



HIGHLAND PARK FIRE DEPARTMENT

POLICY MANUAL

POLICY #31



HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 – PRIVACY COMPLIANCE	EFFECTIVE	01/OCTOBER/2003
	REVISED	29/OCTOBER/2020

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1.0 Purpose

1.1 To provide the required compliance with the Health Insurance Portability and Accountability Act of 1996 (hereinafter referred to as HIPAA).

2.0 Responsibility

2.1 It is the responsibility of all personnel to know and understand all aspects of this Policy.

3.0 Privacy Officer

3.1 The Deputy Fire Chief is designated as the Privacy Officer. The Privacy Officer is responsible for overseeing all activities related to the development, implementation, and maintenance of the Highland Park Fire Department’s policies and procedures covering the privacy of patient health information. The Privacy Officer serves as the key compliance officer for all federal and state laws that apply to the privacy of patient information, including HIPAA. The Privacy Officer is tasked with the responsibility of ensuring that all of the Department’s patient information privacy policies and procedures related to the privacy of, and access to, patient health information are followed. Duties and responsibilities of the Privacy Officer include:

- 3.1.1 Developing policies and procedures on employee training related to the privacy of patient health information and protected health information;
- 3.1.2 Developing policies on the security of health care information, including computer and password security and patient data integrity;
- 3.1.3 Overseeing, directing, delivering, and ensuring the delivery of initial and ongoing privacy training and orientation to all employees and trainees, in accordance with Section 6.0 of the Policy;
- 3.1.4 Serving as the contact person for the dissemination of protected health information to other entities;
- 3.1.5 Serving as the contact person for patient complaints and requests;
- 3.1.6 Processing patient requests for access to and amendment of health information and consent forms;



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- 3.1.7 Processing all patient accounting requests;
- 3.1.8 Ensuring the capture and storage of patient protected health information for the minimum period required by law;
- 3.1.9 Ensuring the Fire Department's service compliance with all applicable Privacy Rule requirements;
- 3.1.10 Cooperating with state and federal government agencies charged with compliance reviews, audits, and investigations;
- 3.1.11 Responding to inquiries from employees and/or the public regarding HIPAA and/or the Department's compliance with HIPAA; and
- 3.1.12 Documenting all aspects of the Department's compliance with HIPAA

4.0 Disclosure of Protected Health Information

- 4.1 HIPAA provides that Health Care Providers such as the Highland Park Fire Department ("Highland Park Fire Department," "Fire Department," or "Department") must take certain measures to protect personal information about a patient's health, condition, and treatment. Health Information is defined as "information, whether oral or recorded in any form or medium that:
 - 4.1.1 Is created, received, or accessible by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and
 - 4.1.2 Relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual."
- 4.2 Protected Health Information (PHI) under HIPAA means *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 that reasonably could be expected to allow individual identification (address, age, sex, etc.).
 - 4.2.1 Sources of PHI include, but are not limited to:
 - 4.2.1.1 Patient Care Reports
 - 4.2.1.2 Incident Reports with Patient Information
 - 4.2.1.3 Notes of Patient Contacts
 - 4.2.1.4 Billing Information and Claim Forms
- 4.3 PHI may not be released without the patient's consent, except for the following purposes:
 - 4.3.1 For Treatment. This situation includes information reported by the Dispatcher to responding personnel, information disclosed during the course of treatment, information relayed to Medical Control by Emergency Medical Service (Emergency Medical Services) personnel in the field, and patient reports given upon transfer of care to hospital personnel when delivering a patient. In this situation, all PHI regarding a patient and his/her condition may be disclosed.
 - 4.3.2 For Payment. This includes disclosure to the Department's billing service, and any insurance companies. In this situation, reasonable efforts must be made to limit the PHI disclosed to the minimum amount necessary to accomplish the intended purpose of the disclosure—this is termed the "Minimum Necessary" rule.
 - 4.3.3 For Operations. This includes disclosure for Quality Assurance purposes, credentialing, training, audits, investigations, inspections, licensing, and records maintenance and retrieval purposes. In this situation, the "Minimum Necessary" rule applies.



