

	COUNTY OF SACRAMENTO EMERGENCY MEDICAL SERVICES AGENCY	Document #	2004.01
	<u>PROGRAM DOCUMENT:</u> Patient Privacy	Initial Date:	07/01/2023
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Signature on File

EMS Medical Director

Signature on File

EMS Administrator

Purpose:

- A. This policy establishes requirements to ensure the privacy of patient information and the authorized disclosure of patient identity and/ or health information, including photographic or video records.
- B. To comply with AB 2655, which makes it a misdemeanor for a first responder who responds to the scene of a call and captures a photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest.

Authority:

- A. California Health and Safety Code, Division 2.5
- B. California Code of Regulations, Title 22, Division 9
- C. California Assembly Bill 2655

Definitions:

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

Policy:

- A. Possessing, releasing, discussing, or distributing personal information, including PHI, other than for an authorized purpose as part of an EMS organization’s record-keeping activities or uses is prohibited and may be a violation of the Health Insurance Portability and Accountability Act (HIPAA).
- B. Permitted uses of PHI 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

- C. 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 PHI, such as photographs or videos of rescue scenes, death scenes, inside or around the patient compartment of an ambulance, or private residences.
- D. In the event a disclosure of PHI 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.