

Madison County Department of Emergency Medical Services

Standard Operating Guideline



Title	Legal Aspects of Incident Records
Number	025
Adoption Date	1/1/07
Revision Date	
Approved by	Lewis Jenkins, EMS Director



Purpose:

To clarify the legal aspects of our incident record keeping system and provide guidelines for when and what type of information is to be released.

Preface:

There are occasions when field incident reports do not reflect a complete profile of each circumstance leading to or resulting from an EMS situation (For example, when fire victims have not yet been positively identified).

The release of incomplete or erroneous information could conceivably pose a future legal dilemma for the department because the initial EMS report is not always a complete analysis of each incident. Therefore, the following procedures are to be used when inquiries regarding field incident report information are received by personnel at the stations.

Policy:

1. Copies of Incident Reports
 - A. The EMS field incident report contains personal medical information, which is exempt from disclosure to the general public under the Virginia Privacy Act and HIPPA. However, the subject/patient of a report is entitled to that medical information. A request by a physician, attorney, or insurance agency must be accompanied by a signed release statement from the patient.
 - B. The original field incident reports are kept in the Department Office.
 - C. All requests for copies of field reports are to be directed to the EMS Director to determine the need to forward to the County Attorney's office. If personnel at the station receive a subpoena for EMS records you are **ONLY** allowed to except the subpoena if it has your name on it. If the subpoena or record request has "Madison County EMS" or "Attention EMS Director or Head" you are **NOT** allowed to accept this unless that person is you. For any questions contact the EMS Director.

2. Inquiries to Station Personnel
 - A. When a request for information contained in an incident comes into a station, **ONLY** generalized information pertaining to the incident may be released. This includes information such as:
 - The fact that a call was responded to
 - The time of the call
 - The date of the call
 - The type of call
 - The location of the call
 - B. Specific information about any incident should not be given to the public by station personnel. Any caller requesting specific information should be referred to the EMS Director.

NOTE: This policy covers all reports governed by Agency 1029 under the Virginia Department of Health, Office of Emergency Medical Services.

*Due to the sensitive nature of patient information involving the PPCR, the Madison County Department of EMS will only release information in accordance with legal requirements.