



4200 Dryden Road, Moraine, OH 45439  
(937) 535-1120 (937) 535-1307 Fax

# *EMS Privacy & Operations*



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**TABLE OF CONTENTS**

**DEFINITIONS** 3

**CODE OF CONDUCT AND ETHICS** 4

**MISSION STATEMENT** 4

**COMPLIANCE/PRIVACY OFFICER** 4

*RESPONSIBILITIES OF THE COMPLIANCE/PRIVACY OFFICER*..... 5

*COMPLIANCE/PRIVACY REPORTING*..... 5

**PATIENT’S RIGHTS** 6

*CONFIDENTIALITY*..... 6

**ACCESS / SECURITY** 7

*ROUTING OF EMS RUN SHEETS*..... 7

**PROTECTED HEALTH INFORMATION (PHI)** 7

*REQUEST FOR EMS & FIRE RUN REPORTS*..... 8

*RELEASE OF MEDICAL INFORMATION*..... 8

**TRAINING AND EDUCATION:** 8

*COMPLIANCE TRAINING*..... 8

*DOCUMENTATION*..... 9

*CORRECTIVE ACTION POLICY / PRIVACY*..... 9

*DISCIPLINARY ACTION POLICY*..... 9

**DOCUMENTATION POLICY** 9

*PATIENT INFORMATION*..... 9

*PATIENT REFUSAL*..... 9

*EMS RUN SHEET DOCUMENTATION*..... 10

**OUTSIDE AGENCIES** 10

**THIRD PARTY EMS BILLING REPORTS** 10

**AUDIT** 10

**EMPLOYEE ISSUE / CONCERN FORM** 11



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**DEFINITIONS:**

**HIPAA**      **Health Information Portability and Accountability Act** was enacted on 21 August 1996. It provides national standards to protect the privacy of Personal Health Information.

**PHI**          **Protected Health Information** under HIPAA includes any *individually identifiable* health information. *Identifiable* refers not only to data that is explicitly linked to a particular individual (that's *identified* information). It also includes health information with data items which reasonably could be expected to allow individual identification



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### **CODE OF CONDUCT AND ETHICS**

The Moraine Fire Division is committed to providing the highest level of care, service, and confidentiality for our patients. Our personal and professional integrity is our most important quality to maintain an awareness of our ethical obligation.

Each employee affiliated with the Moraine Fire Division shall observe all applicable laws and regulations in business dealings.

We are committed to protecting the confidentiality of Protected Health Information (PHI) and maintaining the information in a secured area.

### **MISSION STATEMENT**

The primary mission of the Moraine Fire Division is to provide a full range of programs and services designed to protect the lives and property of the inhabitants of the City of Moraine from the adverse effects of fires, sudden medical emergencies, or exposure to dangerous conditions created by either man or nature. The Moraine Fire Division will strive to maintain and improve the quality of life of all who live, visit, work, or invest in the communities in which we respond.

### **COMPLIANCE/PRIVACY OFFICER**

The Fire Chief shall serve as the Compliance/Privacy Officer, and may appoint additional personnel to serve as Compliance/Privacy Officers.

The Compliance/Privacy Officer(s) will define, implement, monitor, and enforce our compliance program and the HIPAA privacy regulations. Specifically, the Compliance/Privacy Officer(s) are responsible for ensuring that an appropriate level of compliance activity exists within the organization, patient records and information are maintained in a secure area, and confidentiality is maintained.

The Moraine Fire Division Compliance/Privacy Officers are:

Chief Anthony Trick  
Lt. Toby Matheney



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## **RESPONSIBILITIES OF THE COMPLIANCE/PRIVACY OFFICER**

The Compliance/Privacy Officer shall access and may delegate functions to personnel within the Moraine Fire Division or appropriate consultants when necessary. The Compliance/Privacy Officer(s) will establish procedures for all Moraine Fire Division employees and seek clarifications or make suggestions about the operational effectiveness of the compliance program and all privacy issues. The Compliance/Privacy Officer(s) will administer the program; however, they will rely upon the medical director/advisor and legal advisor for guidance and support.

The medical director/advisor will review the clinical aspects of the Moraine Fire Division's operations. The legal advisor will review all policies to ensure legal compliance. Critically important to compliance is the implementation of the guidelines and procedures for documentation and organization of the medical records.

## **COMPLIANCE/PRIVACY REPORTING**

All employees of the Moraine Fire Division shall follow related policies, procedures, and SOGs related to HIPAA.

We will enforce a strict compliance/privacy program to detect, prevent, and eliminate any violations of the law. Auditing will be periodically conducted to identify any potential abusive or illegal practices.

### ***ALL PARAMEDICS, FIREFIGHTERS, AND OFFICERS OF THE MORaine FIRE DIVISION SHALL REPORT VIOLATIONS.***

Each report will be confidential and no penalty or corrective action will be taken against any employee reporting suspected violations (reference Section 9.7 of the City Personnel and Policy Manual). The reporting form is provided in this manual. Remember, "When in doubt, report it!" You may speak to a supervisor, Compliance/Privacy Officer, or fill out the form (found on the last page of this manual) and address it to the Fire Chief. At the time of hire, all employees of the Fire Division are required to sign House Bill 66 – Fraud Hotline (dtd 4 April 2012 from the Auditor of the State).



