



**To:** All Monroe-Livingston Agencies and Providers

Advisory 07-08

**From:** Dr. Manish Shah, Dr. Terry Fairbanks, and Sheri Strollo

**Date:** July 27, 2007

**Re:** Advisory

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Patients not only trust EMS Personnel with their lives, but also with their privacy. Therefore it is of utmost importance that ALL EMS personnel maintain professional conduct with regards to patient privacy. Under no circumstances should any member of an EMS or Fire agency take pictures or video a patient other than those used in order to demonstrate mechanism of injury. If pictures are taken they are to become part of the patient's permanent record and ALL copies are to be left with the receiving hospital. Under no circumstances should EMS Personnel keep copies of patient photographs or video on their personal cameras or cell phones.

It should be common knowledge that possessing and or distributing such medical record materials other than as part of your agencies record keeping is a violation of HIPAA as well as professional misconduct under NYS Public Health Law Article 30, section 800. HIPAA violations result in stiff personal fines to violating providers.

Each agency should have a written policy and procedure on personal cell phones and cameras, including their use during a call, starting from the time dispatched. The policy should address any photos and/or videos taken at a scene, including what can and should be photographed and what cannot be photographed. It should address how the photos become part of the patient's record. Agencies that have cameras on their ambulance to document mechanism of injury should have a policy in place about its use as well.

If you have any questions, please contact the Office of Prehospital Care at 463-2900.

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