



North Region EMS System

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Purpose To comply with Federal and State regulations regarding protection of patient privacy and release of confidential medical information.

- Policy**
- 1) Patient information is protected under the Department of Health and Human Services standards for privacy of individually identifiable health information, Health Insurance Portability and Accountability Act (HIPAA).
 - a. Patient's right of privacy is the right to be free from intrusion upon the physical solitude or seclusion; and the right to keep secret some or all details of personal life and health status.
 - b. Confidentiality is the right of the patient to expect information they reveal will not be inappropriately shared with others.
 - c. Patients have a right not to have sensitive, private information made public despite the fact that it may be true information.
 - d. Breach of confidentiality occurs with redisclosure of previously revealed private matters, usually to others who have no legitimate need to know the information.
 - 2) To protect the patient's right to privacy, medical records must be kept confidential. The EMS Patient Care Report (PCR) is a medical-legal document and is considered protected health information (PHI).
 - a. PHI includes, but is not limited to, patient name, demographic, medical information, and treatment, with respect to which there is a reasonable basis to believe the information can be used to identify the individual.
 - b. Access to these records shall be in accordance with the laws and regulations that govern the right to either examine or copy and release confidential medical information.
 - c. The patient and legal subpoena may request a copy of the PCR through the EMS provider agency.
 - d. Patient information will be maintained and handled in a manner to assure that unauthorized individuals do not have access.
 - e. All EMS communication via cell phone, telemetry, MERCI radio, and recordings by hospital CAREpoint workstation are considered PHI.
 - f. Patient name should not be used over the MERCI radio; a cell phone should be used if transmission of patients name is necessary to facilitate treatment of a time sensitive condition.
 - 3) Scene Privacy
 - a. Make every effort to maintain patient's auditory/visual privacy.



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- b. Law enforcement may be requested to help keep bystanders at a reasonable distance.
 - c. EMS providers who encounter someone filming should create a barrier around the patient using providers, vehicles, or blankets.
- 4) During a multi-victim incident confidentiality must be maintained when collecting individual patient information.
- 5) All necessary information relevant to the patient's care must be disclosed to those providing care; for business purposes; for quality assurance activities; and when reporting is required under other statutes.
 - a. Information about the patient can be revealed to other health care providers who are involved in the care of the patient.
 - b. Copies of PCR's, audio recordings, log sheets, must be provided by system participants to the EMS System Resource Hospital.
- 6) Mandated reporting: Information can be released without consent for purposes of compliance with mandated reporting of abuse/neglect, death, certain injuries (e.g., GSW), communicable diseases, other circumstances.
- 7) Media requests to review patient care reports are specifically exempted from the Freedom of Information Act (section 207(b)(i)).
- 8) Law enforcement, Other Agencies: Guidance about releasing information should be obtained from the provider's legal counsel or risk manager.

References

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073500050K8-802>
<https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>

Evert Gerritsen
EMS System Administrator/Coordinator

Michael I. Peters, MD
EMS Medical Director

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