

Tuolumne County
Emergency Medical Services Agency

Title: **Patient Privacy**

Medical Director Signature: on file

EMS Coordinator Signature: on file

EMS Policy No. **280.10**
Creation Date: 5/25/2022
Revision Date:
Review Date: 5/2026

I) **PURPOSE:**

The purpose of this policy is to provide guidance for maintaining privacy and confidentiality of protected health information and comply with AB 2655 which makes it a misdemeanor for a first responder who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest.

II) **AUTHORITY**

Health and Safety Code, Division 2.5, Section 1797.220 & 1798 et seq.; CA AB 2655

III) **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.

IV) **POLICY**

- A) Patient Privacy and confidentiality are fundamental expectations within the Tuolumne County EMS System.
- B) EMS personnel shall at all times protect the privacy and confidentiality of the information entrusted to their care.
- C) Possessing, releasing or distributing personal information, including PHI 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).
- D) Permitted uses of PPI by EMS personnel and organizations include:
 - 1) Patient treatment;

- 2) Continuous Quality Improvement (CQI) program activities;
 - 3) Patient billing;
 - 4) Certification, accreditation, authorization or investigations
 - 5) EMS Agency approved education, training, or research.
- E) Prohibited activities and uses of PPI by EMS personnel and organizations include but are not limited to:
- 1) Any form of communication of PPI other than as permitted in Section D of this policy, include but are limited to:
 - (a) Verbal discussions with anybody other than the patient or those responsible for the patient's care which include PPI ;
 - (b) Any form of written communication including communication by email, websites, blogs, or other form of public communication media which includes PPI;
 - 2) The use of any imaging device while engaged in patient care, while at the scene of a medical emergency, or hospital, or any time when it may result in the capture and disclosure of PPI, including but not limited to photographs or videos of rescue scenes, death scenes, inside or around the patient compartment of an ambulance, or private residences.
- F) In the event a disclosure of PPI may be necessary or requested other than as permitted above, such disclosure shall not be made without the prior approval of a supervisor upon review of privacy rules.