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## **PATIENT'S RIGHTS**

The inherent worth and value of each individual patient cannot be understated. Without patients, there is no need for staff or EMS personnel at the Moraine Fire Division.

Our philosophy has been to provide each patient with quality care under a strict code of confidentiality; therefore, it is the responsibility of each employee to see that these basic rights are provided to each patient.

We must keep in mind that we, at times, will be challenged to show compassion, understanding and respect when a patient may be emotionally out of control. A patient, for the very reasons they are seeking our services, may be in a state of anxiety over real or imagined symptoms.

The following basic patient rights shall be honored:

*EACH PATIENT IS TO BE TREATED WITH RESPECT, UNDERSTANDING,  
AND WITH FULL RECOGNITION OF HUMAN DIGNITY AND  
INDIVIDUALITY. EACH PATIENT HAS DIFFERENT NEEDS AND  
EXPECTATIONS.*

*EACH PATIENT SHALL RECEIVE SERVICES, TREATMENT, AND CARE  
THAT IS ADEQUATE, APPROPRIATE, AND IN COMPLIANCE WITH ALL  
STATE AND FEDERAL LAWS, RULES, AND REGULATIONS.*

*EACH PATIENT HAS A RIGHT TO FULL PRIVACY, AND THIS RIGHT SHALL  
NOT BE COMPROMISED AT ANY TIME.*

## **CONFIDENTIALITY**

The protection of Moraine Fire Division information is the responsibility of every employee. We all share a common interest – to make certain that no disclosure is made accidentally or improperly. Never discuss any confidential information with anyone that does not work for the Moraine Fire Division. Such a conversation would be a direct violation of the patient's rights.

***IDLE DISCUSSION WITH FRIENDS AT SOCIAL GATHERINGS ABOUT A PATIENT  
DAMAGING TO THE ORGANIZATION. PRIVACY VIOLATIONS CAN QUICKLY  
SPREAD WITHIN OUR COMMUNITY AND WILL NOT BE TOLERATED. OUR  
PATIENTS MUST HAVE THE TRUST IN OUR ABILITY TO MAINTAIN THEIR  
PRIVACY.***



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### **ACCESS / SECURITY**

No employee or member of the public shall have access to patient's PHI except as provided in this S.O.G. and the Moraine Fire Division PHI Policies and Procedures.

The Moraine Fire Division prohibits the release of PHI to anyone outside the organization unless required for purposes of treatment, payment, or health care operations, or as otherwise required by law. Discussions of PHI within the organization should be limited.

Acceptable uses of PHI include, but are not limited to, exchange of patient information needed for the treatment of the patient, billing, and other essential healthcare operations, peers review, internal audits, review and approval of run sheets, and quality assurance activities.

Access to PHI shall be limited to those who need access to PHI to carry out their duties. By way of example, the following employees shall have access to PHI, and paper records, for the purposes of records maintenance or EMS billing:

- Fire Chief, or his/her designee;
- Deputy Chief(s), or his/her designee;
- EMS Director; and
- Secretary

The following employees shall have access to PHI only as necessary to electronically enter or otherwise submit run sheets:

- Firefighters; and
- Paramedics.

### **PROTECTED HEALTH INFORMATION (PHI)**

The run sheets will be stored in a secured box at each station until they are reviewed for accuracy and processed for medical billing purposes. All EMS run sheets (current year plus one year) will be stored in a in chronological order at Station 30. EMS run sheets will include all related documentation, EKG strips, refusal forms, pictures, and any other documentation related to the patient. Older run sheets are stored at Station 28 in a locked room and in locked filing cabinets. There are limited personnel who have access to the secure room at Station 28: Fire Chief, Fire Inspector, and the Division Secretary. A key to this room is also located in a locked key box which can only be accessed by an Officer of this Division. The Division Secretary is the only one who has access to the secure filing cabinets at Station 28.

The following employees shall have access to the records for the purpose of records maintenance or EMS billing:



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- Fire Chief
- Deputy Chief(s)
- EMS Director
- Secretary

The above members are the only personnel that will have access to the paper records. Likewise, access to the electronic database will be limited. FF/Paramedics who electronically enter run sheets will have access until each run has been reviewed and checked off accordingly.

### **RECORDS REQUEST FOR EMS & FIRE RUN REPORTS**

All requests for EMS and Fire run reports shall be directed to the Clerk of Council for the City of Moraine. He/she will then send a records request for the EMS/Fire run sheet to the Fire Division. The Clerk of Council is responsible for ensuring that all requests are made in the proper manner and that information collected on the incident is sufficient enough to search the database. The Clerk of Council is also responsible for the proper handling and distribution of completed EMS/Fire run sheets in accordance with the establish City of Moraine Fire Division HIPAA Policy and Federal law.

