



## Section 1: Administrative / Medical Control

### GUIDELINE/PROCEDURES: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

#### What does HIPAA stand for?

- The Health Insurance Portability and Accountability Act. Enacted in 1996, this federal law regulates health insurance and insurance benefit programs.

#### What is HIPAA's privacy rule?

- The privacy rule is a set of laws created to protect the privacy of a patient's health information, including medical records.

#### Why was HIPAA created?

- Before this rule was created, it was possible for patient information to be easily accessible without the patient's authorization and for reasons that had nothing to do with medical treatment. For example, a patient's medical information might be passed to a bank or lender, who might deny or approve a loan requested by the patient.

#### Who has to follow the rule?

- The privacy rule directly relates to healthcare providers (such as ambulance services, hospitals, physicians, and home health agencies), health plans and insurance companies, and healthcare clearing houses (such as companies that bill for healthcare services).

#### What if you don't comply?

- The penalty for one violation is \$100, with a limit of \$25,000 per year for any single organization that fails to comply with multiple requirements. The authority to impose penalties is carried out by the Department of Health and Human Services. In cases involving grossly flagrant and intentional misuse of patient information, violators may be socked with criminal penalties up to \$250,000, ten years in jail, or both - depending on the circumstances.

#### What should I do at the scene?

- Exercise confidentiality on the scene by:
  - Not sharing information with bystanders.
  - Limiting radio transmissions that identify patients.
  - Avoid disclosure of unnecessary information to police (appropriate info includes patient's name, DOB, and destination hospital.)
  - Protecting patient's privacy whenever possible.
  - Don't volunteer patient medical information with people at the scene.

#### Hospital Contact and EMS

The relationship of the hospital and EMS are not really affected by HIPAA. The process of Performance Improvement is an important element of patient care that is worked on at each department under Medical Control and then the issues are addressed by the Medical Director during Run Reviews at each station. Information about the patient may be given to the Emergency Department by radio, phone, fax, or electronically. The information is needed for treatment of the patient and becomes part of the medical record.

Following the privacy policy along with common sense regarding your patient's right will assure that no HIPAA rules are violated.