

A New Resource

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**Page
Wolfberg
& Wirth**
The National EMS Industry Law Firm™

An Imaginary Barrier
How HIPAA Promotes Bidirectional Patient
Data Exchange With Emergency Medical
Services

Prepared for: **NEMSIS** BY: **Page Wolfberg & Wirth**


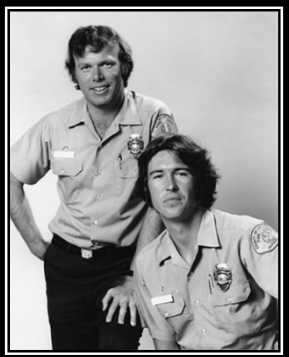
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Over 20 Years



The National EMS Industry Law Firm®

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**LOS ANGELES COUNTY
FIRE DEPT.
PARAMEDIC**

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April 14, 2003



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The Biggest Change

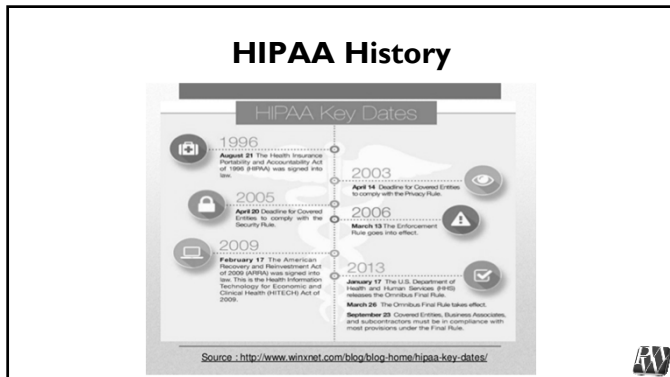


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Then, the phone call...



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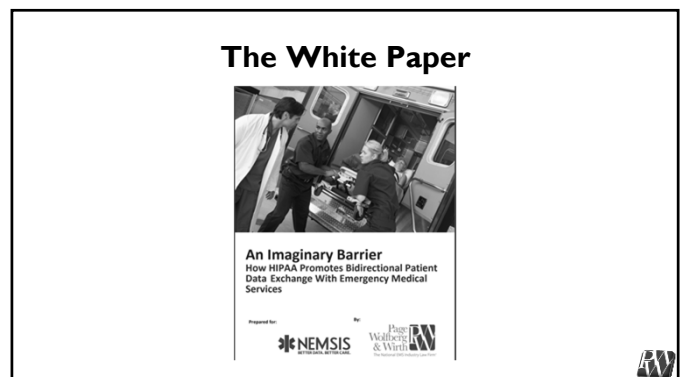
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Objectives of the White Paper

- Establish why bidirectional sharing is critical in today's
- Explain how the HIPAA Privacy Rule and Federal HIPAA enforcement agencies permit and promote bidirectional patient information sharing
- Address how the HIPAA Security and Breach Notification Rules adequately address stated fears about the security



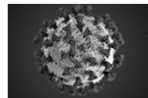
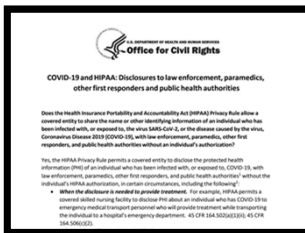
Why It's Critical



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Why It's Critical



<https://www.hhs.gov/sites/default/files/covid-19-hipaa-and-first-responders-508.pdf>



Why It's Critical



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It's Endorsed by the Office of the National Coordinator



How HIPAA and Federal Agencies Permit & Promote Bidirectional Patient Data Sharing



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Treatment

- “The provision, coordination, or management of health care and related services by one or more providers, including the coordination or management of health care by a provider with a third party; consultation between providers relating to a patient; or the referral of a patient for care from one provider to another.”

Treatment

- No patient consent necessary
- Can be current or prospective treatment



Healthcare Operations

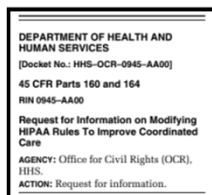
Conducting quality assessment and improvement activities
Developing clinical guidelines
Conducting patient safety activities as defined in applicable regulations
Conducting population-based activities relating to improving health or reducing health care cost
Developing protocols
Conducting case management and care coordination (including care planning)
Contacting health care providers and patients with information about treatment alternatives

2012 Letter from HHS to National Association of EMS Physicians....



“Hospital[s] may share patient health outcome information with the EMS practitioner for certain health care operations activities of the EMS practitioner, such as quality improvement activities, as long as both entities have (or have had in the past) a relationship with the patient in question.”

OCR May Require Sharing....



<https://www.govinfo.gov/content/pkg/FR-2018-12-14/pdf/2018-27162.pdf>

What About Security?

[illegible]

That Means EMS Agencies Must Have...

- Access permissions
- Workforce authorization, training and sanctions
- Workstation and device security
- Access controls (user IDs, passwords, auto logoffs)
- Audit controls
- Integrity controls
- Transmission security



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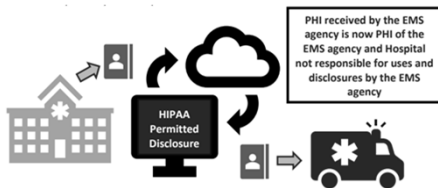
What About Breaches of PHI?

- PHI is individually identifiable information that is created or received by a healthcare provider
- 45 CFR § 160.103



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Breaches of the EMS Provider are NOT Breaches of the Hospital



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