If a police officer requests an EMS or Fire run report after hours, he/she shall complete a HIPAA Compliance Medical Release Request Tracking Form and bring it to the OIC at Station 29. The OIC will fulfill the request and a copy of the request will be placed with the original run sheet. A copy will be sent to the Clerk of Council for filing. A log will be maintained of all released records by the Clerk of Council.

### **RELEASE OF MEDICAL RECORDS**

Identity or medical status of any patient must be kept confidential by law. ***WITHOUT A SIGNED RELEASE STATEMENT BY THE PATIENT, RELEASE OF INFORMATION BY FACSIMILE, TELEPHONE, OR ANY OTHER TYPE OF MEDIA SHALL NOT BE MADE (UNLESS THE REQUESTING AGENCY HAS A SIGNED BUSINESS AGREEMENT (BA) ON FILE).*** If the patient is a minor child, the release must be signed by a parent or guardian; documentation (such as a birth certificate or court order) demonstrating the relationship to the child must be attached to the request. If the patient is a relative of the person requesting the information, the person requesting the records must sign the request; provide proof of medical power of attorney, show a driver's license and all must be attached to the request. **In addition, authorizations for the release of information not signed in the presence of the Clerk of Council must be notarized.** Only information that may be transferred to an emergency physician or other provider for the patient as a result of the delivery of the patient to any medical care facility. Any request that is made in person, a copy of the requestor's driver's license will be attached to the request along with a signature on the request form. The Clerk of Council will keep a log of all records released and to whom and ensure that all information released is in accordance with the establish City of Moraine Fire Division HIPAA Policy and Federal law



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## **TRAINING AND EDUCATION**

### **COMPLIANCE TRAINING**

The primary objective of the compliance/privacy training is to make certain that each employee of the Moraine Fire Division understands all policies relating to a patient's right to privacy. The training will be held annually and be mandatory for all personnel, including the Clerk of Council and Finance personnel who handle EMS reports for records search or EMS billing purposes. This training has two primary purposes:

1. Educating each employee about the Fire Division's commitment to integrity and handling of sensitive PHI information.
2. Specifying what activities are expected and what the employee shall not do in regards to interacting with the police department, hospitals, dispatch center, media and the proper handling of related documents, run sheets, and electronic databases.

### **TRAINING DOCUMENTATION**

All training sessions shall be documented. The training report will include subject matters discussed and will be signed by each participant. Education and training is not a single event but an ongoing process.

### **CORRECTIVE ACTION POLICY / PRIVACY**

When discovered, all documentation errors or disclosure of PHI to unauthorized parties shall undergo an investigation to determine how the error or disclosure was made and corrective measures shall be implemented. Prompt education shall be made and documented for the employee committing the error.

### **DISCIPLINARY ACTION POLICY**

Any violation of this policy shall be subject to the existing progressive disciplinary guidelines of the current Collective Bargaining Agreement and the City Personnel and Policy Manual.

## **DOCUMENTATION POLICY**

### **PATIENT INFORMATION**

At the time of the incident, specific information is essential for accurate and appropriate documentation. The medical data requirements on the patient are extensive and are needed for medical records purposes and the State Incident Reporting System. A business card will be given to each patient treated by the Moraine Fire Division. This business card directs them to



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review our HIPAA policy on the Fire Division website ([www.morainefire.org](http://www.morainefire.org)) and a contact number for EMS billing information.

### **PATIENT REFUSAL**

In the event that a patient refuses to be transported to a medical facility, all attempts must be made to obtain a signature on the refusal form. If no signature is obtained, the crew member will sign and note the patient's refusal to sign the form. Whether the patient refuses to sign or signs the refusal form, two witnesses are required. These witnesses could include the spouse of the patient, police, or anyone present who can indicate that the patient is accepting the consequences of refusing further medical assistance and treatment. If there are not two witnesses at the scene to indicate the patient's refusal, the EMS crew will sign as witnesses. Documentation of the refusal of transport is absolutely essential.

### **EMS RUN SHEET DOCUMENTATION**

#### **DOCUMENTATION REQUIREMENTS**

All records must be documented according to the latest requirements for EMS/Fire services. All information should be accurately collected, reported, and inputted on the Incident Report Form and into the RMS system.

### **OUTSIDE AGENCIES**

Any outside agency has access to or any medical information, regardless of format or media type, must sign a City Business Association Agreement to verify their compliance to the HIPAA laws. The performances of these agencies include, but are not limited the following: EMS billing, electronic updates, electronic system repairs, document destruction, and electronic transfers of data.

### **THIRD PARTY BILLING**

The City of Moraine uses a third party billing company for all EMS transports. The reports generated from this company are kept in the Fire Chief's locked office and cannot be accessed by anyone in the Division unless directed by the Fire Chief.

### **AUDIT**

If the Moraine Fire Division is audited by the State or any other entity, the Fire Chief must ensure that all parties who may have access to PHI have been properly trained on HIPAA compliance and the Moraine Fire Division HIPAA Policy and Procedures.



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**EMS COMPLIANCE, PRIVACY AND OPERATIONS  
ISSUE / CONCERN FORM**

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Nature of Concern:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Action Taken:** \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Compliance/Privacy Officer / Fire Chief:** \_\_\_\_\_