



POLICY & PROCEDURES



EMERGENCY ASSISTANCE FROM NON-MUNICIPAL AMBULANCE SERVICES

PURPOSE

This document describes the required capabilities for providers of Non-municipal Ambulance Services, the process for utilizing those capabilities as provided in Commonwealth law pertaining to emergency assistance from ambulance services for the City of Philadelphia (hereinafter referred to as the City), and the terms governing the use, disclosure, and maintenance of protected health information created by or disclosed to Non-municipal Ambulance Services providers in connection with providing emergency services at the request or on behalf of the City of Philadelphia Fire Department. This document and any future updates to it will be published on the internet at the website for the Philadelphia Regional EMS Office at: <http://www.phila.gov/regionalems>.

SECTION 1

1. DEVELOPMENT AND MAINTENANCE OF INTEROPERABLE COMMUNICATIONS

1.1. Point of Contact

- 1.1.1. Points of contact within the Non-municipal Ambulance Services must be designated to communicate with the City using the communications channels in the designated way outlined in the City of Philadelphia Mass Casualty Plan.
- 1.1.2. The Non-municipal Ambulance Service will provide up-to-date point of contact information to the City using the attached form, which is designated, distributed, and collected by the Philadelphia Regional EMS Office (see attached document entitled "Non-municipal Ambulance Service Contact Designation Form").

1.2. Radio Equipment

- 1.2.1. The Non-municipal Ambulance Service is required to purchase and install a P25-compliant VHF radio in each of their Philadelphia-licensed ambulances (see attached document entitled "Non-municipal Ambulance Radio Specifications").
- 1.2.2. The Non-municipal Ambulance Service is responsible for appropriately maintaining the VHF radio equipment.
- 1.2.3. The Non-municipal Ambulance Service is responsible for periodically testing the VHF radio to ensure it is operable.

1.3. Radio Use

- 1.3.1. The Non-municipal Ambulance Service will observe the Philadelphia Regional EMS Procedure No. 5 regarding radio use.
- 1.3.2. The Non-municipal Ambulance Service will not use the VHF radio to communicate with the City unless a request for assistance has been made by the City.

- 1.3.3. If the VHF radio is lost or stolen, the Non-municipal Ambulance Service will notify the Philadelphia Regional Emergency Medical Services office.
- 1.4. Corrective Measures
 - 1.4.1. The City at its sole discretion may discontinue radio service at any time and may limit the number of radios any Non-municipal Ambulance Service can have on its network.
 - 1.4.2. Non-municipal Ambulance Services which use the radio network for routine communications or for reasons other than those specified in this agreement will be disconnected from the network.
 - 1.4.3. If the Non-municipal Ambulance Service violates the terms of this Policy or any other City policies or directives referenced herein, Philadelphia's Regional EMS Office will determine the appropriate course of action for the Non-municipal Ambulance Service to become compliant or have their ambulance licensure suspended.

SECTION 2

2. COMMUNICATIONS DURING AN EVENT

- 2.1. Initial Notification
 - 2.1.1. The Philadelphia Fire Communications Center will notify the Non-municipal Ambulance Service of a request for assistance via the communications channels identified in the City of Philadelphia Mass Casualty Plan.
 - 2.1.2. The Non-municipal Ambulance Service will report the number and type of available ambulances to the Philadelphia Fire Communications Center.
 - 2.1.3. The Philadelphia Fire Communications Center will determine the number and type of ambulances needed and make a formal request for assistance.
 - 2.1.4. The Philadelphia Fire Communications Center will specify the staging location for the Non-municipal Ambulance Service ambulances to report.
- 2.2. Deployment
 - 2.2.1. The Non-municipal Ambulance Service ambulances that are requested and deployed to the staging location will communicate an estimated time of arrival to the Philadelphia Fire Communications Center by way of the VHF radio.
 - 2.2.2. The Non-municipal Ambulance Service ambulances will notify the Philadelphia Fire Communications Center when they arrive at the staging area.
- 2.3. Ongoing communications
 - 2.3.1. The Non-municipal Ambulance Service will conduct ongoing communications by way of the VHF radio.
 - 2.3.2. The Non-municipal Ambulance Service will adhere to the policy on use of a City radio system as stated in Philadelphia Regional EMS Procedure No. 5.
 - 2.3.3. The Non-municipal Ambulance Service will report, receive orders, and be accountable only through the Philadelphia Fire Department Incident Command Structure.

