

<b>Standard Operating Procedure</b>  <b>HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) POLICY</b>	<b>PEORIA FIRE-MEDICAL DEPARTMENT</b>  <b>EMS</b> <b>400.17</b> <b>Rev. 02/21/2008</b> <b>Page 1 of 3</b>
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**PURPOSE**

To outline how Peoria Fire Department (PFD) members will operationally comply with HIPAA and Protected Health Information (PHI).

**POLICY**

PFD will comply with the HIPAA Privacy Rule to Protected Health Information (PHI).

*Definitions*

<b>HIPAA</b>	Health Insurance Portability and Accountability Act
<b>PHI</b>	Protected Health Information
<b>Encounter Form</b>	Patient care reports
<b>Patch orders</b>	Physician Certification statements
<b>MCI</b>	Mass casualty incident
<b>Covered Entity</b>	Healthcare provider who transmits any health information in electronic form.

*Public Health*

PFD, which is a Covered Entity, may use and disclose PHI to a public health authority that is authorized by law to collect such information to prevent or control disease or injury, and vital statistics information.

*Law Enforcement Disclosure*

The following is a list of examples when it is appropriate for PFD to disclose PHI to law enforcement officials without written and/or verbal consent from the patient. The PHI released should be limited to only what is pertinent to the investigation.

- *Conditions* caused by firearms, burns, or other *injuries* that are involved in the investigation of a crime.
- The purpose of identifying or locating a suspect, fugitive, material witness or missing person. Examples include: name; address; date and time of birth; social security numbers; blood type; type of injury; date and time of treatment; date and time of death; physical description and characteristics.

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- Victims of a crime, PHI can be released if the law enforcement officer needs the information to determine whether a violation of law has occurred and/or if the patient is incapacitated.
- PHI may be released if the *provider* believes in good faith that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; or is necessary for law enforcement authorities to identify and/or apprehend a suspect.
- Victims of neglect, abuse or domestic violence.
- The patient is dead.

#### *Mass Casualty Incidents (MCI)*

PFD may release PHI in cases of MCI without written and/or verbal consent from the patient.

#### *First Responders*

- First responders may include the initial on scene providers of health care and/or first aid such as police officers, security guards, physicians, nurses, EMT's, etc.
- The PHI becomes protected by PFD under HIPAA if the first responders provide a verbal and/or written report to PFD of the patient's condition, history of the incident, treatment rendered.
- PFD can share PHI, verbally, with the first responders if it is necessary for treatment purposes. However, a copy of the Encounter Form is not to be given to the first responders.

#### *Patient Refusals*

The Encounter Form and/or refusal documentation (signed refusal form) constitutes PHI and must be protected.

#### *Receiving Hospital/Medical Facilities*

- PFD may share PHI with the receiving Hospital/Medical facility without the need for written and/or verbal consent from the patient. This includes the Encounter Form.
- Receiving Hospital/Medical Facilities may share PHI with PFD without the need for written and/or verbal consent from the patient.

#### *Mutual Aid and Other Multiple-Agency Responses*

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When providing mutual aid and/or transferring the patient to another agency, PHI may be shared without the need for written and/or verbal consent from the patient.

*Communications (verbal)*

Reasonable steps should be taken to minimize the possibility of other people, not involved in the care of the patient, to overhear the oral communication of PHI.

*Communications (radio; phones-cell, portable, hard wired)*

Reasonable steps should be taken to minimize those not involved in the care of the patient to overhear radio/telephone communication of PHI. These steps may include:

- Communicating the minimal PHI needed for the optimal care of the patient.
- Using the most secure form of communication reasonably available.

*Quality Assurance (QA)/ Continuous Quality Improvement (CQI)*

PFD may use PHI for the purpose of QA/CQI without the verbal and /or written consent of the patient if it fits the following criteria:

- Each entity (i.e. agency, hospital, ambulance service) either has or had a relationship with the patient.
- The PHI pertains to such relationship
- The use is for the purpose of QA/CQI, credentialing, personnel evaluation or fraud and abuse detection or compliance.

*Critical Incident Stress Debriefing (CISD)*

*Critical Incident Stress Management (CISM)*

Those PFD members involved with CISD/CISM should take reasonable steps to protect and minimize PHI. The issues discussed should only be those that are pertinent to the CISD/CISM issues.



Approved: \_\_\_\_\_ Date 2/21/08

Robert McKibben, Fire Chief