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- 4.3.4 For the purposes of preventing a threat to another person's health or safety. In this situation, the "Minimum Necessary" rule applies.
- 4.3.5 For the purposes of monitoring drugs or devices controlled by the Food and Drug Administration.
- 4.3.6 As required in order to report situations of abuse, neglect, or domestic violence to an appropriate government agency. In this situation, the "Minimum Necessary" rule applies.
- 4.3.7 To inform a family member, relative, or friend that is involved with a patient's care or payment for care about the patient's location, general condition, or death. If a patient does not wish the Department to make such disclosure in this instance, the patient is requested to notify the Fire Department of such in writing.
- 4.3.8 To assist in disaster relief efforts, in order to notify family members or others of a patient's location, general condition, or death due to disaster.
- 4.3.9 In response to an order of court or subpoena, provided that such court order or subpoena must be under the signature of an "independent judicial officer" (the Court Clerk is generally recognized to meet this requirement), and must be in compliance with the provisions of 45 CFR 164.512(e), as reasonably determined by the Highland Park Fire Department's Privacy Officer. In this situation, only that information required by the court order or subpoena may be disclosed.
- 4.3.10 In response to a law enforcement officer's request for PHI for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person. In this situation, the only information that may be disclosed is:
 - 4.3.10.1 The patient's name and address,
 - 4.3.10.2 The patient's date and place of birth,
 - 4.3.10.3 The patient's social security number,
 - 4.3.10.4 The patient's ABO blood type and rh factor,
 - 4.3.10.5 The patient's type of injury,
 - 4.3.10.6 The date and time of treatment,
 - 4.3.10.7 The date and time of death, if applicable, or
 - 4.3.10.8 A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.
 - 4.3.10.9 In response to a law enforcement officer's request for PHI about a patient who is, or who is suspected to be, the victim of a crime, and which patient is unable to agree to the disclosure because of incapacity or other emergency circumstances, provided that: the law enforcement official represents that such information is needed to determine whether a violation of law by a person other than the patient has occurred, and such information is not intended to be used against the victim/patient.
 - 4.3.10.10 The law enforcement official represents that immediate law enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure, or
 - 4.3.10.11 The disclosure is in the best interests of the individual as determined by the professional judgment of the Highland Park Fire Department employee(s) that provided service to the victim/patient. In these situations, the "Minimum Necessary" rule applies.
- 4.3.11 If necessary to alert a law enforcement official of the death of an individual if there is reasonable suspicion that such death may have resulted from criminal conduct. In this situation, the "Minimum Necessary" rule applies.



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- 4.3.12 If necessary to alert a law enforcement official about PHI which the discloser in good faith believes constitutes evidence of criminal conduct that occurred on the premises of the City of Highland Park. In these situations, the “Minimum Necessary” rule applies.
- 4.3.13 If necessary to alert a law enforcement official to:
 - 4.3.13.1 The commission and nature of a crime,
 - 4.3.13.2 The location of such crime or of the victim(s) of such crime, and
 - 4.3.13.3 The identity, description, and location of the perpetrator of such crime.In these situations, the “Minimum Necessary” rule applies.
- 4.3.14 If necessary to disclose PHI to a coroner or medical examiner for so that official may identify a deceased person, determine cause of death, or perform other duties as authorized by law. In these situations, the “Minimum Necessary” rule applies.
- 4.3.15 If necessary to disclose PHI to funeral directors, consistent with applicable law, so that they may carry out their duties with respect to the decedent. This includes disclosure to funeral directors prior to, and in reasonable anticipation of, the individual’s death. In these situations, the “Minimum Necessary” rule applies.
- 4.3.16 If necessary to disclose PHI to an organ-procurement organization or other entity engaged in the procurement, banking, or transplantation of cadaveric organs, eyes, or tissue for the purpose of facilitating organ, eye, or tissue donation and transplantation. In these situations, the “Minimum Necessary” rule applies.
- 4.3.17 If necessary to comply with workers’ compensation laws that provide benefits for work-related injuries or illnesses. In these situations, the “Minimum Necessary” rule applies.
- 4.3.18 To comply with orders of government authorities to disclose health information to those authorities about a member of the Armed Forces, or a member of the national security or intelligence communities. In these situations, the “Minimum Necessary” rule applies.
- 4.3.19 To comply with orders of authorized federal authorities to disclose health information to those authorities for national security and intelligence activities. In these situations, the “Minimum Necessary” rule applies.
- 4.3.20 As necessary for required security clearance. In these situations, the “Minimum Necessary” rule applies.
- 4.3.21 Is required to a correctional institution or law enforcement official that has custody of a patient. In these situations, the “Minimum Necessary” rule applies.
- 4.3.22 To researchers under certain limited circumstances that may be required under federal and state laws and rules. In these situations, the “Minimum Necessary” rule applies.
- 4.4 Fire Department personnel shall take all measures necessary and possible to prevent unauthorized disclosure of PHI. These measures shall include, but are not limited to, the following:
 - 4.4.1 Personnel shall not intentionally obtain or view PHI regarding patients for whom they do not provide care or for whom they do not need to view or obtain such information, unless allowed or required by law.
 - 4.4.2 Personnel shall not leave documents containing PHI in a conspicuous location such that unauthorized personnel may view the information.
 - 4.4.3 Each employee shall maintain a password for access to the Highland Park Fire Department’s FireHouse Software program, and shall maintain the confidentiality of that password. If an employee learns or suspects that another person has knowledge of his/her password, then the employee shall change the password.
 - 4.4.4 Upon completion of an emergency medical service incident, employees shall prepare an incident report and a patient care report. Immediately upon completion of all reports for an incident, such



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completed reports shall be deposited in the inter-office envelope for transmittal to the Fire Department offices. Station officers are responsible for assuring the security of this envelope. At no time shall any employee view any reports in the envelope that may contain PHI for patients for whom the employee did not provide service, except that company officers or shift commanders may review the reports of their direct subordinates for purposes of quality assurance, verifying accuracy, or identifying potential errors in the reports. Once a supervisor views PHI, they shall then take all reasonable measures to protect that information from disclosure.

