DEPARTMENT OF HEALTH SERVICES
COUNTY OF LOS ANGELES

SUBJECT: **RELEASE OF EMERGENCY MEDICAL SERVICES (EMS) RECORDS** REFERENCE NO. 612

PURPOSE: To establish a procedure for release of EMS patient care records which contain protected health information.

AUTHORITY: Health & Safety Code, Sections 123100 – 123149.5
American Hospital Association, A Patient's Bill of Rights
Healthcare Information Portability and Accountability Act of 1996 (HIPAA)
Health Information Technology for Economic and Clinical Health (HITECH) Act

DEFINITIONS:

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 reasonable basis to believe it can be used to identify an individual.

Emergency Medical Services (EMS) Records: EMS records exist in different formats and include those on which written, printed, spoken or digital information is recorded or preserved. For purposes of this policy, EMS records consist of the Base Hospital Forms and EMS Report Forms which include but are not limited to: Base Hospital Page 2s, Base Hospital Multiple Casualty Incident (MCI) Forms, Advanced Life Support (ALS) Continuation Forms, and Triage Tags.

PRINCIPLES:

1. Patients have the right to communicate with healthcare providers in confidence and to have the confidentiality of their PHI maintained.

2. Patients have the right to review and receive a copy their own medical records upon presenting to the healthcare provider a written request specifying the records to be copied.

3. Attorneys may request EMS records in accordance with the law.

POLICY:

Individual's requesting the release of an EMS record shall be directed in the following order:

I. Hospital

   A. The requesting individual will be referred to the Medical Records Department of the healthcare facility where the patient was transported.

APPROVED: Richard Tadeo
Director, EMS Agency

Medical Director, EMS Agency

B. If available, the facility's procedure for releasing medical records shall be followed.

II. Provider Agency

A. If the receiving hospital does not have a copy of the EMS record or if the patient was not transported, the individual may request the provider agency to release the document.

B. The provider agency's policy or procedure for releasing medical records shall be followed and the report shall be released only upon receipt of a:

1. Subpoena Duces Tecum, or

2. An authorization form signed by the patient or patient's representative such as a Release of Medical Records, Request for Patient Access to Health Information, or the provider agency's own form to ensure proper release of medical information.

III. EMS Agency

A. If neither the hospital nor the provider agency is able to provide the requested EMS record, the EMS Agency may be asked to release the document.

B. If the records are available, they shall be released only upon receipt of a:

1. Subpoena Duces Tecum, or

2. An authorization form for Release of Medical Records, Request for Patient Access to Health Information or similar form signed by the patient or patient's representative.

AND

3. The EMS Agency shall require reasonable verification of identity, such as photo identification, prior to permitting inspection or copying of the EMS records.

CROSS REFERENCE

Prehospital Care Manual:
Ref. No. 602, **Confidentiality of Patient Information**
Ref. No. 622, **Release of EMS Data**