

EXHIBIT A

1 MICHAEL J. LEVY
2 Deputy General Counsel
3 J. SCOTT MCNAMARA
4 Fraud Liaison Bureau Chief
5 MITCHELL S. NEUMEISTER (SBN 285817) – ATTORNEY

6 **TO BE NOTICED**
7 False Claims Attorney
8 300 Capitol Mall, 16th Floor
9 Sacramento, CA 95814
10 Telephone: 916-492-3133
11 Fax: 916-324-1883
12 Email: Mitch.Neumeister@insurance.ca.gov
13 *Attorney for Dave Jones, Insurance Commissioner*

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BEFORE THE CALIFORNIA DEPARTMENT OF INSURANCE
OFFICE OF THE INSURANCE COMMISSIONER
STATE OF CALIFORNIA

12 **IN THE MATTER OF**
13 **INVESTIGATION NO. LIQT-2018-**
14 **00046; AND RELATED ISSUES**

INVESTIGATIVE SUBPOENA FOR DOCUMENTS

[Insurance Code §§ 12924; 1872.3]

NOTICE TO THE PERSON SERVED:

You are served on behalf of Keck Medicine at University of Southern California

1 Pursuant to the powers conferred by California Insurance Code sections 12924 and
2 1872.3, subdivision (b), on the Insurance Commissioner, as head of the California Department of
3 Insurance, which powers and authority to conduct the above entitled investigation have been
4 delegated to the undersigned, an officer of that Department,

5 Keck Medicine at University of Southern California

6 (“WITNESS”) IS **HEREBY COMMANDED** to produce the documents, books, records,
7 papers, files, and other tangible and electronic items (collectively, “ITEM(s)”) described below to
8 this Investigative Subpoena which are in WITNESS’S custody, possession or control, or the
9 custody, possession or control of WITNESS’S subsidiaries, affiliates, parents, predecessors,
10 successors, employees, partners, officers, agents or representatives, whether or not the present
11 location of any of the ITEMS designated is in California at the California Department of
12 Insurance, Office of the Insurance Commissioner, 300 Capitol Mall, 16th Floor
13 Sacramento, CA 95814, Attention: False Claims Attorney Mitch Neumeister, **within 30 days**
14 **of service of subpoena.**

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16 **INSTRUCTIONS FOR COMPLIANCE**

- 17 1. NO ITEM REQUESTED HEREIN SHALL BE DESTROYED OR DISCARDED until
18 the undersigned officers have made a written determination that the ITEM in question is not
19 necessary in furtherance of this investigation. Any decision to permit a partial or limited
20 response to a request in the subpoena is not a waiver of the request and does not extinguish your
21 obligation to maintain and preserve all ITEMS called for by this subpoena.
- 22 2. YOU MUST TAKE IMMEDIATE STEPS TO PRESERVE ALL DOCUMENTS
23 REQUESTED IN THIS SUBPOENA.
- 24 3. The Relevant Period of this subpoena is January 1, 2008 through the final response date of
25 this subpoena unless otherwise expressly stated herein. All responsive ITEMS created,
26 maintained or altered during the Relevant Period must be produced unless otherwise expressly
27 stated below to this subpoena.
- 28 4. If WITNESS claims that an ITEM or a portion of an ITEM is privileged and WITNESS

1 withholds it from production for that reason, WITNESS must create and submit a privilege log
2 which lists (1) the author(s) and their capacities; (2) the recipients (including CC's and BCC's)
3 and their capacities; (3) other individuals with access to the ITEM; (4) the type of ITEM; (5) the
4 subject matter of the ITEM; (6) the date on the ITEM; and (7) an explanation setting forth the
5 factual and legal basis for your claim that the document is privileged.

6 5. To the extent responsive ITEMS exist in electronic or computerized format, please contact
7 the officer issuing this subpoena to discuss the manner and format in which the ITEMS are to be
8 produced so as to facilitate the production of full and complete copies in a usable format. In the
9 absence of an agreement regarding the manner and format of this production, the following
10 instructions shall apply:

11 a. The information shall be provided on CD/DVD or external hard drive formatted as
12 follows: (1) Native files converted to bates numbered single page tiff files; (2) multi-page text
13 files named based on the associated bates number containing extracted or OCR text; (3) image
14 load files in Opticon or Ipro format; (4) Concordance data file to include all metadata fields
15 including Sha-1 hash value and attachment range for compound documents; (5) any Excel,
16 Access or other database document or native document that includes formulas in native file
17 format; (6) any audio files in WAV file format; and (7) any video files in any AVI format.

18 b. The response shall include all documents and computer programs necessary to the
19 accurate conversion, analysis, and review of the electronic data, including but not limited to
20 operating instructions, manuals, user guides, keys, legends, and codes for systems, programs, files
21 and data fields.

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23 **DEFINITIONS**

- 24 A. "AND" and "OR" have both conjunctive and disjunctive meanings.
- 25 B. "CHAT LOGS" means all communication between HEALTHCARE PROVIDERS
26 RELATED to the interpretation and communication of IONM SERVICES.
- 27 C. "COMMUNICATION" OR "COMMUNICATIONS" means every disclosure, transfer,
28 exchange OR transmission of information, whether oral, written, OR electronic, AND

1 whether face-to-face, by telecommunications, telephone (including texts AND iMessage),
2 computer (including texts, instant messaging, iMessage, SnapChat, Slack, etc.), emails,
3 mail, telecopier, facsimile (fax) machine, OR otherwise including attachment(s).

