



McLean County Area EMS System

TITLE: PATIENT CONFIDENTIALITY/RELEASE OF INFORMATION

POLICY STATEMENT:

All McLean County Area EMS System personnel are exposed to or engaged in the collection, handling, documentation or distribution of patient information. Therefore, all EMS System personnel are responsible for the protection of this information. The McLean County Area EMS System and affiliate EMS agencies have a statutory duty to protect the confidentiality of patient records. In all situations, including subpoenas, to obtain legal release of patient information, all requests for pre-hospital patient care information shall be directed to the EMS agency's affiliate Resource hospital's Medical Records Department.

GOAL/PURPOSE:

To assure appropriate confidentiality of personal and sensitive information regarding patient care and/or prognosis as well as ensure the legal authorization on release of patient information.

POLICY:

- A. The McLean County Area EMS System agencies and personnel and all others involved in EMS patient care have a statutory duty to protect the confidentiality of patient medical records in accordance with the Illinois EMS Systems Act [210 ILCS, 50/3.195], and the Illinois Medical Patients Rights Act [410 ILCS 50/3 (d)]. Under 735 ILCS 5/8-802 which was amended in 1995 to broaden the definition of health care providers subject to Medical Records as privileged communications, includes entities which provide medical services. Clearly the services as an Emergency Medical Technician or Pre-hospital RN fulfill the role of one providing medical services.
- B. In all situations, including subpoenas, to obtain legal release of patient information, all requests for pre-hospital patient care information shall be directed to the EMS agency's affiliate Resource hospital's Medical Records Department. It is the responsibility of the Medical Records Department to verify a legal release of patient medical records, written or recorded. The duty of confidentiality would be breached by production of any written or recorded documentation **BY ANYONE** pursuant to:
 - A subpoena directed to the Resource Hospital's Medical Records Department; or
 - A signed authorization by the patient for "Release of Information/Medical Records; and
 - Verification of legal release of patient information by the Medical Records Department.
- C. Unnecessary sharing of confidential information will not be tolerated by the McLean County Area EMS System. EMS personnel must understand that breach of confidentiality is a serious infraction with personal legal implications and may result in corrective action, including System licensure suspension.
 1. Written
 - Confidentiality regarding written patient care documentation is governed by the "Need to Know" concept.
 - Only McLean County Area EMS System personnel and Hospital Medical staff from third party payers should be directed to the Resource Hospital's Medical Records Department.
 - Request for Release of all patient care information, including request from third party



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payers, should be directed to the Resource Hospital's Medical Records Department.

- Request by law enforcement, coroner, fire or other agencies for patient care reports must also be directed to the Medical Records Department.

2. Verbal

- System personnel are not to discuss specific patients in public areas. Loose or "elevator talk" regarding specific patient problems and/or care is inappropriate.
- Do not repeat to your friends and relatives, or the friends and relatives of patients, any information learned through the course of carrying out your duties. If you learn of the hospitalization of a friend or relative, you may not act on that information or pass it on unless it came from an outside source or the patient himself. If you happen upon information (or the chart) of a friend or relative in the course of performing your job, you are responsible for keeping that information confidential.

3. Radio

- Generally, no patient name will be mentioned in the process of per-hospital radio transmissions utilizing MERCI regarding non-direct admit patients.
- Customary "Direct Admits" may need to have the initials of patient's names included in the radio transmissions. This is necessary for identification and is acceptable to transmit.
- Sensitive patient information regarding diagnosis or prognosis should not be discussed during radio transmissions.

D. Scene

- Every effort should be made to maintain the patient's auditory and visual privacy during treatment at the scene and en route.
- EMS personnel should limit bystanders at the scene of an emergency. Law enforcement may be called upon to assist in maintaining bystanders at a reasonable distance.