

CONFIDENTIALITY OF MEDICAL INFORMATION AND QUALITY ASSURANCE DATA

#390.00 Page 1 of 2 Orig. Date: 4/88 Revised: 6-15-88

I. <u>AUTHORITY</u>:

Health and Safety (HS) Code 1797.204. The local EMS agency shall plan, implement, and evaluate an emergency medical services system, in accordance with the provisions of this part, consisting of an organized pattern of readiness and response services based on public and private agreements and operational procedures.

Title - 22, California Administrative Code Section 70707(b)(7-8). Patients have rights to "full consideration of privacy concerning the medical care program and confidential treatment of all communications and records pertaining to the care and stay in the hospital.

Evidence Code 1157.7. Application of Section 1157 discovery or testimony prohibitions: application of public records and meetings provisions.

"The prohibition relating to discovery or testimony provided in Section 1157 shall be applicable to proceedings and records of any committee established by a local government agency to monitor, evaluate, and report on the necessity, quality, and level of specialty health services, including, but not limited to, trauma care services, provided by a general acute care hospital which has been designated or recognized by that governmental agency as qualified to render specialty health care services."

Government Code Section 6254. Except as provided in Section 6254.7 nothing in this Chapter shall be construed to require disclosure of records that are any of the following:

"(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy."

II. APPLICATION:

This policy defines the requirements for the confidential treatment of all prehospital care medical records and other designated providers records that are assembled by the Orange County Emergency Medical Services (OCEMS) for the purpose of data compilation and/or quality improvement (QI) review and the process for release of data.

III. REQUIREMENTS:

- A. Patient medical records and files which identify the individual patient and the disclosure of which would constitute an unwarranted invasion of privacy are exempt from the requirement of public disclosure.
- B. All health care providers submitting data to the OCEMS for the purpose of monitoring the quality of prehospital and hospital care are prohibited from disclosing, to the public, medical information as submitted regarding a specific patient without authorization of that patient.
- C. The records and files and medical information requested and utilized by the OCEMS Quality Assurance Board (QAB) to monitor the quality and level of care, shall be confidential and the information contained in each medical record shall be exempt from public disclosure.
- D. Except as required by law, the OCEMS shall not release any information obtained from a patient medical record or file except as authorized by the patient or the patient's representative prior to disclosure of the applicable information.

Approved:

P/P: 390.00

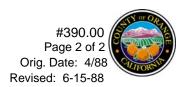
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- E. OCEMS records which do not readily identify specific patients and which are generated and used strictly for QI review may be maintained as confidential while within the quality assurance process of the OCEMS.
- F. Distribution of medical records shall be limited to designated individuals approved by the OCEMS Program Director and/or the Medical Director.
- G. All requests for release of patient medical records filed with the OCEMS shall be referred to the OC Health Care Agency (HCA) Custodian of Records.
- Н. All patient medical records and QI study/audit files shall be maintained in secured file cabinets with accessibility limited to those individuals exempt from public disclosure as provided by Evidence Code 1157 and designated by the OCEMS Program Director and/or Medical Director.

RELEASE OF DATA PROCESS: IV.

- A. Release of patient related or QI data and information:
 - In response to a subpoena: Staff will immediately notify the OCEMS Program Director when an attempt is made to serve a subpoena to the OCEMS and/or an individual. The Program Director, or designee, will immediately send written notification to the Custodian of Records. (Place requested information in a sealed envelope, and place the envelope and contents in a second envelope, seal, stamp confidential, address and send through the pony mail to the custodian.)
 - 2. In response to a phone call: Inform the caller that all requests for information must be submitted in writing and sent to the OCEMS Program Director.
- B. QAB minutes, data and studies.
 - 1. Minutes of the QAB will be recorded by the Board of Supervisors designated staff member.
 - 2. Minutes of the QAB will be stamped confidential and distributed to each member seven days prior to the meeting date.
 - 3. QAB information/data/studies designated as confidential will be distributed at the QAB meeting to Board of Supervisors' appointed members and staff, only.

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APPLICATION FOR ACCESS TO EMS DATA FILES

(To Conduct Study)

TO: FROM: DATE:		EMS QUALITY ASSURANCE BOARD
1.	Study	subject:
- 2.	Study	sponsor/contact (name & phone #):
- 3.	Purpo	ose and scope of the study:
- 4.	Defin	e EMS data requested for the study:
- 5.	Antici	pated EMS data preparation hours required:
- 6.	Revie	ewer(s) names requesting access to EMS data files:
- 7.	Antici	pated start and completion date of the study:
- 8.	Antic	cipated date for the Quality Assurance Board (QAB) review of study design and results:
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9.	Does the sponsor anticipate publishing)?						
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	If yes, list publication and anticipated date of submission:							
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10.	. Attach study design to this application:							
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	e study sponsor will be responsible for the a utilized during the data review time.	pproved EMS dat	a reviewer(s). The	OCEMS staff will no				
All	study participants agree that the individual p			ed from the OCEMS				
offi	office nor copied, and will be maintained in a confidential manner.							
Sig	gnature of Study Sponsor							
		<u>Date</u>	<u>Approved</u>	Disapproved				
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1.	Application reviewed by QAB:							
2.	Study design reviewed by QAB:							
2	Children and the residence of his OAD.							
3.	Study results reviewed by QAB:							
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	Study ap	opiovea	Date Approv	ved				

Date Not Approved