

**CITY OF CHARLESTON, WEST VIRGINIA
EMERGENCY MEDICAL SERVICES
NOTICE OF PRIVACY PRACTICES**

EFFECTIVE DATE: April 14, 2003

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

WHO WILL FOLLOW THIS NOTICE?

This Notice describes the practices that will be followed by the City of Charleston, West Virginia, Fire Department, Emergency Medical Services ("EMS") and the practices that will be followed by all EMS professionals, employees, agents and subcontractors who handle your medical information.

OUR PLEDGE REGARDING YOUR PROTECTED HEALTH INFORMATION

EMS understands that medical information about you and your health is personal. We are committed to protecting medical information about you to the extent reasonably possible while acknowledging that the emergent nature of our services requires us to operate in a manner that gives your health and safety our primary consideration. We maintain our records and conduct our treatment environment with a goal of providing the highest level of protection for your health information consistent with the highest level of emergency medical services. This Notice applies to all of the records of your medical care which are received or created by EMS, including patient care reports (i.e., "trip sheets"), dispatch information received by EMS, EMS call intake records, etc. If you refuse care and transportation upon our arrival, the document acknowledging such refusal, which you must sign, will also be covered.

Your other medical treatment providers (e.g., doctors, hospitals, home health agencies, etc.) may have different policies or notices regarding the use and disclosure of your medical information.

This Notice will tell you about the ways in which EMS may use and disclose health information about you. Your medical information, also referred to as protected health information, is that information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health information and related health care services. In this Notice, we also describe your rights and certain obligations EMS has regarding the use and disclosure of protected health information. We are required by law to:

- * make sure that medical and other information that identifies you (protected health information) is kept private;
- * give you this Notice of our legal duties and privacy practices with respect to protected health information about you; and
- * comply with the Notice that is currently in effect.

USES AND DISCLOSURES FOR TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS

By becoming a patient of EMS, you are giving consent for EMS to use your protected health information for certain activities, including treatment, payment and other health care operations. EMS is not required to obtain your consent for uses and disclosures of protected health information for treatment, payment and operation functions. EMS will take reasonable steps to advise you as to our privacy policies and to obtain your acknowledgement and consent regarding those policies if possible either prior to, during or after you access our services depending upon your particular circumstances.

1. Treatment

First of all, we may use and disclose protected health information about you so that EMS and its medical professionals can treat you. For example, we may obtain information from other medical providers about you so that we can be fully aware of your medical history. We may also provide protected health information about you to other medical providers, including first response agencies or the hospital to which you are transported (if you have or have had a relationship with the hospital and the information pertains to the relationship), who may assist us with, or consult with us about, your medical treatment.

2. Payment

We may also use and disclose protected health information about you so that we may be paid for the medical treatment we provide you. For example, we may provide information about your medical treatment to your health insurance company or other payor so that we can receive payment for the treatment we have provide you or comply with the policies of the health insurance company or other payor.

3. Health care operations

We may also use and disclose protected health information about you for EMS health care operations, in other words, those other tasks that we need to perform to deliver the highest quality of medical services to you. For example, we may use information about your service to evaluate the quality of services rendered to you by our emergency medical service professionals. We may also use your protected health information for purposes of obtaining and maintaining any licensure, certification, accreditation, or other medical or professional qualifications.

4. Specific uses and disclosures

The following uses and disclosures of your protected health information may be made without any additional authorization from you. (Not every use or disclosure is listed, but be assured that all uses and disclosures made by EMS are only those which are permitted under the law):

USES AND DISCLOSURES FOR SCHEDULED TRANSPORTS, EMERGENT TRANSPORTS AND OTHER SERVICES

We may contact you to provide you with a reminder of any scheduled appointments for non-emergency ambulance and medical transportation, to obtain information related to emergency medical services and transportation, or for other information about alternative services we provide or other health-related benefits and services that may be of interest to you.

USES AND DISCLOSURES TO OTHERS INVOLVED IN YOUR HEALTH CARE

We may disclose to a member of your family, a relative, a close friend, or any other person you identify or who is acting on your behalf, your protected health information that directly relates to that person's involvement in your medical care or in your accessing emergency medical services and non-emergent medical transportation. We may disclose such information as necessary to serve your best interests based on our professional judgment. We may also use or disclose protected health information to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care of your location, general condition, or death. Finally, we may use or disclose your protected health information to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your health care.

