

SUBJECT: PATIENT INFORMATION/CONFIDENTIALITY

Date: 07/01/04

I. **Authority:** Confidentiality of Medical Information Act (Civil Code, Section 56 et. seq.) Title 22, Division 9, Sections 100075, 100159, Health Insurance Portability and Accountability Act. (HIPAA).

II. **Purpose:** To describe the conditions and circumstances by which protected health information may be released.

III. **Definitions :** Protected Health Information (PHI) – HIPAA regulations define health information as:

“any information, whether oral or recorded in any form or medium” that

- “is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse” and,
- “relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.”

IV. **Policy**

- A. All prehospital provider agencies shall have policies in place regarding the disclosure of PHI of EMS patients.
- B. Prehospital provider agencies shall designate a Public Information Officer (PIO) or other designated person(s) authorized to release operational or general information, as authorized by State and Federal law.

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Approved:



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C. PHI may not be disclosed by prehospital personnel, except as follows:

1. To other care givers to whom the patient care is turned over, for continuity of patient care (including the prehospital patient record).
2. To the County of San Diego, Base Hospital or provider agency quality improvement program (including the provider agency supervisory personnel).
3. To the patient or legal guardian.
4. To law enforcement officers in the course of their investigation under the following circumstances:
  - a. As required by law (e.g. court orders, court-ordered warrants, subpoenas and administrative requests).
  - b. To identify or locate a suspect, fugitive, material witness or missing person.
  - c. In response to a law enforcement official's request for information about a victim or suspected victim of a crime.
  - d. To alert law enforcement of a person's death if the covered entity suspects that criminal activity caused the death.
  - e. When a covered entity believes that PHI is evidence of a crime that has occurred on the premises.

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- f. In a medical emergency and it is necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.
5. To the provider agency's billing department, as needed for billing purposes.
6. In response to a properly noticed subpoena, court order or other legally authorized disclosure.
- C. Any prehospital records (recorded or written), used for training or continuing education purposes, must be edited to remove identifying patient/incident information.

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**Approved:**



**Administration**



**Medical Director**