, a list of previous subpoenas they have submitted is able to be viewed by case number and confirmation number. Staff can click on the link to see what documents were submitted and the date of submission.

Setting up an account for Secure File Transfer

Kiteworks Secure File Transfer / Secure FTP (SFTP) provides a means for staff to securely send and receive documents and files over the internet or network. This provides a secure communication platform to protect files from unauthorised access.

An application for a Kiteworks Secure File Transfer /Secure FTP (SFTP) account can be submitted through SARA.

Sending and receiving users must be authenticated into the system to be able to use the services. Once this is in place, users are able to upload and download files as required, via the secure web portal for file sharing (e.g., similar to Dropbox) or via a secure FTP client for automated transfers.

Access to the Kiteworks Secure File Transfer / Secure FTP (SFTP) product will require approval from your manager and a cost is associated for a license.

Staff should note that SFT is a temporary repository for transferring documents only. It should not be relied upon for longer term records of documents that have been transferred.

4.2   Set up a share folder to temporarily save the documents.

Medical Records Managers should set up a folder on their medical records services share drive. Access to the folder should be restricted to those staff who will be uploading the subpoenas. Log a call with SARA to request restrictions on share folders. Each subpoena response by medical records departments should have a separate folder created using the naming convention:

Case ID_[name of the court]_MRN_[Last Name]_[First Name]_ Hospital.

This will be known as the *case file folder.*

Save a copy of the subpoena to this folder.

Other documents for the subpoena response can now be saved to this folder in preparation for submission.

P&C staff will compile the documents required for the subpoena response and the HR Consultant uploads a copy in PDF format to a restricted access folder in Content Manager.

4.3   Print to PDF from Cerner Reports

Log into Cerner Reports.

Select the encounters that need to be printed and complete the required fields. Ensure

the output type is PDF. Print the report to PDF and save it to the case file folder using the naming convention of

MRN_(Last Name)_(First Name)_ Hospital_[eMR]

Add additional information as required to the naming convention e.g. Discharge_Referral.

4.4   Non-Cerner eMR Systems

Some facilities may have additional non-Cerner eMR systems from which documents must be extracted for inclusion in the subpoena such as:
- ARIA
- CHIME

- Developmental Assessment Clinic
- Epiphany
- eRIC
- Hyperbaric Patient Information System
- idose Patient Information System
- Medsync
- Titanium

Patient information from these systems should also be saved directly from the system to a PDF document or printed and scanned to your email as a PDF and then saved in the case file folder using the naming format of ***MRN_(Last Name)_(First Name)_Hospital_[system].***

4.5 Paper files

Scan any documents required from a paper file to a PDF document. Send/scan the PDF document to your email address or alternatively to the generic email address for your medical records department.   Large files may be automatically divided into several PDF documents by the copier. Staff may choose to manually divide large paper files into volumes or admissions before scanning these to separate PDF files. Save the PDF document from the email to the same case file folder as the other documents using the format of ***MRN_(Last Name)_(First Name)_Hospital_Paperfile_[Volume]***

Add additional information as required to the naming convention e.g., PaperFileVol.1

4.6 Radiology Images

Radiology images should be saved in a .jpeg format file in the case file folder. ***MRN_(Last Name)_(First Name)_Hospital_Radiology.***

4.7 NSW HealtheNet Clinical Portal Documents

If discharge summaries from other NSW Health facilities are to be included in the subpoena response, these should be printed to a PDF document and saved in the case file folder with other documents/images in preparation for uploading to the portal. Open the selected NSW Health Document in the HealtheNet Portal. Select Microsoft Print to PDF as the printer. Check the box 'Print to file' then select Print. Open the document and save this as an Adobe Acrobat PDF document in the case file folder. Naming convention will be ***MRN_(Last Name)_(First Name)_Hospital_HealtheNet_[name of document].***

4.8 HRBP People and Culture

P&C staff should use the P&C Subpoenas Checklist / Guide, to determine which documents should be included in the subpoena response for subpoenas received by their department.

4.9 Uploading Documents to the Portal

- Log onto the portal using your email address and password.
- Enter the case number and other details as prompted by the portal.
- Upload the PDF documents and other images saved in the case file folder to the portal, following the portal instructions.
- Upload a copy of the subpoena and any cover letters that you would normally send to the court.
- Check the upload files to ensure all files in the *case file folder* have been uploaded to the portal.
- Upload any objection letters if these are required.
- Enter your name as a contact person if you have logged in using a generic email account.
- Medical records staff should then record the case number, confirmation number (provided after uploading) and date submitted to the portal, on the medico legal register or on the medical record request reporting system (e.g., ROI) used by your hospital.
- Follow the instructions of your medical records department for retaining the PDF copies of the files on the share drive.