USES AND DISCLOSURES IN EMERGENCY SITUATIONS

We may use or disclose your protected health information in an emergency treatment situation. In an emergency treatment situation, we may immediately act to provide emergency medical services and use and disclose protected health information to obtain other services for you without first obtaining your consent. If this happens, your physician will attempt to obtain your acknowledgment of this Notice as soon as reasonably practicable after the delivery of treatment.

USES AND DISCLOSURES FOR HEALTH-RELATED BENEFITS OR SERVICES

From time to time, EMS may use and disclose protected health information to tell you about certain health-related benefits or services that may be of interest to you.

USES AND DISCLOSURES REQUIRED BY LAW

We will use or disclose protected health information about you when required to do so by federal, state, or local law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, if the law requires us to do so, of any such uses or disclosures. We must make disclosures to you when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the law.

USES AND DISCLOSURES FOR PUBLIC HEALTH ACTIVITIES

We may disclose your protected health information for public health activities and disclosure for such purposes will be to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for purposes such as controlling disease, injury or disability. Disclosures to public health authorities may include disclosure to a foreign authority that is working with the public health authority.

USES AND DISCLOSURES RELATED TO COMMUNICABLE DISEASES

We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition in a manner that is consistent with applicable federal and state laws.

DISCLOSURES FOR HEALTH OVERSIGHT ACTIVITIES

We may disclose protected health information to a health oversight agency for activities authorized by law. These activities include, for example, audits, investigations, and inspections. These activities are necessary for the government to monitor the health care system, the delivery of health care, government benefit programs, other government regulatory programs, civil rights laws and compliance with applicable federal and state laws.

DISCLOSURES OF ABUSE OR NEGLECT

We may disclose your protected health information to a public health authority authorized by law to receive reports of abuse or neglect to children or to adults. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to a governmental entity or agency authorized to receive such information. In such cases, the disclosure will only be made in accordance with West Virginia law.

DISCLOSURES TO THE FOOD AND DRUG ADMINISTRATION

We may disclose your protected health information to a person or company required by the Food and Drug Administration (FDA) to report adverse events, product defects or other problems, biologic product deviations, track products; to enable product recalls; to make repairs or replacements; or to conduct post-market surveillance, as required.

DISCLOSURES FOR LAWSUITS AND DISPUTES

We may disclose protected health information about you in response to a court order or administrative order. We may also disclose protected health information about you in response to a subpoena, discovery request, or other lawful process in a manner that is consistent with applicable federal and state laws, but only after efforts have been

made to tell you about the request at the most recent address you have provided to EMS so that you can take any actions you feel are appropriate to protect your interests.

DISCLOSURES TO LAW ENFORCEMENT

We may release protected health information if asked to do so by a law enforcement official, as required by federal and state law, in response to a court order, subpoena, warrant, summons, or similar process in a manner consistent with applicable federal and state laws. Other related disclosures may include disclosures relating to individuals who are Armed Forces personnel, to national security and intelligence agencies, as well as disclosures to authorized federal officials for the protection of the President of the United States or other authorized persons or foreign heads of state.

DISCLOSURES TO CORONERS, FUNERAL DIRECTORS, AND ORGAN DONATION

We may disclose protected health information about you to a coroner or medical examiner for identification purposes, determining cause of death, or for the coroner or medical examiner to perform other duties required by law. We may also disclose protected health information about you to a funeral director in order to permit the funeral director to carry out legal duties, and may do so if death is reasonably anticipated. Your protected health information may also be disclosed for certain organ donations to which you may have agreed.

DISCLOSURES FOR RESEARCH

We may disclose your protected health information to researchers when their research has been approved and protocols have been established to ensure the privacy of your information. We may also disclose a limited portion of your information, as allowed under the law, for research purposes.

DISCLOSURES RELATED TO CRIMINAL ACTIVITY

We may disclose your protected health information in a manner consistent with federal and state laws, if we believe that the use or disclosure is necessary to prevent or lessen a serious or imminent threat to the health or safety of a person or the public, or if it is necessary for law enforcement authorities to identify or apprehend an individual.

DISCLOSURES FOR WORKERS' COMPENSATION

We may release protected health information about you for workers' compensation, social security disability, federal black lung and similar programs. These programs provide benefits for work-related injuries or illness. If you do not agree with any of the uses of protected health information, you must request a specific limitation on the above uses in writing to our office.