- 4.4.5 Any notes taken by EMT-B or Paramedic employees that contain PHI are to be either shredded, attached to the patient care report left with the patient, attached to the patient care report submitted to the Department, or maintained in a secure location by the employee.
- 4.4.6 The Highland Park Hospital Emergency Medical Services System may receive copies of patient care reports for statistic-gathering and quality-assurance/improvement purposes. Upon completion of patient care reports at the emergency room, the Emergency Medical Services System copies of the reports shall be deposited in a locked, secure receptacle located in the emergency room for that purpose. Should a patient be transported to an out-of-system hospital, or a hospital that has no such receptacle, the System's copy of that report shall be submitted to the Fire Department office along with the other usual documentation so that such System copy can be forwarded to the EMS System in a secure manner.
- 4.4.7 All desk and/or filing cabinet drawers containing PHI shall be locked whenever they are not in use or being directly supervised by the office staff of the Highland Park Fire Department. Non-current records may be kept in box storage, however such boxes shall be kept in a storage room that is locked at all times.
- 4.4.8 When PHI is being released through electronic medium such as teleconference, video feed, or over the Internet, Highland Park Fire Department personnel shall treat the protection of PHI in the same manner as PHI recorded on paper, securing and limiting access to the PHI to authorized personnel only.
- 4.4.9 If PHI is stored on diskettes, CD-ROM, or other removable data storage media, it cannot be commingled with other electronic information.
- 4.4.10 As long as reasonable and good faith efforts are made to protect PHI, any disclosure of PHI which is unavoidable and incidental to the necessary provision of emergency services, or to the efficient operation of the Department offices, is considered inevitable and does not constitute violation of HIPAA privacy rules or this Policy.
- 4.5 The Fire Department may release PHI to Paramedic Billing Services, Inc. (PBS) for the purposes of billing for services. PBS shall be considered to be a Business Associate of the Highland Park Fire Department, and a valid Business Associate agreement that complies with the requirements of HIPAA shall be maintained between PBA and the Fire Department. PBS, as part of the Agreement with the Highland Park Fire Department, agrees to comply with the provisions and requirements of HIPAA.
- 4.6 Any disclosure of PHI other than those allowed under Sections 4.3.1 through 4.3.21 of this Policy shall be documented using HPFD Form HIPAA-DAL-4-03 (Disclosure Accounting Log). This form shall be utilized to assure compliance with Section 6.6 of this Policy and its sub-sections.

5.0 Notice of Privacy Practices and Acknowledgement Form

- 5.1 The Highland Park Fire Department shall publish a Notice of Privacy Practices (NPP), which shall advise patients, and the public in general, how PHI may be used, and what rights patients have regarding their PHI. The following describes how the NPP is used and displayed:
 - 5.1.1 A copy of the NPP shall be displayed in a conspicuous place at each fire station of the Highland Park Fire Department. The display version of HPFD Form HIPAA-NPP-4-03 shall be used for this purpose.



