

# **AR 5-605**

# **OFFICE OF EMERGENCY MEDICAL SERVICES**

## **Administrative Requirements Manual**

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### **TITLE**: Duty to Provide a Patient’s Personal and Medical Information Contained in Ambulance Service Records to Authorized Parties

**Supersedes**: N/A

## PURPOSE:

To further define the obligations of ambulance services with regard to release of a patient’s otherwise confidential personal and medical information, pursuant to 105 CMR 170.345(D).

## BACKGROUND:

Under 105 CMR 170.345(D), ambulance services and their EMTs are required to keep a patient’s personal and medical information confidential. However, the regulation also provides for the circumstances in which such information, contained in communications and records maintained by the ambulance service under 105 CMR 170.345, is nonetheless to be released. Such records include, but are not limited to, trip records. Ambulance services are obligated to release a patient’s personal and medical information to the hospital to which the patient is transported, in the form of the trip record, under 105 CMR 170.345(C). In addition, the regulation defines, in 105 CMR 170.345(D)(1) through (4), certain other parties or circumstances as exceptions to the confidentiality rule.

## REQUIREMENT:

Upon an appropriate request, an ambulance service must release a patient’s personal and medical information, as are contained in communications and records it maintains under 105 CMR 170.345, to the parties listed in 105 CMR 170.345(D)(1) through (4). These parties/circumstances are as follows:

1. the patient;
2. the patient’s attorney or legally authorized representative, upon written authorization of the patient or the patient’s legally authorized representative;
3. the Department in connection with a complaint investigation or pursuant to a Department data reporting requirement; or
4. upon proper order in connection with a pending judicial or administrative proceeding, and as otherwise required by law.

Failure of an ambulance service to release such information to these parties when requested will be grounds for enforcement action by the Department.