



AFFIDAVIT FOR MEDICAL RECORDS ATTORNEY HAS PROVIDED NOTICE TO PATIENT

I, _____, attorney for _____, in the case of _____
_____ v. _____, having been duly sworn, depose and state
as follows:

1. I am familiar with the facts of the above case.
2. This is a _____ (e.g. medical malpractice, personal injury, etc.) action and I am serving the _____ (name University of Utah Health Sciences Center facility or provider) with a valid subpoena, discovery request, or other lawful process from a court of competent jurisdiction in Utah for the medical records of the following individual:

Name: _____ Birthdate: _____
SSN: _____

3. The patient has placed his/her condition, as indicated below, at issue as an element of a claim or defense in the lawsuit:

_____ Mental or emotional condition
_____ Physical condition

4. **Notice to Patient:** Pursuant to 45 C.F.R. §164.512(e)(1), I have done EACH of the following:
 - A. provided the patient with **at least ten (10) business days'** notice of the request for his/her medical records;
 - B. included information about the litigation or proceeding in which the medical records are sought;
 - C. allowed the patient to raise an objection to disclosure of the record to the court or administrative tribunal; and
 - D. the time for the patient to raise objection has elapsed and
 - i. the patient did not raise an objection; or

ii. all objections raised by the patient have been resolved by the court or administrative tribunal and the disclosures you now seek are consistent with such resolution.

5. I have attached a copy of the Notice document I provided to the patient.
6. I understand that under federal law, 42 U.S.C. section 290dd-2, substance abuse treatment records cannot be released except as authorized by the patient or pursuant to a court order.
7. I understand that pursuant to 45 U.S.C. section 508(a)(2) psychotherapy notes may only be disclosed if the patient signs a specific, separate, AUTHORIZATION (available at: <http://uuhsc.utah.edu/privacy>) permitting the disclosure.

Signature

SUBSCRIBED AND SWORN before me this ____ day of _____, 20__.

NOTARY PUBLIC

Residing in _____

My Commission expires: _____