

PUBLIC RECORDS POLICY
for
HAMILTON COUNTY, TENNESSEE, EMERGENCY MEDICAL SERVICES DEPARTMENT

The Hamilton County Department of Emergency Medical Services, being specifically exempted from the Hamilton County General Government Public Records Policy, hereby adopts the Hamilton County General Government Public Records Policy to the extent not specifically modified herein and with the exceptions listed as noted.

I. DEFINITIONS

The Hamilton County Department of Emergency Medical Services (EMS) specifically adopts the definitions established in the Public Records Policy of the Hamilton County General Government and adds additional definitions as noted.

A. Patient – An individual who has received either consultation, medical advice, treatment, or an offer of treatment from EMS personnel. Any records related to the provision of medical care to a patient are protected records and not releasable to anyone other than the patient or the patient’s authorized representative, when the patient has properly completed a medical release form as required by Hamilton County EMS. (See Appendix 1, hereto)

B. Emergency Medical Services (EMS) – The Hamilton County agency tasked with providing advanced emergency care to the citizens and visitors of Hamilton County. Such emergency care is provided by EMS using a system of ambulances and other responder vehicles.

C. EMS Personnel – Individuals licensed by the State of Tennessee to provide advanced pre-hospital medical care as either an Advanced Emergency Medical Technician (AEMT) or Paramedic, and employed by Hamilton County General Government. Each ambulance has two medical personnel assigned on all calls, at least one of whom is a duly licensed Paramedic.

D. Patient Record/Response Report – Each ambulance response initiated by a request through the Hamilton County 911 Center will result in the generation of a corresponding report generated. Such reports will be maintained by Hamilton County Government in an electronic format within a secured computer server system. These records contain identifiable medical information and are not releasable as a public record. Any records associated with the initial activation of the 911 system, prior to the dispatch of the ambulance, shall be requested or obtained through the Hamilton County 911 Center.

II. EXCEPTIONS

The following sections list the current exceptions to the Public Records Policy of the Hamilton County General Government as adopted by EMS.

A. Medical Records – These records are not releasable under the auspices of the Open Records/Public Records policies. Medical Records are protected by the *Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA)* and *Tennessee Code Annotated (Tenn. Code. Ann.) § 63-2-101 (b)(1)(A)*. These records, as defined by *HIPAA* regulations, are only releasable to the patient, authorized legal representative, authorized next of kin, or through a legally authorized Court request/direction. All requests for release of medical records will be maintained on file and are subject to inclusion in all public records release requests.

B. Cost of Copying Medical Records – Fees established for researching, copying, and releasing of requested medical records are \$20 per individual transport and response report and \$10 for all Worker's Compensation claims. Such fees are established by *Tenn. Code Ann. §§ 63-2-102, 50-6-204* and cover all employee time involved in preparation of the requested information.

C. Investigations – On occasion, EMS may receive a complaint from a patient, citizen, medical professional, public safety professional, or other member of the general public. Records of the investigation of these complaints and any materials generated during the associated investigation are not releasable. The final dispositions of these investigations are releasable and are maintained by the Hamilton County Department of Human Resources.

D. Peer Counseling/ Quality Improvement Team – Each month, designated medical responses, procedures, employee medical care performance, and other associated practices are evaluated by a peer committee of medical practitioners, overseen by the EMS Medical Director. Records and paperwork generated during these sessions and other associated periods are protected from release as designated under *Tenn. Code Ann. §§ 63-1-150 (d)(1), 68-11-272 (1)* and are not subject to the Open Records/Public Records policies as established by Tennessee Government and adopted by Hamilton County General Government.

**III. HAMILTON COUNTY EMS PUBLIC RECORDS REQUEST COORDINATOR
AND PROCEDURE FOR OBTAINING MEDICAL RECORDS**

The designated Public Records Request Coordinator for the Hamilton County EMS Department is:

Andrea Brooks	Email:	andreab@hamiltontn.gov
317 Oak Street #316		
Chattanooga, TN 37402	Phone:	423-209-6900

Requests for either inspection of records or copies may be made in person, at the address listed above, Monday – Friday, 8 a.m. to 4 p.m., or may be sent by U.S. Mail or email to the Public Records Request Coordinator, as noted above.

Pursuant to State and Federal laws and regulations (see § II above), records as retained by Hamilton County EMS are available only to certain eligible individuals. Therefore, eligibility to receive such records must be established before records may be inspected or copies released. Although eligible individuals may inspect records maintained by Hamilton County EMS, they may not make their own photocopy or electronic copy of such records. All copies of Hamilton County EMS records will be made by authorized Hamilton County EMS personnel, using Hamilton County EMS equipment.

Regardless of the manner by which records are requested—either in person, by U.S. Mail or by email—all requesters must submit the following items:

(1) A properly completed and legible¹ *Authorization for Release of Health Information* form, available as Appendix A to this policy, or by contacting the Public Records Request Coordinator, as noted above. When requests are made by U.S. Mail or email, this form must be notarized.

(2) A legible valid driver's license or other government-issued picture identification to establish that the requester is eligible to access the records.

(3) If records are requested pursuant to a court Order, a certified copy of the Order must accompany the request, regardless of the manner by which the request is made.

¹ The Hamilton County EMS Public Records Coordinator shall be the sole judge of whether the tendered identification and/or *Authorization* form is "legible"

Changes to this policy may be made periodically, and such changes shall take effect immediately, or as otherwise noted, and shall remain in effect until withdrawn by the Hamilton County Emergency Medical Services Director, or by the Administrator of Hamilton County General Services Division, or rejected by the Hamilton County Commission.

The foregoing is adopted this 31ST day of JULY, 2018.



Kenneth L. Wilkerson, Director
Hamilton County Emergency Medical Services



Lee Norris, Administrator
Hamilton County General Services Division