

**City of Nome**

**Nome Police Department  
Nome Volunteer Ambulance Department  
Nome Volunteer Fire Department**

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**Health Insurance Portability and Accountability Act of 1996 Privacy Policy**

**EFFECTIVE DATE:** October 14, 2003

**AMENDED:** February 13, 2004

**Reference:** Nome Common Council Resolution No. 03-10-6

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**I. AUTHORITY TO ESTABLISH PRIVACY POLICY:**

The authority by which the City of Nome establishes policies and procedures and conducts operations is contained within the NCO 2.05.010 and AS 29.35.010.

**II. PURPOSE:**

The policy's purposes are to:

A. Provide assurances that the City of Nome Volunteer Ambulance Department (NVAD) is in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as codified under federal law in 45 CFR parts 160, 162 and 164.

B. Comply with State and Federal regulations concerning patient confidentiality, noting that the purpose of the HIPAA may or may not preempt state privacy laws dependent on its stringency.

C. Allow for patient or personal representative requests of amendment to Protected Health Information (PHI).

**III. APPLICABILITY:**

This policy applies to all emergency medical volunteer or paid NVAD members or city employees who have access to "Protected Health Information" (PHI) for purposes of treatment, payment and health care operations (collectively "Providers"), including, Providers who compile and report patient "Protected Health Information" (as defined in HIPAA or federal or state regulation) to other health care providers or business associates verbally, electronically and in written form. Doing so creates documents and data sets from which NVAD provides treatment, collects payment and continues to provide health care operations to the community of Nome and all surrounding villages.

NVAD makes certain Uses and Disclosures of Protected Health Information for Treatment, Payment and Health Care Operations. In certain instances Uses and Disclosures of PHI will be permitted by the written request of a patient, patient's personal representative, law enforcement officer directly related to any current investigation, by order of a court or by court subpoena. Requests for amendment to the Protected Health Information by a patient or patient's personal representative shall be determined by the

health care provider that initially possessed or created the PHI request to be amended. If the request for amendment concerns PHI initially possessed or created by NVAD, the request may be approved or denied by the privacy officer. Consideration of such requests shall follow NVAD internal policies and procedures and applicable HIPAA regulatory requirements

#### **IV. DEFINITIONS APPLICABLE FOR THIS POLICY:**

The following words have the definitions set out in the attached federal regulations (45 CFR 160.103) which are incorporated herein by reference, however, in an attempt to simplify the definitions and make them more practical for our purposes the following are set forth as guidelines. In the event of a conflict between the simplified guidelines and federal regulations, federal regulation shall control:

- A. Protected Health Information (PHI) – Information created or received by NVAD that relates to the past, present or future physical or mental health or payment for health care of an identified individual.
- B. Health Care Providers – Any person, who furnishes, bills or is paid for health care including any doctor, clinic, health insurance company or Norton Sound Health Corporation.
- C. Business Associates – Persons with whom NVAD shares Protected Health Information, i.e. Norton Sound Health Corporation.
- D. Data Sets – a semantically meaningful unit of information exchanged between NVAD and another person typically Logs or Forms in which certain portions of Protected Health Information is stored for Treatment, Payment and Health Care Operations.
- E. Treatment, Payment and Health Care Operations – The formal function of NVAD, to provide emergency treatment and request payment.

#### **V. GUIDELINE:**

##### **Amendment & Clarifications regarding disclosure of persons transported by ambulance to the news media.**

HIPPA requires "individually identified health information" to be protected from disclosure. Health information includes all information received by a health care provider that "relates" to the treatment provided to that individual. The NVAD is a health care provider as that term is defined in federal HIPPA regulation and law. Although it could be argued otherwise, in the City Attorney's opinion, "health information" as defined above includes the name of the patient transported by ambulance. Incidental disclosures of those names are permitted (for example, doctor's offices are still allowed to call patients by name in waiting rooms in a way that allows others waiting to hear). **Allowing names of those transported to be printed in the newspaper or otherwise revealed to the news media is not a permissible incidental disclosure.**

In a smaller community like Nome it could be argued that disclosure of the identity of persons already known to the ambulance crew would be permitted since this information was not

"received" from the patient, however, the better practice is simply to adopt a blanket non-disclosure rule."

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Recommended:



Charles Lean  
Chief NVAD

Date:

2/26/04

Approved:



Randy Romenesko  
City Manager

Date:

2.26.2004

Attachments:

HIPAA Policy v. 10/14/2003