

UNIVERSITY OF <b>ROCHESTER</b> MEDICAL CENTER	UNIVERSITY OF ROCHESTER MEDICAL CENTER POLICY	Compliance Committee
	SECTION Compliance	March 2002
	Responding To Government Investigations	PAGE: 1 of 3

**PURPOSE:**

Government investigators may arrive unannounced at URMC or at the homes of present or former employees, seeking interviews and documentation. The purpose of this policy is to establish a mechanism for the orderly response to government investigations, enabling URMC to protect its interests while cooperating appropriately with the investigation.

**POLICY:**

The URMC will cooperate with any appropriately authorized government investigation or audit; however, the URMC will assert all protections afforded it by law in any such investigation or audit.

**DEFINITIONS:**

1. **Personal Subpoena** – a written command issued by a governmental agency or judge directing an individual to appear at a certain time and place to give testimony and/or to produce documents at a certain time or place.
2. **Investigative Subpoena** – a written command from a government agency authorizing the agency to inspect or seize evidence germane to an investigation. Investigative subpoenas typically ask for “immediate access” to places or documents. An investigative subpoena does not require any individual to agree to an interview.
3. **Search Warrant** – a written court order authorizing a law enforcement agent to search for and seize property that may be evidence of a crime. The search warrant will clearly describe the place to be searched and the things to be seized.
4. **Government investigations** – the process by which a government agent investigates matters of potential relevance to the government including requesting interviews of current or former Strong Health employees.

**PROCEDURE:**

1. URMC employees shall be polite at all times; remain calm; stay in control. Listen carefully to what the government agents say.
2. Any URMC employee contacted by an investigator should immediately notify his or her supervisor and contact the Office of Counsel (275-2222) and/or the Compliance Office (275-1609).
3. Do not engage in small talk with agents. Minimize communication with the investigators and focus on observing and recording events.
4. There is no legal obligation to consent to an interview with an investigator. Although anyone may consent to an interview, employees are advised that they have the right to decline to be interviewed and can request a delay until legal counsel or other representation is present. Employees have the right to permit an interview only at a time and place and for a length of time convenient to the employee, including on URMC premises during normal business hours.
5. Employees may refuse to answer any specific questions and can terminate the interview at any time.

UNIVERSITY OF <b>ROCHESTER</b> MEDICAL CENTER	UNIVERSITY OF ROCHESTER MEDICAL CENTER POLICY	
	SECTION Compliance	
	Responding To Government Investigations	PAGE: 2 of 3

6. Employees who consent to be interviewed should understand that if they say something untrue, even if unintentional, they could be subjected to a criminal prosecution. Answers to investigators' questions must be accurate; never speculate or guess as to answers.
7. When an investigator arrives, ask if there is a subpoena or warrant to be served. If so, ask for a copy of the subpoena or warrant.
8. Personnel whose presence is not required for monitoring the execution of the subpoena or search warrant should be directed to leave the area.
9. No one may alter, remove, or destroy any documents or erase or delete any information (including electronic information) while an investigation is in process. Nothing should be destroyed, removed, erased, or deleted without the prior written permission of the Office of Counsel, even after the investigators have left the premises.
10. Government agents should never be left alone on URMC premises, and no employee should be left alone with the agents.

**11. Personal Subpoena:**

- Contact Human Resources to verify that the named person is still employed at URMC.
- Immediately contact the Office of Counsel and/or the Compliance Office for directions as to whether to accept service of the subpoena.
- If you are instructed to accept service of the subpoena, or if the subpoena is left with you, follow the instructions of the Office of Counsel and/or the Compliance Office with regard to its handling.

**12. Investigative Subpoena:**

- Review the investigative subpoena. Immediately contact the Office of Counsel and/or the Compliance Office for directions as to whether and how to accept service of the subpoena.
- Be courteous but keep notes of each request from the government agents and the agents' responses throughout the total process.
- Ask for identification and obtain and record the names of the government agents, their agency affiliation, business telephone numbers and addresses. Obtain a business card from the agents whenever possible.
- Request a copy of the investigative subpoena.
- Ask for copies of all documents seized. If any materials or documents are seized that, in your opinion, are outside the scope of the subpoena, voice your concern to the agent but do not interfere. Document the nature of your concern.
- Attempt to negotiate an acceptable methodology with the agents to minimize disruptions and keep track of the process. Considerations include the sequence of the search; whether investigators are willing to accept copies in place of originals and if so who will make the copies; whether URMC will be permitted to make its own set of copies; arrangements for access to records seized.
- You may videotape, audiotape or photograph the inspection process if it is done without interfering with the agents. Always ask the agents' permission to do so. If they refuse, make a record of the refusal.

UNIVERSITY OF <b>ROCHESTER</b> MEDICAL CENTER	UNIVERSITY OF ROCHESTER MEDICAL CENTER POLICY	
	SECTION Compliance	
	Responding To Government Investigations	PAGE: 3 of 3

- Request a copy of the search inventory compiled by the agents. Request the investigator to note the date and time the search was completed as well as sign the inventory with the investigator's full title, address and telephone number.
- No one may alter, remove, or destroy any documents or erase or destroy any information (including electronic information) while the investigation is in process. Nothing should be altered, destroyed, removed, erased or deleted without the prior written permission of the Office of Counsel, even after the investigators leave the premises.
- Object to any search of attorney/client privileged documents.

### 13 Search Warrants:

- Review the search warrant. Immediately contact the Office of Counsel and /or the Compliance Office.
- Be courteous but keep notes of each request from the government agents and the agents' responses throughout the total process.
- Ask for identification and obtain and record the names of the government agents, their agency affiliation, business telephone numbers and addresses. Obtain a business card from the agents whenever possible.
- Request copies of the warrant and the affidavit providing reasons for the issuance to the warrant. Request that the search not begin until legal counsel arrives.
- Although the warrant gives the government agents the authority to enter private premises, search for evidence of criminal activity, and seize those documents listed in the warrant, no staff member is obligated to speak to the agents; but must provide the documents requested in the warrant.
- Under no circumstance should staff obstruct or interfere with the search.
- Attempt to negotiate an acceptable methodology with the agents to minimize disruptions and keep track of the process. Considerations include the sequence of the search; whether investigators are willing to accept copies in place of originals and if so who will make the copies; whether URMC will be permitted to make its own set of copies; arrangements for access to records seized.
- If areas are being searched or materials are being seized that, in your opinion, are beyond the scope of the warrant, do not interfere with the search. Document the nature of the areas being searched and items being seized that you believe are outside the scope of the warrant.
- Never consent to an expansion of the search beyond the scope of the search warrant.
- Object to any search of attorney/client privileged documents.

### 14 Completion of the Investigation:

- Employees should not discuss the search or anything related to it until the Office of Counsel has interviewed them.