





**SAN MATEO COUNTY HEALTH
EMERGENCY
MEDICAL SERVICES**

EMS POLICY	518
Effective:	April 2024
Approval: EMS Director Travis Kusman, MPH	Signed: 
Approval: EMS Medical Director Greg Gilbert, MD	Signed: 

CONFIDENTIALITY OF PATIENT INFORMATION

I. PURPOSE

This policy establishes requirements for ensure the privacy of patient information and the authorized disclosure of patient identity and/ or health information, include photographic or video records.

II. AUTHORITY

California Health and Safety Code, Division 2.5, §1797.204; California Code of Regulation, Title 22, Division 9, §100062; California Civil Code §56.10 and 1798.80(e); Health Insurance Portability and Accountability Act of 1996

III. DEFINITIONS

Emergency Medical Services Agency (“LEMSA”) [or “Agency”]: The San Mateo County EMS Agency is designated as the Local Emergency Medical Services Agency (LEMSA) and is statutorily charged with primary responsibility for administration and medical control of emergency medical services in San Mateo County.

Health information: Any information possessed by a healthcare provider regarding a patient’s medical history, mental or physical condition, or treatment, or the specific circumstances surrounding a specific patient identifiable incident (e.g., suspected child/ elder abuse).

Protected Health Information (“PHI”): Individually identifiable health information that is held or transmitted in any form or media, whether electronic, written, spoken, printed, digital, recorded, or photographic, which can be linked to an individual or there is a reasonable basis to believe it can be used to identify an individual.

IV. POLICY

A. Persons receiving healthcare services have a right to expect that confidentiality of PHI is reasonably preserved. Therefore:

1. No paramedic, emergency medical technician, or public safety personnel shall disclose medical information or images regarding a patient without first obtaining an authorization from the patient or the patient’s legally authorized representative, except when such disclosure is permitted or required by law.

2. EMS personnel communication shall be limited to information that is relevant to the prehospital care of the patient.
- B. All prehospital provider agencies and receiving hospitals shall have policies in place regarding the disclosure and documentation of PHI release.
- C. PHI may be disclosed by a paramedic, emergency medical technician, or public safety personnel to the following in accordance with agency or hospital-specific policy related to the release of health information:
1. Healthcare providers involved in the care of the patient;
 2. LEMSA;
 3. patient, legal guardian or others authorized by the patient;
 4. law enforcement officers when EMS personnel believe, in good faith, that the information requested is related to the investigation of a crime;
 5. provider agency's billing department, as needed for billing purposes; or
 6. in response to a properly noticed subpoena, court order, or other legally authorized disclosure.
- D. Any prehospital records or images used for training or continuing education purposes must be edited to remove identifying patient/ incident information.