

SAN JOAQUIN COUNTY
EMERGENCY MEDICAL SERVICES AGENCY

TITLE: PATIENT PRIVACY

EMS Policy No. **5102**

PURPOSE: The purpose of this policy is to provide guidance for maintaining privacy and confidentiality of protected health information.

AUTHORITY: Health and Safety Code, Division 2.5, Section 1797.220 & 1798 et seq.

DEFINITIONS:

- A. “Imaging device” means any device capable of capturing and storing still or moving images such as digital or other cameras, video cameras, cellular phones with picture taking or video recording capability, or any other devices with picture taking or video recording capability..
- B. “Protected Health Information” (PHI) means any information related 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. PHI includes information that may be oral or recorded and in any form or medium that is created or received by prehospital care personnel or an EMS provider. Protected health information (PHI) includes any *individually identifiable* health information. *Identifiable* refers not only to data that is explicitly linked to a particular individual (that's *identified* information). It also includes health information with data items which reasonably could be expected to allow individual identification.
- C. “Protected Personal Information” (PPI) shall include but not be limited to PHI, pictures or other forms of voice or image recording, patient address, telephone numbers, social security number, date of birth, age, or any other information which could be used to uniquely identify the patient or that could result in identity theft if released for unauthorized purposes or to unauthorized personnel.

POLICY:

- I. Patient privacy and confidentiality are fundamental expectations within the San Joaquin County EMS System.
- II. EMS personnel shall at all times protect the privacy and confidentiality of the information entrusted to their care.
- III. Possessing, releasing, or distributing protected personal information, including protected health information other than for authorized purposes as part of an EMS organization's permitted record keeping activities or uses is prohibited and may be a violation of the Health Insurance Portability and Accountability Act (HIPAA).

Effective: January 1, 2010
Supersedes:

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Approved: Signature on File
Medical Director

Signature on File
EMS Administrator

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IV. Permitted uses of PPI by EMS personnel and organizations include:

- A. Patient treatment;
- B. Continuous Quality Improvement (CQI) program activities;
- C. Patient billing;
- D. Certification, accreditation, authorization, or investigations;
- E. EMS Agency approved education, training, or research.

V. Prohibited activities and uses of PPI by EMS personnel and organizations include but are not limited to:

- A. Any form of communication of PPI other than as permitted in Section IV of this policy, including but not limited to:
 - 1. Verbal discussions;
 - 2. PPI contained in email or other forms of written communication;
 - 3. Sharing of PPI on any website, blog, or other form of public communication media.
- B. With the exception of permitted uses described in Section IV above, the use of any imaging device while engaged in patient care, while at the scene of a medical emergency or hospital, or at anytime when such use could reasonably be expected to result in the capture of PPI.