

Subject: Administration – Patient Care Records  
**Access, Release and Confidentiality of EMS Data**

Associated Policies: 2402, 2404

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- I. Authority and Reference (incorporated herein by references)
  - A. Division 2.5 of Health and Safety Code
  - B. California Code of Regulations, Title 22
  - C. North Coast EMS Policies and Procedures
  - D. California Evidence Code, Section 1157.7
  - E. Government Code, Section 1044
  - F. Civil Code, Section 56 et seq.
  
- II. Purpose  
To establish regional policy to ensure that EMS system data derived from patient care reports as used for quality improvement activities, is released and used in accordance with established standards, and that the confidentiality and security of all patients' personal and health information is maintained.
  
- III. Policy
  - A. The EMS Agency shall protect the confidentiality of personal and health information regarding patients and shall release such information only when appropriate and with proper authorization.
  - B. The EMS Agency Executive Director shall approve the release of any data or information from the EMS Agency regardless of its source, content, or format.
  - C. The release and use of data shall not violate patient confidentiality as defined in the Confidentiality of Medical Information Act and any other laws governing the release of medical information.
  - D. In accordance with the Confidentiality of Medical Information Act, data specific to a patient (that which utilizes a patient's name or other specific identifying information) shall not be disclosed without specific patient authorization.
  - E. The EMS Agency reserves the right to deny requests to release data for any reason it deems appropriate, unless it is otherwise required by law to release the information.
  - F. Data released to the EMS Agency by an EMS Provider, as stipulated in applicable EMS Agency policies, is official information received in confidence from EMS Providers and shall not be disclosed in any manner not specified by this policy.
  - G. The release and use of data shall be governed by guidelines based on the type of information and its intended use.

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- IV. Prehospital Data Base (PDB) Policy
- A. Requests for data specific to an EMS Provider or patient shall be referred to the EMS Provider. The EMS Agency shall not release such data without the specific written consent of the EMS Provider or the patient as appropriate.
  - B. No confidential or personal information which is retained in a Prehospital Care Report (PCR), unless specifically authorized according to established procedures, shall be disclosed beyond North Coast EMS employees and official investigative committees (such as any North Coast EMS designated Quality Assurance/Improvement Committees pursuant to Government Code, Section 1154 and 1044) who maintain or analyze such data in the ordinary course of the performance of their official duties for the EMS Agency. These duties must relate to the purpose for which the information was acquired.
  - C. Each EMS Provider shall be responsible for maintaining the quality of its own data and for controlling the disclosure of its data.
  - D. No requested data shall be released from the PDB, unless it has been authorized and approved for release by the Executive Director after consultation with the Medical Director.
  - E. The EMS Agency shall consult with counsel upon receipt of any subpoena or other legal document seeking release of information retained in the PDB.
  - F. With respect to data specific to an EMS Provider, the EMS Agency shall notify the requesting party to obtain information directly from the EMS Provider.
  - G. Permission for data release of regular or routine reports may be approved and granted by the Executive Director for periods of no more than twelve months.
  - H. Ad Hoc report generation shall be available only to persons who are approved by the Executive Director. Any staff utilizing the PDB for generation of Ad Hoc reporting must be oriented and trained according to established procedure and must sign a confidentiality statement.
  - I. Any research requests shall comply with EMS Agency policy regarding research projects.
  - J. The EMS Agency shall prepare and distribute predefined reports for the purposes of EMS System monitoring and evaluation. System reports are determined by State Regulations and approved in advance by the Executive Director. At a minimum, these reports shall be distributed to:
    - 1. The State EMS Authority
    - 2. The Joint Powers Agency (JPA) Governing Board