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- 5.1.2 A copy of the NPP shall be accessible from the Highland Park Fire Department's Web Site, which can be accessed from the City of Highland Park's web site at www.cityhpil.com.
- 5.1.3 During regular business hours of the Highland Park Fire Department, a copy of the NPP may be obtained from the Fire Department office.
- 5.1.4 Within each ambulance of the Highland Park Fire Department, a notice shall be displayed advising patients that they may request information regarding how their medical information is protected and may be disclosed, as well as what the patients' rights are.
 - 5.1.4.1 When such a request for information is made to ambulance personnel, the personnel shall provide a copy of the handout version of HPFD Form HIPAA-NPP-4-03.
 - 5.1.4.2 When providing a copy of HPFD Form HIPAA-NPP-4-03 to a patient or a patient's representative, personnel shall also fill-out and obtain a signature on the appropriate sections of the Highland Park Patient Signature Form (HPF-56). Such acknowledgement form shall be included in the documentation of the incident submitted to the Fire Department office. Additionally, the date that the NPP was given to the patient shall be documented in the FireHouse software patient report form, in the User Fields section created for this purpose.
- 5.1.5 The Highland Park Fire Department shall provide a copy of the NPP to each patient at the time of service if such patient has not previously received a copy of the NPP; and the Department shall attempt to obtain acknowledgement of the patient's receipt of the NPP.
 - 5.1.5.1 When providing a copy of HPFD Form HIPAA-NPP-4-03 to a patient or a patient's representative, Fire Department personnel shall fill-out, and obtain initials and a signature in the appropriate sections of, the Highland Park Fire Department Patient Signature Form. Such acknowledgement form shall be included in the documentation of the incident submitted to the Fire Department office. Additionally, the date that the NPP was given to the patient shall be documented in the FireHouse Software patient report form, in the User Fields section created for this purpose in the Patient/Victim report.
 - 5.1.5.2 For those patients not transported because they are deceased, the NPP shall be left with the family of the decedent or another person on the scene who can forward the form to the family, and the appropriate section of the Patient Signature Form shall be completed, indicating the name of the person with whom the form was left.
 - 5.1.5.3 In the event that the patient is physically or mentally incapable of receiving the NPP and signing the acknowledgement of receipt, and there is no representative to do so, then a NPP may not be provided to the patient at the time of service.
 - 5.1.5.3.1 In such instance, the date for receipt of the NPP shall not be entered into the FireHouse Software patient report form.
 - 5.1.5.3.2 In this situation, the Highland Park Fire Department shall mail the NPP to the patient as soon as is reasonably practicable following the treatment and transport.
 - 5.1.5.3.3 The Department shall make a reasonable effort to obtain written acknowledgement of the receipt of the NPP by the patient.
 - 5.1.5.3.4 The following procedure shall be used to identify patients to whom the NPP is to be mailed, as well as the procedure for mailing the NPP and receiving the Acknowledgements:
 - 5.1.5.3.4.1 Prior to processing EMS reports in the Fire Department office, the FireHouse Software Report "HIPAA Notices Needing to be Sent" (the "Report") shall be run for the dates that coincide with the Emergency Medical Services reports being processed. This report lists all patients entered in the FireHouse EMS module for incidents



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during the entered time period who were not given NPP pamphlets at the time of service.

5.1.5.3.4.2 A handout version of the Notice of Privacy Practices (HPFD Form HIPAA-NPP-4-03) and a mailing version of the Acknowledgement of Receipt form (HPFD Form HIPAA-NPP-4-03 Mailing Acknowledgement, which will also automatically print-out for each patient needing one when the "Report" is run) shall be mailed to those patients (or family members for deceased patients) listed on the "Report." These can be sent alone in an envelope, with a Departmental "Get Well" card, or with a departmental condolence card, as appropriate. If the automatically-generated envelope is used to mail the NPP and acknowledgement, then care must be taken to add "The Family of" or "The Parents or Guardians of" to the addressee on the envelope when appropriate to do so.

5.1.5.3.4.2.1 The date the NPP and acknowledgement form are mailed shall be handwritten in the "date HIPAA Notice Sent" space on the printout of the "Report." This indicates the date the NPP was sent to the patient, not necessarily the date they received it in the mail.

5.1.5.3.4.2.2 The paper copy of the "Report," with the HIPAA notice date entered, shall be kept in the Department's filing cabinet with the EMS incident reports.

5.1.5.3.4.2.3 When the signed Acknowledgement form is received back from the patient, it shall be stapled to the documentation of the incident for which the NPP was mailed, and shall remain part of the documentation for that incident.

5.1.6 If the Highland Park Fire Department Patient Signature Form cannot be signed by the patient or representative for any reason, the EMT or Paramedic shall document the reason and provide a signature in the appropriate sections of the form.

5.1.7 Once a patient receives a copy of the NPP, it is not necessary to provide that patient with another copy unless the patient specifically requests one, even if additional service is provided to that patient in the future. The exception to this is that, if the NPP form is modified, then all patients are to receive copies of the modified form at the time of receipt of service, as described within this policy.

6.0 Patients' Rights

6.1 Protection of PHI. The Fire Department shall not disclose PHI without authorization except as described in Section 4.0 of this Policy. Patients (or parents or guardians, as appropriate) may authorize disclosure of PHI for other purposes by submitting such authorization in writing to the Fire Department.

6.2 Access. A patient (or authorized representative) has the right to inspect and receive a copy, at the patient's expense, of his/her own PHI. Exceptions to this include: psychotherapy notes; information compiled in anticipation of or use in a civil, criminal, or administrative action or proceeding; and PHI subject to the Criminal Laboratory Improvements Amendments (CLIA) of 1988.

6.2.1 The patient (or authorized representative) must submit his/her request for access on HPFD Form HIPAA-PRA-4-03 (Patient Request for Access) to the Highland Park Fire Department.

