

HERMANN AREA AMBULANCE DISTRICT
510 West 16th Street
Hermann, Mo 65041

PATIENT PRIVACY POLICY

General Statement: Protected patient health information shall be treated as confidential information and shall not be disclosed to third parties without the consent of the patient, except as may be required or permitted by law and except as may reasonably be required to assure appropriate treatment in emergency situations in which the patient is unable to give consent. Treatment or transportation is conditioned upon the provision of consent by the patient, except in emergency situations where the delay involved in obtaining the patient's consent to use or disclose information would compromise the patient's care. Patients have the right to request restrictions on disclosure of health information and to revoke consents or authorizations. Requests for restrictions, or for revocation, must be in writing. As used in this policy, the terms "Patient" includes not only the patient, but also the patient's legally authorized representative.

Disclosure of protected health information shall be limited to the minimum necessary to accomplish the intended purpose, except for the following:

1. Disclosures to or requests by a health care provider for treatment purposes.
2. Disclosures to the patient or the patient's legally authorized representative.
3. Uses or disclosures made pursuant to an authorization requested by the patient or the patient's legally authorized representative.
4. Uses or disclosures required for compliance with the standardized Health Insurance Portability and Accountability Act (HIPAA) transactions.
5. Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the Privacy Rule for enforcement purposes.
6. Uses or disclosures required by law.

This policy will be implemented in the following manner:

- I) The Operations Manager of the Ambulance Service is designated as the HIPAA Compliance Officer and is responsible for developing, supervising and enforcing the privacy procedures.
- II) With respect to treatment and transportation:
 - 1) In non-emergency situations:
 - 1) Prior to providing treatment or transportation to a patient, a consent and authorization form must be obtained from the patient. The consent and authorization form shall:

- a) Contain a notice advising the patient of the patient's privacy rights;
 - b) Advise the patient how the patient's information can be used.
 - c) Authorize the Ambulance Service to disclose appropriate information for treatment purposes to the staff of the health care facility to which the patient is transported.
 - d) Authorize the Ambulance Service to obtain appropriate information necessary for billing from any available source;
 - e) Authorize the ambulance service to disclose appropriate information necessary to obtain payment for services rendered to the patient from the patient or from any other applicable source.
 - f) Authorize third party payers to make direct payment to the Ambulance Service.
- 2) If the patient declines to sign such consent and authorization, treatment and transportation may be refused.

B) In emergency situations:

- a) If the patient is unable, for any reason, to execute a consent and authorization due to the emergency situation, appropriate treatment and transportation may be instituted. The facts demonstrating the inability of the patient to execute such consent and authorization shall be documented.
- b) As soon as practicable thereafter, a consent and authorization form shall be presented to the patient for execution. If circumstances prevent obtaining the consent and authorization prior to transport, the facts demonstrating why the consent and authorization could not be obtained shall be documented. The consent and authorization shall be in the same form as used for non-emergency situations.
- c) If the consent and authorization cannot be otherwise obtained, a notice of the patient's privacy rights shall be mailed to the patient promptly after an address for the patient is obtained. A consent and authorization shall be included with the notice, with a request that it be signed and returned.

III. Administrative Issues

- A) All consent forms shall be retained a minimum of 6 years.
- B) If a consent or authorization is received, and a more restrictive consent or authorization is later received, the more restrictive consent or authorization shall be effective from the date of receipt.
- C) Consents and authorizations received prior to April 13, 2003, may be relied upon for uses and disclosures of health information obtained prior to April 13, 2003. Thereafter, new consents or authorizations must be obtained.
- D) Procedures shall be developed for:

