



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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Kirk Cole
Interim Commissioner

November 16, 2015

Dear EMS/Trauma Stakeholders,

The department was recently informed that EMS providers are continuing to experience difficulty in obtaining patient health outcome or emergency department data from hospitals for inclusion into their quality improvement programs. The most frequently cited explanation for hospitals withholding this information from EMS providers has been the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements.

The U.S. Department of Health & Human Services had provided information that a *“hospital may share patient health outcome information between hospitals and EMS Providers for Quality Improvement as long as both entities have (or have had in the past) a relationship with the patient(s) in question”*. The guidance goes on to state that, *“the hospital may share the information without the patient’s authorization, but must make reasonable efforts to disclose only the minimum amount of individually health information needed for the activity”*.

Texas Health and Safety Code Sec. 241.152 and Sec. 241.153 provide the authority for a hospital to disclose a patient’s health outcome information to the transporting EMS provider for the following purposes:

(A) treatment or payment, as those terms are defined by the regulations adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191); or
(B) the following health care operations described by the regulations adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191)

- (i) quality assessment and improvement activities;
- (ii) specified insurance functions;
- (iii) conducting or arranging for medical reviews; or
- (iv) competency assurance activities

There is additional protection for this type of information that can be found in Texas Health and Safety Code Sec.773.095.

Legislation at both the national and state levels supports the sharing of data between EMS and hospitals in order to safeguard quality health care systems. The department continues to encourage and support EMS providers and hospital communities in working collaboratively to continue to improve patient outcomes in Texas.

If you have additional questions, please do not to hesitate to contact Joseph Schmider, Texas EMS Director, at joseph.schmider@dshs.state.tx.us or by telephone at (512) 834-6737.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn C. Perkins".

Kathryn C. Perkins, RN, MBA
Assistant Commissioner
Division for Regulatory Services
Texas Department of State Health Services