

Chapter: COUNTY Of SAN DIEGO EMERGENCY MEDICAL SERVICES
Key Words: Policy/Procedure/Protocol

SUBJECT: Patient Information/Confidentiality

POLICY NO: S-016

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DATE: July 1, 2004

AUTHORITY: California Civil Code, Sections 56-56.37 (Confidentiality of Medical Information Act (CMIA)); California Code of Regulations, Title 22, Division 9, Sections 100075 and 100159; and Health Insurance Portability and Accountability Act (HIPAA).

I. PURPOSE

To describe the conditions and circumstances by which protected health information may be released.

II. BACKGROUND

A. Definitions

Protected Health Information
(PHI):

HIPAA regulations define health information as “any information, whether oral or recorded in any form or medium that”

1. “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”

2. “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”.

III. POLICY

A. All prehospital provider agencies shall have policies in place regarding the disclosure of PHI of Emergency Medical Services (EMS) patients.

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- 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.
- 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, 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
 - 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
- D.** Any prehospital records (recorded or written) used for training or continuing education purposes must be edited to remove identifying patient/incident information.