6.2.2.1 Alternately, the patient's authorized representative (such as an attorney) may utilize an alternate form requesting access provided that the alternate form contains at least the following elements:

6.2.2.1.1 The authorization form must be written in plain language.



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- 6.2.2.1.2 A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion.
- 6.2.2.1.3 The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.
- 6.2.2.1.4 The name or other specific identification of the person(s), or class of persons, to whom the Department may make the requested use or disclosure.
- 6.2.2.1.5 A description of each purpose of the requested use or disclosure. The statement "at the request of the individual" is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose.
- 6.2.2.1.6 An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure.
- 6.2.2.1.7 Signature of the individual and date. If the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual must also be provided.
- 6.2.2.2 In addition to the elements delineated in Sections 6.2.2.1.1 through 6.2.2.1.7, any alternate form of authorization must contain statements adequate to place the individual on notice of the following:
 - 6.2.2.2.1 The individual's right to revoke the authorization in writing, and the exceptions to the right to revoke and a description of how the individual may revoke the authorization
 - 6.2.2.2.2 The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer be protected.
- 6.2.2.3 An alternate authorization is not valid if the document submitted has any of the following defects:
 - 6.2.2.3.1 The expiration date has passed or the expiration event is known to have occurred;
 - 6.2.2.3.2 The authorization has not been filled-out completely, with respect to an element described in Sections 6.2.2.1, 6.2.2.2. or their subsections;
 - 6.2.2.3.3 The authorization is known to have been revoked;
 - 6.2.2.3.4 Any material information in the authorization is known by the covered entity to be false.
- 6.2.3 Within 30 days of receipt of HPFD Form HIPAA-PRA-4-03 or an alternate form as provided in Section 6.2.1 and its sub-sections, above, the Fire Department must respond by granting the request, denying the request, or informing the authorized requestor that the information does not exist, cannot be found, or is not yet complete. If the request for access is for PHI that is readily accessible to the Department, the Department shall respond to the request by no later than 60 days from the receipt of such request. If the Highland Park Fire Department does not maintain the PHI that is the subject of the patient's request for access, and the Department knows where the requested information is maintained, the Department shall inform the patient where to direct the request for access.
 - 6.2.3.1 If the Department is unable to take an action required by Section 6.2.3 within the required time period, the Department may extend the time for such actions by no more than 30 days, provided that:
 - 6.2.3.1.1 The Department, within the time limit established in Section 6.2.3, as applicable, provides the individual with a written statement of the reasons for



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the delay and the date by which the Department will complete its action on the request; and

6.2.3.1.2 The Department shall have only one such extension of time for action on a request for access.

6.2.3.2 Granting the Request. If the Department grants the request for access, in whole or in part, it shall inform the individual of the acceptance of the request and provide the access requested. In granting the request, the Department shall comply with the following:

6.2.3.2.1 The Highland Park Fire Department shall provide the patient access to his/her PHI, including inspection or receipt of a copy, or both, as requested by the patient.

6.2.3.2.2 The Highland Park Fire Department shall provide the patient access to his/her PHI in the form or format requested by the patient, if it is readily producible in such form or format; or if not, in a readable hard copy form or such other form or format as agreed to by the patient and the Department.

6.2.3.2.3 The Highland Park Fire Department may provide the patient with a summary of the PHI requested, in lieu of providing access to the PHI, or may provide an explanation of the PHI to which access has been provided, if:

6.2.3.2.3.1 The patient agrees in advance to such a summary or explanation; and

6.2.3.2.3.2 The patient agrees in advance to the fees imposed, if any, by the Department for such summary or explanation.

6.2.3.2.4 The Highland Park Fire Department shall provide the access as requested by the patient in a timely manner, including arranging with the patient for a convenient time and place to inspect or receive a copy of the PHI, or mailing the copy of the PHI at the patient's request. The Department may discuss the scope, format, and other aspects of the request for access with the patient as necessary to facilitate the timely provision of access.

6.2.3.2.5 If the patient requests a copy of the PHI or agrees to a summary or explanation of such information, the Department may impose a reasonable, cost-based fee, provided that the fee includes only the costs of:

6.2.3.2.5.1 Copying, including the cost of supplies for and labor of copying, the PHI requested. The fee schedule for these services shall be pursuant to Section 35.100(A) (1) of the "Highland Park City Code of 1968," and any amendments or modifications thereof. The fee for postage shall be the actual costs incurred; and

6.2.3.2.5.2 Preparing an explanation or summary of the PHI, if agreed to by the patient. The fee for such preparation shall be the hourly wage of the employee preparing the explanation multiplied by the length of time expended on the preparation.

6.2.3.3 Denying the Request.

6.2.3.3.1 The Department may deny a patient's request for access without providing an opportunity for review when:

6.2.3.3.1.1 An exception detailed in Section 6.2 exists;

6.2.3.3.1.2 The Highland Park Fire Department is acting under the direction of a correctional institution and the prisoner's request to obtain a copy of PHI would jeopardize the patient, other prisoners, or the safety of any officer, employee, or other person at the correctional institution, or a person responsible for transporting the prisoner;



