HIPAA BASICS FOR EMS PRACTITIONERS

Am I Covered by HIPAA?

If you work or volunteer for an agency that provides healthcare - including ambulance services and EMS agencies - and that agency bills for healthcare services, you are part of a HIPAA "covered entity." As an employee or volunteer of a HIPAA covered entity, you must **comply with** and be **trained** on HIPAA and your agency's HIPAA privacy, security, and breach policies.

When Does HIPAA Apply?

If you work or volunteer for a covered entity, HIPAA applies to you both on and off duty. You may only share PHI you learn while providing services for a covered entity when HIPAA says that you can – such as sharing for treatment, payment and operations.

***Ask**: "Am I sharing this PHI for a legitimate job-related purpose?"* If you are not, you could be violating HIPAA.

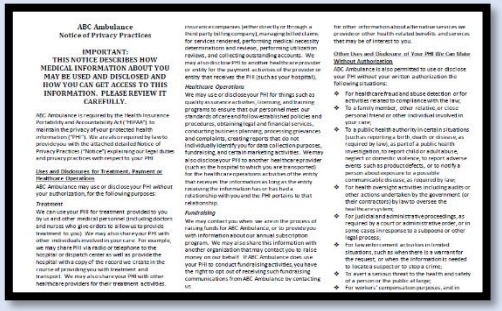
How Do I Handle the Notice of Privacy Practices?

Distribution

The Notice of Privacy Practices (NPP) should be provided to patients at the time of service in non-emergency treatment situations when doing so would not interfere with patient care and when the patient is not experiencing a medical emergency or under duress. **But, ALWAYS follow your agency's policy on distributing the NPP.**

NPP Documentation

Document if you did/did not provide the NPP to the patient. **ALWAYS follow your agency's policy on NPP documentation practices.**



ABC Ambulance
Notice of Privacy Practices

IMPORTANT:
THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

ABC Ambulance is required by the Health Insurance Portability and Accountability Act ("HIPAA") to maintain the privacy of your protected health information ("PHI"). We are also required by law to provide you with the attached detailed Notice of Privacy Practices ("Notice") explaining our legal duties and privacy practices with respect to your PHI.

Uses and Disclosures for Treatment, Payment or Healthcare Operations
ABC Ambulance may use or disclose your PHI without your authorization, for the following purposes:

Treatment
We can use your PHI for treatment provided to you by us and other medical personnel (including doctors and nurses who give orders to allow us to provide treatment to you). We may also share your PHI with other individuals involved in your care. For example, we may share PHI via radio or telephone to the hospital or dispatch center as well as provide the hospital with a copy of the record we create in the course of providing you with treatment and transport. We may also share your PHI with other healthcare providers for their treatment activities.

insurance companies (either directly or through a third-party billing company), managing billed claims, for services rendered, performing medical necessity determinations and reviews, performing utilization reviews, and collecting outstanding accounts. We may also disclose PHI to another health care provider or entity for the payment activities of the provider or entity that receives the PHI (such as your hospital).

Healthcare Operations
We may use or disclose your PHI for things such as quality assurance activities, licensing, and training programs to ensure that our personnel meet our standards of care and follow established policies and procedures, obtaining legal and financial services, conducting business planning, processing grievances and complaints, creating reports that do not individually identify you for data collection purposes, and certain marketing activities. We may also disclose your PHI to another healthcare provider (such as the hospital to which you are transported) for the healthcare operations activities of the entity that receives the information as long as the entity receiving the information has or has had a relationship with you and the PHI pertains to that relationship.

Fundraising
We may contact you when we assist the process of raising funds for ABC Ambulance, or to provide you with information about our annual subscription program. We may also share this information with another organization that may contact you to raise money on our behalf. If ABC Ambulance does use your PHI to conduct fundraising activities, you have the right to opt out of receiving such fundraising communications from ABC Ambulance by contacting us.

for other information about alternative services we provide or other health-related benefits and services that may be of interest to you.

Other Uses and Disclosures of Your PHI We Can Make Without Authorization
ABC Ambulance is also permitted to use or disclose your PHI without your written authorization in the following situations:

- For health care fraud and abuse detection or for activities related to compliance with the law.
- To a family member, other relative, or close personal friend or other individual involved in your care.
- To a public health authority in certain situations (such as reporting a birth, death or disease, as required by law), as part of a public health investigation, to report child or adult abuse, neglect or domestic violence, to report adverse events (such as product defects, or to notify a person about exposure to a possible communicable disease, as required by law.
- For health oversight activities including audits or other actions undertaken by the government (or their contractors) by law to oversee the healthcare system.
- For judicial and administrative proceedings, as required by a court or administrative order, or in some cases in response to a subpoena or other legal process.
- For law enforcement activities in limited situations, such as when there is a warrant for the request, or when the information is needed to locate a suspect or stop a crime.
- To avert a serious threat to the health and safety of a person or the public at large.
- For workers' compensation purposes, and in

What Does HIPAA Apply to?