SECTION 3

3. CREDENTIALING

- 3.1. Upon passing a check-in inspection at the Initial Staging Area located at a designated Philadelphia Fire Department station, each ambulance of the Non-municipal Ambulance Service will receive a vehicle identification placard to signify their authorized use in official response operations.
- 3.2. This placard must be displayed to ensure scene security and patient safety during an event which requires a request for assistance from the Non-municipal Ambulance Service.

SECTION 4

4. INSURANCE

- 4.1. It is the responsibility of any Non-municipal Ambulance Service responding to a request for assistance to maintain appropriate insurance coverage as required by Law. Each Non-municipal Ambulance Service shall insure their liability, personnel and vehicle(s) regardless of their location, or the location of the incident. Evidence of coverage must be submitted annually to the City's Risk Manager at the City of Philadelphia, Division of Risk Management, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102-1595.
- 4.2. The Philadelphia Regional EMS Office will determine the appropriate course of action to monitor the Non-municipal Ambulance Service's compliance with submitting evidence of required insurance coverage to the City.

SECTION 5

5. PROTECTED HEALTH INFORMATION (PHI)

- 5.1. This Section shall apply to the extent the Non-municipal Ambulance Service creates or receives protected health information ("PHI") in connection with performing emergency assistance at the request of or on behalf of the City of Philadelphia Fire Department. For this purpose, PHI shall have the same meaning as the term "protected health information" in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and 45 CFR 103, limited to PHI the Non-municipal Ambulance Service creates or receives in connection with performing emergency assistance at the request of or on behalf of the City of Philadelphia Fire Department.
- 5.2. Unless otherwise authorized in writing by the City of Philadelphia Fire Commissioner or Commissioner's designee, or required by law, the Non-municipal Ambulance Service agrees not to maintain, use, or disclose any PHI other than as expressly authorized in this Section 5. For this purpose, "required by law" shall have the same meaning as the term "required by law" in 45 CFR 164.103.

5.3. Permitted Uses and Disclosures

5.3.1. Except as otherwise limited in this Section 5, the Non-municipal Ambulance Service may use or disclose PHI to carry out its legal obligation to transport or administer life support or other emergency assistance to individuals in need of emergency assistance, provided that such use or disclosure would not violate the Privacy and Security Rule if done by the City. As used herein, “Privacy and Security Rule” shall mean the standards, requirements, and implementation specifications set forth in 45 CFR Parts 160, 162 and 164.

5.3.2. The Non-municipal Ambulance Service must represent that it is a “covered entity” as that term is defined in HIPAA and 45 CFR 160.103.

5.4. Obligations of Non-municipal Ambulance Service

5.4.1. The Non-municipal Ambulance Service must use safeguards that will prevent the use or disclosure of PHI other than as provided for by this Section 5.

5.4.2. The Non-municipal Ambulance Service must comply with all provisions of the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”) and the Privacy and Security Rule and must understand that failure to do so may result in civil and and criminal penalties.

5.4.3. The Non-municipal Ambulance Service must implement administrative, physical and technical safeguards that will protect the confidentiality, integrity, and availability of the electronic PHI it creates, receives, maintains, or transmits at the request of or on behalf of the City in a manner consistent with 45 CFR Part 164 Subpart C-Security Standards for the Protection of Electronic Protected Health Information.

5.4.4. The Non-municipal Ambulance Service must mitigate, to the extent practicable, any harmful effect that is known to the Non-municipal Ambulance Service of a use or disclosure of PHI in violation of this Section 5.

5.4.5. The non-municipal Ambulance Service must provide access, at the request of the City of Philadelphia (the “City”), and in the time and manner designated by the City, to PHI in a Designated Record Set, to the City or, as directed by the City, to an Individual in order to meet the requirements under 45 CFR 164.524

5.4.6. The Non-municipal Ambulance Service must ensure that any agent, including a subcontractor, to whom it provides PHI in any format, complies with all the terms set forth in this Section 5 that apply to the Non-municipal Ambulance Service with respect to such information

5.4.7. As requested by the City from time to time, the Non-municipal Ambulance Service must (1) make PHI available for amendment and incorporate any amendments to PHI in accordance with 45 CFR 164.526 and (2) make reasonable efforts to inform and provide the amendment to others who the Non-municipal Ambulance Service knows have the PHI that is the subject of the amendment, and that may have relied, or could foreseeable rely, on the information to the detriment of the Individual.