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- 6.2.3.3.1.3 The patient agreed to temporary denial of access when consenting to participate in research that includes treatment, and the research is not yet complete; or
- 6.2.3.3.1.4 The records are subject to the Privacy Act of 1974 and the denial of access meets the requirements of that law; the PHI was obtained from someone other than the Highland Park Fire Department under a promise of confidentiality and access would likely reveal the source of the information.
- 6.2.3.3.2 The Highland Park Fire Department may also deny a patient access for other reasons, provided that the patient is given a right to have such denial reviewed under the following circumstances:
 - 6.2.3.3.2.1 The Department or a licensed health care provider designated or appointed by the Department has determined that the access is likely to endanger the life or physical safety of the patient or another person;
 - 6.2.3.3.2.2 The PHI makes reference to another person who is not a health care provider, and the Department or a licensed health care professional designated or appointed by the Department has determined that the access requested is likely to cause substantial harm to such other person; or
 - 6.2.3.3.2.3 The request for access is made by the patient's surrogate decision maker and the Department or a licensed health care professional designated or appointed by the Department has determined that access is likely to cause substantial harm to the patient or another person.
- 6.2.3.3.3 If the Highland Park Fire Department denies access, in whole or in part, to the requested PHI, the Department shall comply with the following:
 - 6.2.3.3.3.1 The Department shall, to the extent possible, provide the patient access to any other PHI requested, after excluding the PHI to which the Department denied access.
 - 6.2.3.3.3.2 The Department shall provide the individual with a written denial on HPFD Form HIPAA-DRA-4-03 (Denial of Request for Access). This form shall include:
 - 6.2.3.3.3.2.1 A statement of the patient's review rights, including a description of how the patient may exercise such review rights; and
 - 6.2.3.3.3.2.2 A description of how the patient may complain to the Department pursuant to Section 6.7 of this Policy.
 - 6.2.3.3.3.4 If access is denied on a ground permitted above, the patient has the right to have the denial reviewed by a licensed health care professional designated or appointed by the Department, provided that the reviewer shall not be a person who participated in the original decision to deny.
 - 6.2.3.3.3.4.1 The Department shall promptly refer a request for review to such licensed health care professional.
 - 6.2.3.3.3.4.2 The reviewer shall determine, within a reasonable period of time, whether or not to deny the access requested based on the aforementioned procedures and standards.



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6.2.3.3.4.3 The Department shall promptly provide written notice to the patient of the findings of the reviewing licensed health care professional, and take other action as required by this Policy to carry out the licensed health care professional's determination.

6.3 Restrictions. Patients (or authorized representatives) may request that the Department restrict the uses or disclosures of protected health information about the individual to carry out treatment, payment, or health care operations. Such requests shall be submitted on HPFD Form HIPAA-RRUD-4-03 (Request for Restriction on Use & Disclosure of Medical Information and/or Confidential Communication).

6.3.2 The Department is not required to agree to a requested restriction. If the Department does agree, the restriction shall be documented.

6.3.3 If the Department agrees to a requested restriction, it shall not use or disclose PHI in violation of such restriction, except that, if the individual who requested the restriction is in need of emergency treatment and the restricted PHI is needed to provide the emergency treatment, the Department may use the restricted PHI, or may disclose such information to a health care provider, to provide such treatment to the individual.

6.3.4 If restricted PHI is disclosed to a health care provider for emergency treatment under Section 4.3.1, the Department shall request that such health care provider not further use or disclose the information.

6.3.5 The Department may terminate its agreement to a restriction, if:

6.3.5.1 The individual agrees to or requests the termination in writing;

6.3.5.2 The individual orally agrees to the termination and the oral agreement is documented; or

6.3.5.3 The Department informs the individual that it is terminating its agreement to a restriction, except that such termination is only effective with respect to PHI created or received after it has so informed the individual.

6.4 Confidential Communications. Individuals may request to receive communications of PHI from the Highland Park Fire Department by alternative means or at alternative locations.

6.4.1 Any such requests shall be submitted to the Department on HPFD Form HIPAA-RRUD-4-03 (Request for Restriction on Use & Disclosure of Medical Information and/or Confidential Communication).

6.4.2 The Department shall condition the provision of a reasonable accommodation on:

6.4.2.1 When appropriate, information as to how payment, if any, will be handled; and

6.4.2.2 Specification of an alternative address or other method of contact.

6.4.3 The Highland Park Fire Department shall not require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.

6.5 Amendments/Corrections. Individuals have the right to request that the Highland Park Fire Department amend PHI about the individual for as long as the Department maintains the PHI.

6.5.1 The individual must make the request to amend the PHI by submitting HPFD Form HIPAA-MRA-4-03 (Medical Record Amendment/Correction). This submittal must contain a reason to support a requested amendment.