HIPAA applies to **protected health information (PHI)**. PHI is information you learn about patients in your role as an EMS practitioner. Anything that could reasonably identify a patient and relates to the patient's physical or mental health is PHI. The information does not have to include the patient's name in order to be PHI.

***Ask:** "Would someone who knows the patient be able to identify the individual based on the information provided?"* If the answer is yes, and the information relates to the health of the patient, that information is probably PHI protected by HIPAA.

PHI can come in ANY form, including:

- **Hard copy**
- **Digital (including photos and videos)**
- **Verbal**

When Can I Use or Disclose PHI?

Treatment
Payment
Operations
TPO

Generally, when you are participating in treatment, payment, or operations activities (TPO), you may use or disclose PHI that is necessary to conduct those activities without patient authorization.

Examples:

- **Treatment –** You may share any PHI with first responders, hospitals and facilities, providers, and others involved in the patient's treatment.
- **Payment –** You may share PHI with individuals that bill for the services you provide, such as billers and reviewers.
- **Operations –** You may review your and other practitioners' trip reports and other medical records when conducting quality assurance/quality improvement (QA/QI) activities.

Follow the Minimum Necessary Rule: Use or disclose only the minimum amount of PHI necessary to accomplish the required task:

Example: Remove identifying information from patient care reports before using them to conduct QA/QI if identifying information is not necessary for conducting the review.

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HIPAA TIPS FOR EMS PRACTITIONERS

Sharing PHI With Law Enforcement

General Rules

- HIPAA generally does not apply to the police, so they cannot violate HIPAA.
- Police may speak directly to your patient.
- Police can serve your agency with a subpoena for your care report after the incident.
- When you are not releasing PHI (*e.g.,* you alert law enforcement about a weapon on the scene), HIPAA does not apply, and you may release non-PHI to the police.

Tips for Releasing PHI

You may generally release limited, **necessary** PHI to law enforcement when:

- The police are trying to locate or identify a suspect, fugitive, missing person, or witness.
- A crime occurs during the response (*e.g.,* the patient assaults a crewmember).
- You are treating the victim of a crime and the police are not going to use the information against your patient.
- You are required by your state law to release the PHI to the police (*e.g.*, to report a gunshot wound or abuse/neglect).
- Releasing PHI would prevent imminent harm to someone.
- You are releasing information about the patient's destination.

NOTE: If you are unsure about whether you may release PHI to law enforcement, check with your supervisor or your agency's privacy officer.

Accessing PHI Securely

You may only access PHI to which you have a legitimate, work-related need to access. Never **snoop** (access a record just because you are curious, know the person, or some other **non**-business-related reason) on records. Electronic access to records is tracked in the system.

Reporting Breaches & HIPAA Issues

Report all known or **suspected** breaches and other HIPAA issues to a supervisor, compliance officer, or privacy officer immediately. This includes, but is not limited to:

- Any suspected or known improper disclosures of PHI;
- Any lost or stolen device or hard copy material containing PHI;
- Malware or other security threat; or
- Any known or suspected unauthorized access to PHI.

Sharing PHI With Patient's Family/Caregivers

You may disclose PHI to relatives, friends, or other individuals involved in patient's **care** if doing so is in the best interests of patient. For example, you may disclose the transport destination, general condition, and other general information about the patient.

Dealing With the News Media

You should not release PHI to the news media without written patient authorization.

Refer media requests to the appropriate spokesperson for your agency.

Posting About Work Online

Do not post about **patient** events on social media, even if you believe the information would not identify the patient. **Follow your agency's policy regarding social media postings.**

Personal Devices

Unless authorized, do not use **personal** devices to capture or transmit PHI. This includes texting and capturing photos or recordings during patient calls**. Follow your agency's policy on using devices for recording and sharing PHI.**

Electronic Devices - Best Practices

- Lock all devices when not in use.
- Report all lost or stolen devices **immediately**.
- Use unique passwords, change them periodically, and do not share passwords.
- Do not disable security settings on devices.
- Never leave an unsecured device unattended.

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