FUNDRAISING

We may contact you when we are in the process of raising funds for EMS.

YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION ABOUT YOU.

Right to Inspect and Copy. You have the right to inspect and copy protected health information that may be used to make decisions about your medical care. Usually this right includes both medical and billing records. You must submit your request in writing. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. Your request to inspect and copy your information may be denied under certain circumstances and you have a right to request that any such denial be reviewed.

Right to Request Restrictions. You have the right to request that we restrict the use and disclosure of your protected health information for treatment, payment and health care operations. *We are not required to agree to your request.* If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment unless there is an exception requiring such use or disclosure. To request restrictions, you must make your request in writing to the Privacy Official of EMS. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure, or both; and (3) to whom you want the limits to apply.

Right to Confidential Communications. You also have the right to request to receive private health information communications (such as test results, appointment reminders, etc.) by alternative means or at alternative locations. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request in writing to the Privacy Official of EMS. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

Right to Amend. If you feel that the protected health information we have about you is incorrect or incomplete, you have the right to request that your protected health information be amended. Only the health care entity (e.g., doctor, hospital, clinic, etc.) that created your protected health information is responsible for amending it. For more information regarding the procedures for submitting such a request, contact the Privacy Official of EMS.

Right to an Accounting of Disclosures. You have a right to an accounting of disclosures of your protected health information, for purposes other than treatment, payment or health care operations by EMS or any of the people or companies who perform treatment, payment or health care operations on our behalf. To request this list of disclosures we made of protected health information about you, you must submit a request in writing to the Privacy Official of EMS. Your request must state a time period which may not be longer than six (6) years prior to the date of your request and may not include dates before April 14, 2003. Your request should indicate the form in which you want the list (for example, on paper or electronically). EMS may charge a reasonable fee to you for providing this information to you according to its current policies.

Right to a Paper Copy of this Notice. You have the right to a paper copy of this Notice. You may ask us to give you a copy of this notice at any time.

* To obtain a paper copy of this Notice, contact the Privacy Official of EMS at the address or telephone number specified below.

To learn more about these procedures, or to make any of these requests, you should contact:

- * You may obtain a copy of this notice at our website: www.cityofcharleston.org
- * To obtain a paper copy of this notice, contact:

**Grant Gunnoe, Privacy Official
Charleston Fire Department
City of Charleston
808 Virginia Street, East
Charleston, West Virginia 25302
(304) 348-8198**

CHANGES TO THIS NOTICE

EMS reserves the right to change this notice. We reserve the right to make the revised or changed Notice effective for protected health information we already have about you, as well as any information we create or receive in the future. We will post a copy of the current notice on the City of Charleston's website: www.cityofcharleston.org. The Notice will contain, in the top right-hand corner, the effective date.

COMPLAINTS

If you believe your privacy rights have been violated and/or that EMS has not followed this policy, you may file a complaint with EMS's Privacy Official or with the Secretary of the Department of Health and Human Services. To file a complaint with EMS, contact the Privacy Official of EMS at the above address and telephone number. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

OTHER USES OF PROTECTED HEALTH INFORMATION

Other uses and disclosures of your protected health information not covered by this notice or the laws that apply to EMS will be made only with your written permission ("authorization"). If you provide us permission to use or disclose protected health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose protected health information about you for the reasons covered by your authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the medical treatment or other services that we have provided to you.

QUESTIONS?

If you have any questions regarding this notice, please contact the Privacy Official of EMS at the above address and telephone number.

**CITY OF CHARLESTON, WEST VIRGINIA
EMERGENCY MEDICAL SERVICES
PATIENT ACKNOWLEDGMENT FORM**

Our Notice of Privacy Practices (Notice) provides information about how we may use and disclose protected health information about you. You have the right to receive and review our Notice before signing this acknowledgment. As provided in our Notice, the terms of our Notice may change. If we change our Notice, you may obtain a revised copy.

By signing this form, you acknowledge that you have been informed of our uses and disclosures of protected health information about you for all of the purposes set out in our Notice.

By signing this form, you also acknowledge that a copy of our Notice has been provided to you, that you understand the contents of our Notice and how it applies to you, and that all of your questions regarding the contents of our Notice have been answered.

Date

Name

Effective Date