6.5.2 The Department's response to the request shall be on the same form submitted, or on a typewritten version thereof.

6.5.3 The Department may deny an individual's request for amendment if it is determined that the PHI or record that is the subject of the request:

6.5.3.1 Was not created by the Department, unless the individual provides a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment;



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- 6.5.3.2 Is not a Departmental record;
- 6.5.3.3 Would not be available for inspection under Section 6.2; or
- 6.5.3.4 Is accurate and complete.
- 6.5.4 The Highland Park Fire Department shall accept all requests to amend PHI, however the Department is not required to act on any request if it meets one of the criteria of Sections 6.5.4.1 through 6.5.4.4 of this Policy.
- 6.5.5 The Highland Park Fire Department shall act on an individual's request for an amendment no later than 60 days after receipt of such a request. If the Department is unable to act on the amendment within the required 60 day time limit, the Department may extend the time for such action by no more than 30 days, provided:
 - 6.5.5.1 The Department provides the individual with a written statement of the reasons for the delay and the date by which action on the request will be completed; and
 - 6.5.5.2 The Department may have only one such extension of time for action on a request for an amendment.
- 6.5.6 Amendment Granted.
 - 6.5.6.1 If the amendment is granted, in whole or in part, the Department shall make the appropriate amendment to the PHI that is the subject of the request for amendment by, at a minimum, identifying the records that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
 - 6.5.6.1.1 The Highland Park Fire Department shall inform the individual in a timely manner that the amendment is accepted and shall obtain the individual's identification of, and agreement to have the Department notify, the relevant persons with which the amendment needs to be shared. The Department shall make reasonable efforts to inform, and provide the amendment within a reasonable time to:
 - 6.5.6.1.1.1 Persons identified by the individual as having received PHI about the individual and needing the amendment; and
 - 6.5.6.1.1.2 Persons, including business associates, that the Department knows have the PHI that is the subject of the amendment and that may have relied on such information to the detriment of the individual.
- 6.5.7 Amendment Denied.
 - 6.5.7.1 If the requested amendment is denied, in whole or in part, the Highland Park Fire Department shall provide the individual with a timely denial on the form submitted requesting the amendment. The denial shall contain plain language and shall include:
 - 6.5.7.1.1 The basis for the denial;
 - 6.5.7.1.2 The individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement;
 - 6.5.7.1.3 A statement that, if the individual does not submit a statement of disagreement, the individual may request that the Department provide the individual's request for an amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
 - 6.5.7.1.4 A description of how the individual may file a complaint, in compliance with Section 6.7 of this Policy.
 - 6.5.7.2 In the case of amendment request denials:



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- 6.5.7.2.1 The Highland Park Fire Department shall permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.
- 6.5.7.2.2 The Department may reasonably limit the length of a statement of disagreement.
- 6.5.7.2.3 The Department may prepare a written rebuttal to the individual's statement of disagreement. Whenever such a rebuttal is prepared, a copy of the rebuttal shall be provided to the individual who submitted the statement of disagreement.
- 6.5.7.2.4 The Department shall, as appropriate, identify the record or PHI that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, the denial of the request, the individual's statement of disagreement, if any, and the rebuttal, if any, to the designated record.
- 6.5.7.3 If a statement of disagreement has been submitted by the individual, the Highland Park Fire Department shall include the patient's request for an amendment, the denial of the request, the patient's statement of disagreement, and the rebuttal, if any, or an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.
- 6.5.7.4 If the individual has not submitted a written statement of disagreement, the Department shall include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI only if the individual has requested such action.
- 6.5.7.5 When a subsequent disclosure is made using a standard transaction that does not permit the additional material (the patient's request for an amendment, the denial of the request, the patient's statement of disagreement, and the rebuttal, if any, or an accurate summary of any such information) to be included with the disclosure, the Highland Park Fire Department may separately transmit the material required to the recipient of the standard transaction.
- 6.5.7.6 If the Highland Park Fire Department is informed by another provider of an amendment the other provider has made to the other provider's record of an individual's PHI, the Department shall amend the PHI record that has been received from that other provider. However, the Department is not required to amend the PHI in the Department's record based upon an outside determination, unless the Department has relied on the other provider's findings.
- 6.6 Accounting of Disclosures. An individual shall have the right to receive an accounting of disclosures of that individual's PHI made by the Highland Park Fire Department and the Department's Business Associates in the six years prior to the request, subject to the following:
 - 6.6.1 The individual must make the request for an accounting of disclosure of his/her PHI by submitting HPFD Form HIPAA-RAD-4-03 (Request for Accounting of Disclosures) to the Department.
 - 6.6.2 The Department is not required to account for any disclosures that occurred prior to the HIPAA compliance date of April 14, 2003.
 - 6.6.3 The Department shall account for disclosures of PHI other than:
 - 6.6.3.1 For Treatment, Payment, or Health Care Operations; or
 - 6.6.3.2 As allowed in Section 4.3 of this Policy and its sub-sections; or
 - 6.6.3.3 To individuals requesting their own PHI; or
 - 6.6.3.4 To persons involved in the individual's care or other notification purposes; or
 - 6.6.3.5 For national security or intelligence purposes; or