- 1) Providing information to patients about their privacy rights and how that information can be used.
 - 2) Securing proper implementation of the privacy policy.
 - 3) Training employees with respect to the need for privacy and understanding of privacy procedures.
 - 4) Securing patient records containing individually identifiable health information so that they are not readily available to those who do not need them.
 - 5) Maintaining appropriate records of use of individually identifiable health information.
- E) The following persons or classes of persons are identified as routinely needing access to the classes of patient information designated in order to carry out their job duties:
- 1) Dispatchers---Information necessary to dispatch appropriate vehicles and personnel and provide instructions to the patient, other persons at the scene, emergency personnel en route, and at the scene, and provide appropriate information to a receiving facility.
 - 2) Emergency personnel who are involved in the treatment and transportation of the patient---Information required for appropriate treatment and transportation.
 - 3) Supervisory personnel providing supervision of Dispatchers and other emergency personnel---Information required for quality control.
 - 4) The Medical Director---Information required for quality control.
 - 5) The Billing Department---Information necessary to provide accurate billing to the patient or to third party payers responsible for payment in behalf of the patient, including information necessary to demonstrate medical necessity for treatment and transportation and accurate coding for billing purposes.
 - 6) Collection Department or agencies---Information necessary for the collection of the patient's account.
 - 7) Counsel for the ambulance service---Information necessary for the handling and disposition of claims or litigation involving the patient's treatment, account, or other matters arising out of transportation and treatment of patients.
 - 8) Federal and State agencies---Information required or authorized to be Disclosed by law or for obtaining payment from Federal or State agencies.
 - 9) Insurance carriers or other third party payers---Information required to process patient and ambulance service claims accurately and efficiently.
 - 10) Business Associates---Information necessary for health care function of the business associate, provided the associate has given satisfactory assurance the information will be used only for the purposes for which the associate was engaged, will safeguard the

information from misuse, and will help the ambulance service comply with the duty of the ambulance service to provide individuals with access to health information about them and will maintain a history of disclosures as required by law or regulation.

- F) With respect to disclosure requests of a non-routine nature, each such request shall be reviewed by the HIPAA Compliance Officer of the service prior to disclosure. Only the minimum amount of information necessary to meet the request shall be disclosed.
- G) Personnel of the Service may rely upon the judgement of the party requesting the disclosure as to the minimum amount of information needed when the request is made by:
 - 1) A public official or agency for a disclosure permitted under Section 164.512 of the Privacy Rule.
 - 2) Another covered entity.
 - 3) A professional who is a workforce member or business associate of the ambulance service.
 - 4) A researcher with appropriate documentation from as Institutional Review Board or Privacy Board.
 - 5) Subpoena or other legally enforceable request. Subpoenas and other request which appear to be made under subpoena or similar authority shall be referred to legal counsel for appropriate response.
- H) A disclosure history shall be maintained for each patient record with respect to any disclosures, including oral disclosures, not required for treatment, payment or health care operations.
- I) Individually identifiable patient information will not be used for Advertising purposes. Statistical information compiled from patient records without individually identifiable information may be used in reports to appropriate agencies or health providers.

IV. Miscellaneous Matters

- A) For purposes of disclosure of information, the term "Patient", as used herein, shall include:
 - 1) The patient himself or herself
 - 2) The personal representative of a deceased patient.
 - 3) A parent of a minor patient, unless otherwise provided by applicable law.
 - 4) The legally appointed guardian of an incompetent patient, or of a minor patient.
 - 5) The person or persons holding a duly executed power of attorney for health care in behalf of the patient.
 - 6) Such other person or persons who may have legal authority to act for the patient with respect to health care issues.
- B. Patient health information shall not be used for advertising purposes

- C. Patient health information will not be used or disclosed for research purposes, except as general statistical information. For example, the service may release the statistic to “x number of trips during the past year involved patient with heart attacks”, but not health information concerning specific patients who had heart attacks.
 - 1. Any request for use of patient health information for research will be referred to legal counsel and examined on a case-by-case basis for compliance with the Privacy Rule prior to the release of the requested information.
- D. The privacy Policy and procedures adopted for its implementation are intended to comply with applicable federal and state law and regulations. Any portion which may be found not to be in compliance with such laws and regulations shall be automatically amended or modified to comply with such laws and regulations.

Authority: 45 CRF Parts 160 and 164