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## RELEASE OF EMERGENCY MEDICAL SERVICE (EMS) RECORDS

### PURPOSE

To establish a procedure for release of EMS patient care records that contains protected health information.

### AUTHORITY

Health & Safety Code, Division 106, Part 1, Chapter 1, § 123100 et seq.  
American Hospital Association, (AHA): The Patient Care Partnership  
Healthcare Information Portability and Accountability Act (HIPAA), Public Law 104-109

### DEFINITIONS

**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 Base Hospital Forms and EMS Report Forms: to include EMS and Base MCI Forms, Advanced Life Support Continuation Forms and Triage Tags.

**Healthcare Information Portability and Accountability Act (HIPAA):** is comprehensive Federal protection for the privacy of personal health information to prevent unauthorized access to an individual's "Protected Health Information".

**Protected Health Information (PHI):** Individually identifiable health information that is held or transmitted in any form or media, whether electronic, paper or oral which can identify an individual or here is a reasonable basis to believe it can be used to identify an individual.

**Subpoena Duces Tecum:** is used to compel the production of documents that might be admissible before the court.

### PRINCIPLE

- I. Patients have the right to communicate with healthcare providers in confidence and to have the confidentiality of their PHI maintained.
- II. 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.
- III. Attorneys may request EMS records in accordance of the law.

### POLICY

- I. Individual's requesting the release of an EMS record shall be directed in the following order:
  - A. Hospital
    1. The requesting individual will be referred to the Medical Records



# Yolo County Emergency Medical Services Agency

## Policy

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Department of the Receiving Hospital where the patient was transported.

2. The facility's procedure for releasing medical records shall be followed.

### B. Service Provider Agency

1. 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 Paramedic Service Provider Agency to release the document.
2. The report shall be released only upon receipt of a:
  - a. Subpoena Duces Tecum, or
  - b. 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 Service Provider Agency's own form to ensure proper release of medical information.
3. The Service Provider Agency's policy or procedure for releasing medical records shall be followed.

### C. EMS Agency

1. If neither the Receiving Hospital nor the Service Provider Agency is able to provide the requested EMS record, the EMS Agency may be asked to release the document. Because forms are only retained at the EMS Agency for six (6) months after the incident date, the requested records may not be available.
2. If the records are available, they shall be release only upon receipt of a:
  - a. Subpoena Duces Tecum, or
  - b. 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 similar form signed by the patient or patient's representative.
3. The EMS Agency may require reasonable verification of identity, such as photo identification, prior to permitting inspection or copying of the EMS records.