4.10 Managing file size

Staff can attach up to 50 individual files per response, but the total size of all uploaded files in a response should be no more than 3GB (gigabytes).

Zipping files is the easiest way to reduce the size of large files. Portions of video and audio recordings may be removed by video editing software. Photos and scanned images may be cropped, scaled and compressed by an image editing tool. Staff must ensure that that context and details relevant to the subpoena are not lost by any edits or compression.

How to reduce the size of a PDF

Use Adobe Acrobat installed on your PC:

- Open a PDF file
- Choose document > Reduce file size.
- Select Acrobat 8.0 or later for file compatibility.
- Click OK
- Name your modified file and save it.

4.11 Speeding up the loading process

If staff need to speed up the upload process they can compress the files before uploading. Use the latest browsers: If staff are using an older browser, files may take a few minutes to

upload depending on its size. To minimise time-outs, staff must use one of the supported browsers noted in the FAQ. SESLHD staff could use Microsoft Edge or Google Chrome.

4.12 Legibility and Accessibility

Any file that you send electronically needs to be legible and accessible.

4.13 Multiple Responses

Extra items can be submitted as multiple responses can be submitted for each case.

4.14 Medico Legal Charges

- eMR documents printed to PDF – standard search fee charges apply as per the current MOH Health Records and Medical/Clinical Reports. Per page cost may or may not be charged at the facilities discretion. Refer to the current Records and Medical/Clinical Reports IB.

- Paper medical records scanned to a PDF – charges apply as per the current MOH Health Records and Medical/Clinical Reports IB.

- Other material – cost recovery charge only.

4.15 Objections to Producing the Medical Record

Objections to producing the medical record/employee records can be documented on a word document and loaded into the portal at the same time that other documents are loaded. Staff should consult with their mangers before lodging an objection.

4.16 Portal Unavailable

If the portal is unavailable or becomes unavailable during the upload process, staff should revert to the paper process.

5. TRANSFERRING DOCUMENTS USING SECURE FILE TRANSFER

1. Send the recipient an email from the clinical information generic email address for your hospital.
2. Use a subject heading of 'Subpoena Response - Case number [insert case number]
3. Attach the document "How to access the Secure Email you have been sent."
4. Use the template developed by your hospital for the body of the email.
5. Log into Secure File Transfer. Add the destination email address to your secure file transfer Contacts Tab. Re-check to ensure you have entered the email address correctly.
6. Compose a new email with a subject heading of 'Subpoena Response - Case number [insert case number]

7. Use the template developed by your hospital for the body of the email.
8. Add the PDF and other documents saved in the Case Folder, a copy of the Subpoena and any cover letters as attachments.
9. The email can be tracked using SFT Tracked Activity function.
10. Add the sent notification email and the download notification email to the Case folder on your share drive.

6. DOCUMENTATION

Subpoena Response Portal - Staff should read the FAQ provided by the NSW Attorney Generals Department which can be found at
https://subpoenaresponse.justice.nsw.gov.au/#/

Secure File Transfer – Staff should read the Secure File Transfer Knowledge Documents available in the SARA Portal Knowledge Application.

7. AUDIT

Audits are not required however medical record managers and Human Resources Business Partner managers should perform regular reviews of the share drive to ensure that this procedure is being adhered with by staff.

8. REFERENCES

- NSW Health Policy Directive PD2019_001 - Subpoenas
- NSW Health Policy Directive PD2006_050 - Health Records and Medical/Clinical Reports - Charging Policy
- NSW Health - Privacy Management Plan
- SESLHDPR/618 – Management of Subpoenas
- SESLHDPR/292 – Hybrid Health Care Record Procedure

8. VERSION AND APPROVAL HISTORY

Date	Version	Version and approval notes
October 2019	0	Therese Finch, Co-Chair SESLHD Health Records & Medico Legal Committee
November 2019	1	Draft review and approved SESLHD Hospital Medical Record Managers and Health Information Managers
27/11/2019	1	Draft review and approved SESLHD Health Records & Medico Legal Committee
13/01/2020	1	Draft for comment
6/4/2020	1	SESLHD Professional Practice Unit comments included in the document
21/4/2020	1	SESLHD Workforce and Transactions and Information Services - People

		& Culture Directorate included in the document.
25/05/2020	1	Final approved by SESLHD Health Records & Medico Legal Committee
19 January 2024	1.1	Minor review by Therese Finch and Shannon Allwright: inclusion of SFT transfers through designated court email addresses. Approved by SESLHD Health Records & Medico Legal Committee and Executive Sponsor.
7 February 2024	1.2	Amendment to title and inclusion of reference to SESLHDPR/618 – Management of Subpoenas. Approved by SESLHD Health Records & Medico Legal Committee and Executive Sponsor.