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- 6.6.3.6 To correctional institutions or law enforcement officials.
- 6.6.4 The accounting for each disclosure shall include:
 - 6.6.4.1 The date of the disclosure;
 - 6.6.4.2 The name of the entity or person who received the PHI and, if known, the address of such entity or person;
 - 6.6.4.3 A brief description of the PHI disclosed: and
 - 6.6.4.4 A brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure; or, in lieu of such statement:
 - 6.6.4.4.1 A copy of the individual's written authorization; or
 - 6.6.4.4.2 A copy of a written request for a disclosure, if any.
- 6.6.5 If the Highland Park Fire Department has made multiple disclosures of PHI to the same person or entity for a single purpose, or pursuant to a single authorization, the accounting may, with respect to such multiple disclosures, provide:
 - 6.6.5.1 The information required in Section 6.6.4 of this Policy and its sub-sections;
 - 6.6.5.2 The frequency, periodicity, or number of the disclosures made during the accounting period; and
 - 6.6.5.3 The date of the last such disclosure during the accounting period.
- 6.6.6 The Highland Park Fire Department shall act on an individual's request for an accounting no later than 60 days after the receipt of such a request, as follows:
 - 6.6.6.1 The Department shall provide the individual with the accounting requested; or
 - 6.6.6.2 If the Department is unable to provide the accounting within the time required above, the Department may extend the time to provide the accounting by no more than 30 days, provided that:
 - 6.6.6.2.1 The Department, within the time limit of 60 days, provides the individual with a written statement of the reasons for the delay and the date by which the Department will provide the accounting; and
 - 6.6.6.2.2 The Department may have only one such extension of time for action on a request for an accounting.
- 6.6.7 The Highland Park Fire Department shall provide the first accounting to an individual in any 12-month period without charge. Subsequent accountings shall be charged pursuant to Section 35.100(A) (1) of the "Highland Park City Code of 1968," and any amendments or modifications thereof. The Department shall inform the individual in advance of the fee and provide the individual with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.
- 6.6.8 Exceptions to the Right of Accounting of Disclosures. In accounting for disclosures of PHI:
 - 6.6.8.1 The Highland Park Fire Department shall temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official if such agency or official provides the Department with a written statement that such an accounting to the individual would be reasonably likely to impede the agency's activities. The written statement must specify the time for which such a suspension is required.
 - 6.6.8.2 If the agency or official suspends an individual's right to receive an accounting of disclosures and the statement is made orally, the Department shall:
 - 6.6.8.2.1 Document the statement, including the identity of the agency or official making the statement;



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6.6.8.2.2 Temporarily suspend the individual's right to an accounting of disclosures subject to the statement; and

6.6.8.2.3 Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement from the suspending agency or official is submitted during the time period.

6.7 Complaints. Any individual who believes his or her rights granted by the Health Insurance Portability and Accountability Act (HIPAA) Privacy regulations, or any other state or federal laws dealing with privacy and confidentiality of health information, have been violated may file a complaint regarding the alleged privacy violation.

6.7.1 Any privacy-related complaint made by a patient or employee shall be forwarded to the Department's Privacy Officer, as defined in Section 3.0 of this Policy.

6.7.2 It is preferred that complaints be submitted to the Department on HPFD Form HIPAA-CF-4-03 (Complaint Form), however complaints may also be made anonymously by calling the Department at (847) 433-3110.

6.7.3 The Highland Park Fire Department shall investigate alleged privacy violations and complaints made by patients regarding alleged breaches of their privacy. Employees may be requested to assist in investigations regarding complaints made by patients and other employees who believe fellow employees have violated patient privacy standards.

6.7.4 Simultaneously, the Department shall undertake an investigation to determine if a breach of privacy has occurred. Any employee who is found to be in violation of this policy, or who breaches the confidentiality of a patient's Protected Health Information, shall be subject to disciplinary action pursuant to Department policies.

7.0 Training

7.1 The Highland Park Fire Department shall train all members of its workforce, and other guests and visitors as necessary, on the policies and procedures with respect to PHI as required and appropriate for the members of the workforce to carry out their functions within the organization.

7.2 The Department shall provide training that meets the requirements of Section 7.1, above, as follows:

7.2.1 To each new employee of the Department within a reasonable period of time after the person joins the workforce; and

7.2.2 To each employee of the Department whose functions are affected by a material change in the policies or procedures required under HIPAA or the provisions of this Policy, within a reasonable period of time after the material change becomes effective.

7.2.3 To each person riding with Highland Park Fire Department paramedics for purposes of education or experience.

7.3 Training required under this Policy Section 7.0 (and subsections) shall be documented by all employees' and required guests'/ride-a-longs' signatures on one of the following acknowledgement forms, as appropriate:

7.3.1 HPFD Form HIPAA-CRP-4-03 (Acknowledgement of Training - Compliance for Response Personnel).

7.3.2 HPFD Form HIPAA-COS-4-03 (Acknowledgement of Training - Compliance for Office Staff).

7.3.3 HPFD Form HIPAA-CRL-4-03 (Acknowledgement of Rules - Compliance for Ride-A-Longs).

8.0 Reference

8.1 Highland Park Fire Department



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Approved:  Fire Chief