

Charity Care Hospital

MEMO TO:

FROM: _____, Director of Compliance

RE: **Litigation/Investigation Hold NOTICE – Duty to Preserve Documents**

DATE:

Attached, please find a copy of a pending lawsuit or investigation notice that requires us to preserve all documents, paper or electronic, including e-mail relating to the attached matter. Please note that the lawsuit or investigation may or may not be against the Hospital.

Pursuant to the attached notice and applicable law, we are required to take all reasonable steps to identify **all** hard copy, electronic, and digitally maintained files that may contain documents, including e-mail that may be relevant to the attached matter. These documents and correspondence may include but are not limited to: contracts, purchase orders, agreements, e-mails (including those sent and received), Radiology Films and Related Reports; Pathology Slides; Blocks and Related Reports; Laboratory Reports; Psychology Records; Billing Records; and any other documents, records, drafts (paper or electronic) or data that we may have regarding the attached matter. The Hospital's failure to provide all documents regarding the attached matter could result in serious penalties being imposed against us.

Therefore, it is imperative that you take all reasonable steps to prevent the automatic, intentional or accidental destruction of this information and data. IMMEDIATELY STOP ALL DELETION ACTIVITY that could modify or destroy the information relevant to the attached.

DO NOT destroy, revise, alter, hide, or move records, even if you think the documents reflect negatively on your performance or on the Hospital. Failure to follow this policy may result in your termination. Preserve all documents in the form in which they currently exist until further notice. This policy applies to **ALL LOCATIONS** where you have access to Hospital e-mail, documents or data including your work computer, hard drive, PDA/Blackberry, home computer, jump drive, etc...

Please contact _____ as soon as possible to discuss any information that you may have and how we may go about collecting it if requested.

If you have any questions, please contact me at _____. Please also note that Charity Care Hospital's obligation is on-going and you should not delete or modify any documents relevant to the attached until you receive written notice from me that we are no longer under a legal duty to preserve these records.

I understand that these requirements may create a burden to you and I'm prepared to discuss with you any questions or concerns that you may have. I appreciate your efforts in this regard. We thank you in advance for your assistance and cooperation with this matter.

We would like to thank Timothy J. Conan (Costello Cooney & Fearon PLLC, Syracuse, NY) for providing this Practice Corner submission.