5.4.8. The Non-municipal Ambulance Service must document disclosures of PHI and information related to disclosures as would be required for City to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 CFR 154.528.

5.4.9. The Non-municipal Ambulance Service must provide to the City or an Individual, within fifteen business days after requested by the City or an Individual to do so, information collected in accordance with Section 5.4.10 hereof, to permit the City to respond to a request by an Individual for an accounting of disclosure of PHI in accordance with 45 CFR 164.528.

5.4.10. The Non-municipal Ambulance Service must report in writing any security incident of which it becomes aware to both the City's Privacy Officer and the EMS Privacy Officer without unreasonable delay, but no later than 7 days after discovery of the security incident. For purposes of this agreement, a "security incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations. The address for the City's HIPAA Privacy Officer is as follows:

City of Philadelphia Law Department
Attn: HIPAA Privacy Officer
1515 Arch Street
15th Floor, Philadelphia, PA 19102.

Notice shall also be provided by FAX to the EMS Privacy Officer to the following FAX number:

EMS Privacy Officer
Philadelphia Fire Department
EMS Administration Building
3061 Island Avenue
Philadelphia, PA 19153
Fax: 1-215-685-4207

Notice shall be provided by certified mail to the above addresses and shall be deemed given when sent.

5.5. Breach of Unsecured Protected Health Information

5.5.1. For purposes of this Section 5.5, "Unsecured Protected Health Information" shall have the same meaning as the term "unsecured protected health information" in 45 CFR 164.402, limited to Unsecured Protected Health Information the Non-municipal Ambulance Service creates or receives in connection with performing emergency assistance at the request of or on behalf of the City.

5.5.2. The Non-municipal Ambulance Service must notify, at the addresses provided for in Section 5.4.10 above, the City's HIPAA Privacy Officer and EMS Privacy Officer in accordance with 45 C.F.R. § 164.410, within two (2) business days after the Non-municipal Ambulance Service knows, or by exercising reasonable diligence would have known, of a Breach of any Unsecured Protected Health Information that the Non-municipal Ambulance Service accesses, maintains, retains, modifies, records, destroys, or otherwise holds, uses or discloses.

- 5.5.3. The Non-municipal Ambulance Service must ensure that the notification of breach required pursuant to Section 5.5.2 above shall include 1) the identification of each individual whose Unsecured Protected Health Information has been, or is reasonably believed by the Non-municipal Ambulance Service to have been, accessed, acquired, used, or disclosed during such breach; 2) a description of what happened, including the date of the breach and the date of the discovery of the breach; 3) a description of the types of Unsecured Protected Health Information that were involved in the breach (such as whether full name, social security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved; 4) any steps individuals should take to protect themselves from potential harm resulting from the breach; 5) a description of what the Non-municipal Ambulance Service is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches; and, 6) if requested by the City, a recommendation for action to be taken by the City relating to investigating the breach, mitigating the harm, and protecting against any further breaches.
- 5.6. Terms used, but not otherwise defined, in this Section 5 shall have the same meaning as those terms in the Privacy and Security Rule. A reference in this Section 5 to a section in the Privacy and Security Rule, HIPAA, or Hitech Act shall mean the section in effect or as amended.
- 5.7. Any ambiguity in this Section 5 shall be resolved to permit the City to comply with the Privacy and Security Rule, the Hitech Act, and HIPAA.
- 5.8. The obligations of the Non-Municipal Ambulance Service set forth in this Section 5 shall survive the expiration or termination of the Statement of Participation between the Non-Municipal Ambulance Service and the City of Philadelphia Fire Department.
- 5.9. The statement of obligations contained herein is not meant to be exclusive. Nothing contained here suspends any other provisions of State, Federal or Local law, including privacy laws or laws governing maintenance of medical records.

