



REGION 11 CHICAGO EMS SYSTEM POLICY	Title: Patient Confidentiality and Release of Information / Health Insurance Portability and Accountability Act (HIPAA)
	Section: Documentation
	Approved: EMS Medical Directors Consortium
	Effective: December 6, 2023

PATIENT CONFIDENTIALITY AND RELEASE OF INFORMATION / HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

I. DEFINITIONS

- A. HIPAA Law: Emergency Medical Services (EMS) follows the Health Insurance Portability and Accountability Act (HIPAA) of 1996 Privacy Rule. The HIPAA Privacy Rule standards address the use and disclosure of individuals' health information, also known as "protected health information", by organizations subject to the Privacy Rule, who are also referred to as "covered entities," as well as standards for individuals' privacy rights to understand and control how their health information is used.

- B. Protected Health Information (PHI): The HIPAA Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The HIPAA Privacy Rule calls this information "protected health information (PHI)".

- C. Individually Identifiable Health Information: Information, including demographic data, that relates to:
 - 1. The individual's past, present or future physical or mental health or condition;
 - 2. The provision of healthcare services to the individual;
 - 3. The past, present, or future payment for the provision of health care to the individual; and
 - 4. Information that identifies the individual OR for which there is a reasonable basis to believe that it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

II. DISCLOSURE OF PHI UNDER THE HIPAA PRIVACY RULE

- A. When participating in treatment, payment, or operations activities, EMS providers may use or disclose PHI that is necessary to conduct those activities without patient authorization. EMS providers should use or disclose only the minimum amount of PHI necessary to accomplish the required task.

- B. The HIPAA Privacy Rule generally does not apply to law enforcement officers, so they cannot violate HIPAA. Necessary PHI can generally be released to law enforcement when



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related to a crime or where required by state law. EMS agency policies regarding this should be followed.

III. SAFEGUARDING EMS PATIENT CONFIDENTIALITY

- A. The confidentiality of information pertaining to a patient must be safeguarded by all EMS system participants, per the law and in compliance with hospital and/or ambulance service provider policy at all times.
- B. The confidentiality of patient record information should include, but not be limited to, the names of the patients and their medical status.
- C. The patient may request, in writing, a copy of the patient care report through the respective ambulance service provider. Receiving hospitals shall not turn over a copy of the ambulance run report to the patient or a patient's family member.
- D. Copies of prehospital audio records, log sheets, and patient care reports must be provided by system participants to the Resource Hospital on request.
- E. During a multiple patient incident or multiple patient transport, confidentiality must be maintained when collecting individual patient information.

Reference: U.S. Department of Health and Human Services, Summary of the HIPAA Privacy Rule, <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>