

 <b>COUNTY OF SAN DIEGO</b> EMERGENCY MEDICAL SERVICES	SYSTEMS		<b>S-620</b>
	<b>LEMSA DATA USE AND STANDARDS</b>		
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## I. PURPOSE

- A.** To define the collection, use, and maintenance of prehospital, hospital, and other system operations data collected by the San Diego County EMS Office.
- B.** To establish that data submitted to the San Diego County EMS Office as required by law, regulation, or policy shall be deemed confidential performance improvement data unless specifically designated otherwise.
- C.** To summarize the San Diego County EMS Office's data use and reporting limitations, including compliance with applicable state and federal laws.

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- II. AUTHORITY:** Health Information Technology for Economic and Clinical Health (HITECH) Act; Healthcare Insurance Portability and Accountability Act of 1996 (HIPAA); Title 45, Code of Federal Regulations, Sections 164.154, 164.502, and 164.514; California Health and Safety Code, Division 2.5, Sections 1797.102, 1797.103, 1797.120.5, 1797.122, 1797.123, 1797.124, 1797.150, 1797.151, 1797.153, 1797.199, 1797.204, 1797.220, 1797.225, 1797.227, 1797.228, 1798, et seq., 1799.205, and 1830; California Evidence Code, Sections 1040 and 1157, et seq.; California Civil Code, Division 1, Part 2.6; California Civil Code, Division 1, Part 2.6, Chapter 2; and California Code of Regulations, Title 22, Sections 100065.02, 100066.03, 100076.05, 100091.01, 100096.03, 100097.01, 100136.03, 100136.05, 100150.01, 100159.05, 100160.01, 100253, and 100164.01.  
Centers for Medicare & Medicaid Services Limited Data Set Policies  
California Health and Human Services Data De-Identification Guidelines
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## III. DEFINITION(S)

**California EMS Information System (CEMSIS):** The California data standard for emergency medical services as defined by the California Emergency Medical Services Authority (EMSA).

**Clinician:** Includes Prehospital and Hospital care providers. Prehospital providers include those appropriately credentialed as an Emergency Medical Technician (EMT), Advanced EMT (AEMT), Paramedic, or Authorized Registered Nurse operating within the organized EMS delivery system

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and within established local and state scope of practice(s). Hospital care providers include licensed and credentialed healthcare providers working within emergency, inpatient, and specialty care programs recognized or designated by CoSD EMS.

**Covered Entities:** Healthcare providers, health plans, and healthcare clearing houses that electronically transmit health information.

**Data Submitting Entity:** This refers to all emergency medical service providers, including prehospital agencies, hospitals, and other participants in the organized EMS delivery system.

**Hospital Data:** Patient-level Information, metrics, and other elements related to emergency department, stroke, STEMI, trauma, EMS for Children, and other clinical/healthcare programs. Hospital data includes but is not limited to, patient dispositions, outcomes, program statuses, base hospital, and quality assurance information. Hospital data is received from receiving emergency departments, specialty care programs, and other paramedic receiving facilities, as identified in CoSD EMS policies and state statutes.

**National EMS Information System (NEMSIS):** The national data standard for emergency medical services as defined by the National Highway Traffic and Safety Administration (NHTSA) and the NEMSIS Technical Assistance Center (TAC).

**Prehospital Data:** Patient-level information, metrics, and other elements related to the provision of EMS services. Prehospital data includes but is not limited to, dispatch, patient care, transfer of care, and quality assurance information. Prehospital data is received from EMT- and paramedic-level ground and air ambulances, fire departments, specialty care providers, and other EMS system participants.

**Protected Health Information:** Patient-level information related to an individual, including information about relatives, employers, household members, or associated incidents. These forms of data include, but are not limited to, the following:<sup>1</sup>

1. Names
2. All geographic subdivisions smaller than a State including street address, city, county, precinct, zip code, and equivalent geocodes.
3. Dates including birth date, admission date, discharge date, date of death, and all ages over 89
4. Telephone and fax numbers
5. Electronic mail addresses
6. Social Security numbers
7. Medical records numbers

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<sup>1</sup> This list is adapted from 45 CFR 164.514. The original contains additional identification criteria and details.