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3. EMS Providers
  4. Regional Base and Receiving Hospitals
  5. County Health Officers and other appropriate County personnel
  6. Emergency Medical Care Committees
  7. Medical Advisory Committees
- V. Prehospital Data Base Access Procedures and Criteria
- A. All persons requesting access to, or analysis of, centrally collected data shall submit those requests in writing to the Executive Director for review and approval. Requests for data which is available through another source will be referred to that alternate source.
  - B. The Executive Director will consider EMS Agency priorities and staff availability in its response to data requests and shall reserve the right to deny requests on the basis of staff or resource limitations.
  - C. All requests for data shall, at a minimum, include the following:
    1. The name, address, telephone, and fax number of the requester(s).
    2. Any affiliation with any organizations and/or agencies (including EMS Provider).
    3. A detailed description of the requested data elements, including case selection criteria, and the time frame within which the original data was generated.
    4. Specific intended uses of all information disclosed by the EMS Agency.
    5. The name, title, and functions of all persons or entities authorized to have access to the requested data.
    6. Specific precautions and reporting procedures to preclude unauthorized release of any confidential or personal data as well as procedures for reporting and addressing any unauthorized release of data.
    7. Note whether this request is either for one-time only or for multiple or regular requests.
    8. Specify if the request includes any patient data considered to be personal or confidential in nature. If so, then the request must include a signed patient consent for release of information. The consent shall include specific details of the data elements requested and in what manner the data will be collected, analyzed, and the form in the which the information will be released, if any.
    9. Specify the disposition of the information after the date of authorization expires.

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- D. Requests for research purposes will also include the following:
  - 1. A description of the study design and purpose.
  - 2. Curriculum Vitae or credentials of the requester(s).
  - 3. Institutional Review Board (IRB) or Human Subject Committee approval.
  - 4. A signed, written agreement from the Executive Director with concurrence from the Medical Director, that the EMS Agency is in receipt of final approval prior to the investigator submitting the respective research for professional publication.
- E. Any additional information required from applicants by the Executive Director when considering an application, will be requested and responded to in writing. Applicants may schedule to appear before the Executive Director to present their requests and to respond to questions in order to expedite the process.
- F. All data requests will be responded to in writing. Written approval will be forwarded by the EMS Agency Executive Director to the Medical Director for approval prior to the generation of the requested report/data. Responses to requests which have been refused will be in writing and shall include the reasons for the refusal.
- G. The Agency reserves the right to charge reasonable fees to cover the costs of programming, printing and staff time associated with data or research requests.

Attachment: Addendum of Definitions

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**ADDENDUM OF DEFINITIONS:**

**Ad Hoc reporting** means the capability to access the Prehospital Data Base (PDB) data and manipulate or analyze PDB data for the purpose of producing a report. Specifically, ad hoc reporting allows the user the electronic ability to select and aggregate data from PDB files according to the user's discretion.

**Confidential Information** means any individually identifiable information regarding a patient's medical history, psychological or physical condition, substance abuse, or treatment, that is in the possession of its physical form or characteristics.

**Data** is defined as any written information stored or maintained by the EMS Agency regardless of its physical form or characteristics.

**Disclose** means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person or entity.

**EMS Agency** means North Coast Emergency Medical Services or North Coast EMS.

**EMS Provider** means any one of the following: Sutter Coast Hospital, Mad River Community Hospital, St. Joseph Hospital, General Hospital, Redwood Memorial Hospital, Jerold Phelps Community Hospital, Adventist-Health Redbud Community Hospital, Sutter-Lakeside Hospital, Del Norte Ambulance, Arcata/Mad River Ambulance, City Ambulance of Eureka, Fortuna Rescue Ambulance, Garberville Ambulance, Hoopa Ambulance, Redwood Empire Life Support, Clearlake Oaks Fire, Kelseyville Fire, Lakeport Fire, Lakeshore Fire, Lucerne Fire, South Lake County Fire, Nice Fire, Upperlake Fire, Southern Trinity Area Rescue, Shelter Cove Fire, Orleans Fire, Loleta Fire, or other designated, permitted or otherwise authorized EMS Provider by the EMS Agency.

**Executive Director** means the Executive Director of North Coast EMS.

**Institutional Review Board (IRB) or Human Subjects Committee** means a certified review board established in accordance with and for the purposes expressed in Title 45, Code of Federal Regulations (CFR).

**Maintain** includes maintain, acquire, use, manipulate, or disclose.

**Medical Director** means the Medical Director of North Coast EMS.

**Person** means any natural person, corporation, partnership, firm, or association.

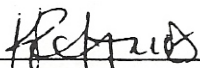
**Personal information** means any information in any record that identifies or describes an individual, including, but limited to, his or her name, social security number, physical description, home address, or home telephone number.

**Prehospital Data Base (PDB)** means data which is collected from one or more EMS providers in a standard form and format and is maintained in a centralized database.

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**Record** means any file or grouping of information about an individual that is maintained by a division or program, by reference to an identifying particular such as an individual's name, finger or voice print, photograph, or a number or symbol assigned to the individual.

Approved: 

Approved as to Form: 