SECTION 6

6. GRANT-IN-AID

- 6.1. When the City utilizes the emergency assistance of the Non-municipal Ambulance Service, the City will provide a grant-in-aid to support the Non-municipal Ambulance Service's emergency assistance capabilities pursuant to the following terms.
- 6.2. All of the operating requirements established in this document are already necessary for the Non-municipal Ambulance Service to comply with current law. The grant is solely for the purpose of aiding the Non-municipal Ambulance Service in having the capacity to comply with existing law.
- 6.3. The Non-municipal Ambulance Services will be eligible to receive a grant-in-aid for each ambulance requested by the City at a rate (to be known as the *Standby Rate*) of \$100 per hour, and no more, from the time that ambulance receives authorization from a member of the Philadelphia Fire Department as outlined in the City of Philadelphia Mass Casualty Plan.

- 6.4. Adjustments to the Standby Rate will annually take place with the beginning of the City's new fiscal year, based on adjustments to the Ambulance Inflation Factor, which is produced by the United States Centers for Medicare and Medicaid Services.
- 6.5. Ambulances providing emergency assistance will no longer accrue the Standby Rate when they are terminated from service as outlined in the City of Philadelphia Mass Casualty Plan.
- 6.6. The City reserves the right to declare no reimbursement will be sought for patient transports provided during an incident requiring emergency medical response. In such circumstances, the Non-municipal Ambulance Service is not permitted to seek reimbursement from patients, patients' insurers, or any other source.
- 6.7. When the City exercises its right to declare no reimbursement will be sought, the City will provide a grant-in-aid (as described in subsection 6.8) to the Non-municipal Ambulance Service for the number of Basic Life Support (BLS) and Advanced Life Support (ALS) patient transports made during the time they were placed into service by the Philadelphia Fire Department.
- 6.8. The grant-in-aid described in subsection 6.7 is administered as follows: The City will reimburse the Non-municipal Ambulance Service for the standard Medicare base rate and urban mileage for BLS and ALS ambulance transports in the Metropolitan Philadelphia area. The BLS base rate is HCPCS code A0429, the ALS base rate is HCPCS code A0427, and the urban mileage rate is HCPCS code A0425. These rates are published annually in the attached National Ambulance Fee Schedule produced by the United States Centers for Medicare and Medicaid Services.
- 6.9. The amounts described in Section 6 are the limit of what the City will pay to the Non-municipal Ambulance Service for the functions of the Non-municipal Ambulance Service under these Policy & Procedures. No other reimbursement or costs shall be paid by the City.

SECTION 7

7. TRAINING & EXERCISES

- 7.1. The Non-municipal Ambulance Service will participate in all required communications tests as will be regularly published by the Philadelphia Fire Department.
- 7.2. The City strongly encourages the Non-municipal Ambulance Service to participate in those training and exercise opportunities provided and published by Philadelphia Fire Department for the benefit of the Non-municipal Ambulance Service.
- 7.3. The Non-municipal Ambulance Service will not be paid for its participation in training or exercises, as is stated in subsection 6.9.

SECTION 8

8. EFFECTIVE DATE

- 8.1. Signature of the Non-municipal EMS Provider Statement of Participation shall be required for ambulance service licensure in Philadelphia effective June 1, 2010.
- 8.2. This policy and procedure shall become effective upon signature of the Statement of Participation by the Non-municipal Ambulance Service.

DEFINITION OF TERMS

Ambulance Inflation Factor

Section 1834(l)(3)(B) of the Social Security Act provides the basis for updating payment limits for ambulance services. Specifically, this section provides for an update in payments that is equal to the percentage increase in the consumer price index for all urban consumers (CPI-U), for the 12-month period ending with June of the previous year.

Project 25 (P25)

P25 refers to a suite of standards for digital radio communications for use by federal, state/province and local public safety agencies in North America to enable them to communicate with other agencies and mutual aid response teams in emergencies. P25 was established to address the need for common digital public safety radio communications standards for First Responders and Homeland Security/Emergency Response professionals.

APPENDECES

- I. Non-municipal Ambulance Service Contact Designation Form
- II. Non-municipal Ambulance Radio Specifications
- III. Federal Communications Commission Radio Station Authorization
- IV. City of Philadelphia Mass Casualty Plan
- V. Philadelphia Regional EMS Procedure No. 5