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8. Hospital visit numbers
9. Health plan beneficiary numbers
10. Account numbers
11. Certification/license numbers
12. Vehicle identifiers and serial numbers, including license plate numbers
13. Device identifiers and serial numbers
14. Web Universal Resource Locators (URLs)
15. Internet Protocol (IP) address numbers
16. Biometric identifiers, including finger or voice prints
17. Full-face photographic images and any comparable images
18. Any other unique identifying number, characteristic, or code

**San Diego County EMS Office (CoSD EMS):** The designated Local EMS Agency (LEMSA) for the County of San Diego. LEMSAs functions, as outlined in California Health and Safety Code, Division 2.5, Sections 1797 et seq., including EMS interagency coordination and medical control, public health surveillance activities, EMS data standards, quality of care, regulation, and enforcement, specialty care registry reporting, and other activities related to the oversight of the prehospital health care system in California. These functions are primarily for the benefit of the county's residents and visitors. Hospitals, EMS services, and other members of the organized EMS delivery system are obligated by statute to provide the necessary patient data to ensure high-quality, coordinated patient care. EMS providers and hospitals are required to submit information to CoSD EMS and the California EMS Authority to comply with statutory requirements.

**San Diego County Local EMS Information System (LEMSIS):** LEMSIS is the sum of all patient care data collection software and hardware; data transmittal and storage software and hardware; and data analysis tools provided, to varying degrees, by or through CoSD EMS to allied organizations within the San Diego County EMS System.

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## **IV. POLICY**

### **A. Data Stewardship**

1. While the CoSD EMS will retain all entity submissions, the organization generating and submitting data remains the responsible party for the original data and/or medical record(s).
2. Upon receiving an information request, including patient records, billing records, public records, or subpoenas, CoSD EMS shall redirect the request to the responsible entity (e.g., provider agency or hospital records department).
3. Each submitting entity shall remain responsible for ensuring that all data submitted is timely, accurate, precise, and of high quality.
4. Each entity directly submitting data to LEMSIS shall be granted access to its own data.

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5. Each entity recording data using third-party vendor platforms subsequently submitted to LEMSIS shall access its data through its respective third-party platform or vendor.

**B. Confidentiality**

1. Data maintained by the San Diego County EMS Office is held as confidential data in accordance with all state and federal laws, regulations, and rules. Patient-level or personally identifiable information will be protected as outlined in HIPAA and applicable federal or California law.
2. Patient records and confidential patient health information, including Prehospital, Hospital, and Hospital Specialty Care records, are not subject to discovery as outlined in California Evidence Code Sections 1040, 1157, 1157.5, and 1157.7.

**C. Collection of Data**

1. California statute requires prehospital and hospital organizations to record and submit patient care data to CoSD EMS.
2. CoSD EMS collects and submits these data to the California EMS Authority as defined in law and regulation.
3. The County of San Diego LEMSIS platform is the data collection repository for patient care information.
4. Data will be collected in accordance with CoSD EMS policies S-601 Documentation Standards and Transfer of Prehospital Care Record (PCR) Information and S-602 EMS Provider Data Submission.
5. Data may be collected in other formats or via other platforms, as needed, to inform specific county, state, national, and system-wide needs.

**D. The San Diego County EMS Office does not use Prehospital or Hospital Data in the following manners:**

1. Posting, publication, or other non-confidential dissemination of entity, organization, or company data in a manner that could reasonably be expected to identify individual incidents, patients, care outcomes, or other specifics.<sup>2</sup>
2. Posting, publication, or other non-confidential dissemination of entity, organization, or company-identifiable data regarding performance, service provision, or other metrics in addition to CoSD EMS's statutory or regulatory performance improvement requirements without originating entity collaboration.
3. Pre-emptively seeking or identifying individual clinicians for credential disciplinary purposes.