4 D. "DOCUMENT" OR "DOCUMENTS" means the original AND all non-identical copies
5 AND drafts, regardless of origin OR location, of any information, writing (as defined in
6 California Evidence Code section 250), OR data stored in paper, electronic, tape, OR any
7 other format, including without limitation written OR printed matter, video OR audio,
8 image-bearing film, photographs AND images, AND electronically stored information. It
9 further includes without limitation letters, telegrams, telexes, facsimiles (faxes),
10 correspondence, memoranda, email, video, voicemail, reports, agreements, studies,
11 calendar OR diary entries, minutes, pamphlets, handwritten notes, charts, tabulations,
12 records of meetings, conferences, digital OR electronic messages (including without
13 limitation instant messages, snapchats, Slack channels), OR COMMUNICATIONS,
14 telephone OR other conversations OR COMMUNICATIONS, AND tapes OR slides, as
15 well as computer files, directories, AND programs in whatever form.

16 E. "HEALTH CARE PROVIDER" OR "HEALTH CARE PROVIDERS" means any person
17 employed by a medical practice, hospital, institutional account, pharmacy, academic
18 institution OR any other healthcare facility entity (including without limitation individuals
19 with the following titles: Administrative Assistant; Administrative Medical Assistant;
20 Administrator; Analyst; Assistant Administrator; Assistant Director of Nursing; Billing
21 Manager; Billing Specialist; Case Manager; Medical Assistant; Nurse Assistant; Nursing
22 Assistant; Pharmacy Technician; Nurse; Claims Specialist; Clerk; Clinical Nurse
23 Manager; Clinical Research Associate; Clinical Specialist; Coder; Director of Nursing;
24 Director of Operations; Doctor; Fellow; Intern; Resident; Medical Technician; Nurse;
25 Executive Assistant; Nurse Practitioner; Office Clerk; Health Services Manager;
26 Healthcare Administrator; Healthcare Management; Healthcare Specialist; Hospital
27 Administrator; IT Specialist; Information Technology Specialist; Therapist; Medical
28 Assistant; Receptionist; Medical Associate; Medical Billing Specialist; Medical Claims

1 and Billing Specialist; Medical Coder; Technologist; Manager; Office Assistant; Office
2 Manager; Office Specialist; Clerk; Technician; Technologist; Director of Nursing
3 Services; Nurse; Nurse Aide; Clinical Educator; Nurse Manager; Nurse Midwife; Nurse
4 Paralegal; Nurse Practitioner; Nursing Assistant; Office Assistant; Office Clerk; Office
5 Manager; Office Nurse; Operations Manager; Attendant; Patient Access Supervisor;
6 Patient Care Associate; Patient Services Representative; Patient Services Technician;
7 Pharmacist; Pharmacy Clerk; Pharmacy Technician; Physician; Physician Aide; Physician
8 Assistant; Program Director; Program Manager; Programmer; Project Manager; Nurse
9 Practitioner; Quality Coordinator; Receptionist; Registered Nurse (RN); Case Manager;
10 Data Coordinator; First Assistant; Researcher, Research Assistant; Research Associate;
11 Staffing Coordinator; Supervisor; OR Supply Technician).

12 F. "IONM SERVICES" means Intraoperative Neurophysiological Monitoring provided by
13 YOU.

14 G. "KECK MEDICINE OF UNIVERSITY OF SOUTHERN CALIFORNIA" OR "YOU"
15 OR "YOUR" means Keck Medicine at University of Southern California AND Keck
16 Medical Center of USC AND University of Southern California AND USC Verdugo Hills
17 Hospital AND USC Care Medical Group AND Keck School of Medicine at University of
18 Southern California AND its associated schools including but not limited to the Keck
19 School of Medicine AND its subsidiaries, predecessors, successors, parents, AND
20 affiliates including LAC+USC Medical Center AND their parent corporations,
21 subsidiaries, divisions, predecessors, successors, assignors, present AND former directors,
22 officers, employees, AND agents, including any third-party entities that provide billing,
23 charging, OR auditing services.

24 H. "RELATING TO" OR "RELATED TO" means constituting, containing, concerning,
25 discussing, describing, analyzing, identifying, referring to, relating to, referencing,
26 documenting, governing, regulating, directing, evidencing OR stating.

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DOCUMENTS AND THINGS TO BE PRODUCED

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1. All CHAT LOGS created by a HEALTHCARE PROVIDER RELATED TO IONM SERVICES performed at the KECK MEDICINE AT UNIVERSITY OF SOUTHERN CALIFORNIA.
2. All COMMUNICATIONS between HEALTHCARE PROVIDERS who provide IONM SERVICES at the KECK MEDICINE OF THE UNIVERSITY OF SOUTHERN CALIFORNIA.

FOR FAILURE TO COMPLY WITH THE COMMANDS OF THIS SUBPOENA, YOU WILL BE SUBJECT TO THE PROCEEDINGS AND PENALTIES PROVIDED BY LAW.

Dated: November 1, 2018



MITCHELL S. NEUMEISTER
*Attorney for California Insurance Commissioner
Dave Jones*