

Cowlitz 2 Fire & Rescue Policies and Operating Guidelines

Policy:	INTERVIEWS OF EMS RESPONDERS BY THIRD PARTIES	
Number	Effective Date	Approved and Issued:
5018	02/08/12	02/08/12

1.0 REFERENCE

RCW 70.02
RCW 71.05.630
RCW 70.02.050
POG #1002 Public and Official Records
POG #5012 Release of Medical Information
POG #5013 Privacy Policy
Health Information Portability and Accountability Act (HIPAA)
Federal Register -45 CFR parts 160 and 164
Brian Snure, Snure Law Office, PSC

POLICY

2.1 Cowlitz 2 Fire & Rescue is concerned over the release of medical and other protected information in situations involving interviews of District personnel relating to District fire and emergency medical responses. In order to limit the District's liability exposure and to protect the privacy rights of the recipients of District services, the District does not allow such interviews by third parties except as listed in this document and POG #5012.

3.0 DEFINITIONS

EMS-Emergency Medical Services-that division of Cowlitz 2 Fire & Rescue that deals with patient care, treatment, and transport.

MIR-Medical Incident Report- patient care reports which contains PHI.

EMS Administrator-Emergency Medical Services Administrator-the employment position within the District that supervises ambulance transport and all medical reporting; and the licensing and certification of the District and its personnel.

RCW-Revised Code of Washington-Washington State law that governs the District and its activities; including emergency responses, treatment, care and transport of patients; and the licensing/certification of the District and its personnel.

HIPAA-Health Information Portability and Accountability Act-The federal protecting health information.

HHS-U.S. Department of Health and Human Services-the branch of government that provides rule making regarding patients, including HIPAA regulations.

PHI-Protected Health Information-Information defined by HIPAA that includes individually identifiable health information.

TPO-Treatment, Payment or Health Operations-As defined by the Federal Register to include treatment, payment of said treatment, and the operations of any agency providing such treatment.

Privacy Officer-Employee with the responsibility to ensure that HIPAA rules, regulations and training are followed within the agency. The EMS Administrator is the Privacy Officer at C2FR.

4.0 RESPONSIBILITIES

It is the responsibility of all District personnel to be aware that interviews are not granted to third parties. All requests for such interviews shall be directed to the Privacy Officer or the Duty Chief. Examples of such third party interview requests are attorneys, private citizens, incident onlookers, media personnel, etc.

It is the responsibility of all District personnel to be familiar with the Release of Medical Information POG #5012 which clearly outlines interviews with law enforcement personnel when conducting a criminal investigation, which are different than the above mentioned requests.

5.0 GUIDELINES

5.1 All interview requests to the District concerning EMS responders shall be directed to the Privacy Officer or the Duty Chief.

5.2 The Privacy Officer will assist the requesting party in the C2FR process to obtain the MIR.

5.3 If there is no capability contained in the RCW for the requesting party to obtain the MIR, then the requesting party must obtain a court order to do so.

5.4 Parties requesting interviews that do not have a legal right to do so shall be sent a statement on District letterhead that reads as follows:

Copies of incident reports documenting responses by Cowlitz 2 Fire & Rescue are available through the processes outlined in our “Release of Medical Information” POG #5012. If third parties do not meet the criteria set forth by law as outlined in POG #5012, then they are not allowed access to those incident reports. C2FR does not allow its responders to be interviewed by third parties unless subpoenaed, as this process allows all parties involved in the matter to receive notice that the interview will be conducted.”

6.0 ADDITIONAL REFERENCES
NA

7.0 APPENDIX
Statement for third party interview requests.