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<sup>2</sup> De-identification of any EMS data shall comply with HIPAA covered entity procedures. This includes removing information that could directly or indirectly identify individuals, including shielding aggregated data when the number of a specific subgroup is less than 11.

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4. Unless required by law or court order, respond directly to any inquiry for patient records or information, including:
  - a. Patient or billing records requests
  - b. Subpoenas for records
  - c. Public records requests
  - d. Media inquiries or requests for data
  - e. Law enforcement requests
5. Should CoSD EMS release records for any of the reasons listed in IV. D. 4., CoSD EMS shall notify the responsible entity of the relevant release details.

**E. San Diego EMS Office uses Prehospital and Hospital Data to evaluate, coordinate, and improve patient-centered care within the organized EMS delivery system.**

1. Prehospital, hospital, and specialty care data will be collected to fulfill CoSD EMS LEMSA statutory requirements, including:
  - a. Data submission to CEMSIS and NEMSIS
  - b. State of California EMS core measures
  - c. The linking of prehospital data to specialty care data or data registries
2. Evaluate and analyze data to improve care and system coordination locally. This data includes the use of prehospital, hospital, and specialty care data to inform the following bodies, processes, and functions:
  - a. Quality Care Consortium
  - b. Medical Audit Committee on Trauma
  - c. EMS Medical Director Advisory Committees, including Stroke, STEMI, and other specialty care programs
  - d. Aggregated Local Core Measures and Dashboards
  - e. Specialty Care Reports and Dashboards
  - f. Realtime and retrospective monitoring and system management related to emergency medical system capacity and stress
  - g. Realtime identification of, and response to, relevant events such as infectious disease outbreaks and drug overdose clusters
  - h. Realtime ambulance patient data transmitted to receiving healthcare teams in advance of patient arrival
  - i. Disaster response, disaster relief, and other patient movement coordination activities
  - j. Missing persons searches
  - k. Epidemiologic research, trend identification, and analysis
  - l. Data analysis and aggregate data sharing related to quality improvement and system coordination with other covered entities, including across LEMSA jurisdictions.

**F. The San Diego County EMS Office will collaborate with the EMS system and the data stewards prior to using data in the following ways:**

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1. Posting, publication, or other dissemination of entity-specific service, clinical, operational, or performance improvement data within CoSD EMS's statutory or regulatory requirements. Examples include:
  - a. Local Core Measure Scorecards
  - b. Specific clinical effectiveness metrics
  - c. Additional local patient care statistics or outcome trends, such as pilot programs or other innovations
  - d. Specialty care program status data

**G.** The San Diego County EMS Office shall gain the data steward's permission prior to using data in the following ways:

1. Academic research projects
2. Posting, publication, or other dissemination of data projects beyond statutory or regulatory requirements
3. Community-sponsored projects (e.g., San Diego County Fire Chiefs' Association, San Diego County Stroke Consortium)

**H.** The San Diego County EMS Office will comply with all applicable State and Federal laws.

1. The San Diego County EMS Office will comply with all applicable state and federal laws regarding the access, use, and disclosure of patient-identifiable records, including HIPAA and corresponding regulations and the California Confidentiality of Medical Records Act (California Civil Code Section 56 et seq.).
2. Requests for Covered Entity-maintained medical, billing, and other care records or any other data will be referred to the organization, agency, or company that generates that data.
3. Information obtained from prehospital care data will not be disclosed to third parties except:
  - a. When compelled by a court order
  - b. Under state or federal law
  - c. With originating entity permission
  - d. To vetted research projects meeting state and federal standards and with data steward permission
4. Should CoSD EMS release records for any of the reasons listed in IV. H. 3., CoSD EMS shall notify the responsible entity of the relevant release details.