



Special points of interest:

- EMS providers and personnel up to the challenge of dealing with the recent multiple hurricanes?
- Camera phones poise a HIPAA violation for the EMS community?
- Recertification deadline has been extended to January 1, 2005!

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Answering the Call to Action



The EMS community played a big role in the Department's success of recent disaster efforts.

Dear Emergency Medical Services (EMS) Colleagues:

I welcome this opportunity to honor your service and your call to duty during this hurricane season. Your tireless efforts in responding to four hurricanes within two months speak to your commitment and dedication to serving the people of Florida.

During the past several weeks, nearly every EMS provider in our state was met with unusually demanding and sometimes seemingly unmanageable circumstances. Within the Florida EMS community, many of our colleagues suffered personal losses as well; but through it all, you united with dedication, courage and unwavering strength to respond to each disaster with unparalleled professionalism.

Thank you for working so hard to help the many people across our state during these most difficult times. Please accept my sincerest gratitude for all you have done, and continue to do to promote and protect the health and safety of our communities.

Sincerely,
John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary, Department of Health

Thoughts from the Field: Camera Phones and EMS Providers Submitted by Dave Dyal

The telephone rings at the EMS Chief's office with a familiar voice on the other end. "Chief, you've got a problem". "So, what's new?" I ask myself. It seems this buddy (the proverbial little bird on my shoulder) of mine was in a local watering hole enjoying a cool beverage when a group of EMS-types were quite evidently having a great time off. My buddy recognizes these lively guests as some of my fellow employees. Then the aggravating part begins. It seems as though these young men and women were exchanging digital images of various and sundry EMS calls that they had run on over the past few weeks. "Look at this decapitation", "Here's an evisceration from the Knife and Gun Club the other night" and the behavior went on and on as they were "Blue-toothing" photos to each others' phones.

Immediately my head spins (and green pea soup explodes across the room). I know what they did is wrong, but what rule are they breaking? I look at 401, 64E-2, city code, department SOP's, SOG's, civil service rules, federal HIPAA rules, etc. Nothing gave me a black and white answer to hang my hat on to correct this behavior. All I know is that my gut reaction is telling me that this behavior is unacceptable – it does not pass the smell test. We also call it the newspaper test, "How would this look on the headlines of the local paper?".

Let's begin with state laws. The only reference we could come up with is pretty vague. Those of us in management positions that have conducted disciplinary hearings know that one really needs some meat on the



New technology such as camera phones bring concerns for EMS providers.

From the Director

Dear Colleagues:

The Bureau of EMS has created this newsletter as a way of enhancing our communication within the community. This newsletter will serve as a means of transmitting up to date information on issues to you as members of the community and anyone else who may be interested in EMS issues. Each month we will feature an article written by a member of our community or a leader in emergency medicine. Articles will focus on issues that affect the EMS industry in today's world.

In this newsletter, we will also have a section titled: "Ask the Director." There, I will respond to your questions about issues facing our industry. We look forward to receiving your questions, comments, ideas on topics to address, and how to improve this newsletter.

Your feedback can be emailed to: DEMO_EMS@doh.state.fl.us

The Florida Bureau of Emergency Medical Services supported the State Emergency Operations Center's Emergency Support Function Health and Medical section (ESF8). ESF8 worked within the Emergency Services Branch at the State EOC. This opportunity allowed us the privilege of working closely with ESF 4 & 9 to ensure each community's EMS needs were supported. This dedication was demonstrated during a time when many of our EMS agencies suffered significant damage to facilities and equipment. Once again, Florida's EMS community has proven to be a role model during an unprecedented statewide response. Please accept our sincerest gratitude for your response.

Thank you.

Don Bennett

"We are interested in issues that affect the EMS industry in today's world."

-Don Bennett

DATE: October 8, 2004
TO: EMS Advisory Council Members
FROM: Don Bennett, M.B.A., Bureau Chief
SUBJECT: October EMS Advisory Council Meeting

Due to the recent storms and the strain it has put on the EMS community as well as the Bureau of EMS, the decision has been made to cancel the October EMS Advisory Council and Constituency group meetings in Duck Key. We are planning to reschedule with the facility October 2005.

I apologize for any inconvenience.

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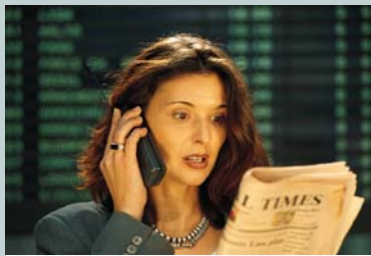
bone of the infractions to hold up to a challenge of disciplinary action.

Chapter 401.411 Disciplinary action: penalties

(1) The department may deny, suspend, or revoke a license... for any of the following grounds:

(g) Unprofessional conduct, including, but not limited to, any departure from or failure to conform to the minimal prevailing standards of acceptable practice as an EMT or paramedic...

That's vague enough to cover unprofessional conduct, but what defines taking pictures and sharing them with your buddies as unprofessional conduct? What is the minimal prevailing standard of acceptable practice? What's covered in EMS training that we can refer to? I suggest that patient confidentiality (whether the person is readily recognizable from the photos or not) has been violated here. We have been taught not to discuss our cases outside of our immediate work area so that those



The newspaper test: "How would this look on the headlines of the local paper?"

non-medical persons that may overhear our conversations cannot glean inappropriate information from our conversations. These folks were discussing these cases and sharing photos in a public area. Not a good thing.

64E-2.013 Records and Reports requires us to "ensure reasonable safety from water...and to be safeguarded from unauthorized use". Unauthorized use is something we can put on a piece of paper. Is a photograph a record? Investigators use them all the time. In fact, when our memo went out forbidding the taking of pictures for unauthorized use, the fire inspectors were the first ones to call to find out if photos of burns are authorized. Of course the city attorney agreed that such

documentation is allowable as an authorized use. Sharing those same photos in a wing joint with a bunch of fellow trauma junkies is unauthorized use.

The federal confidentiality laws that are covered by the Health Insurance Portability and Protection Act (HIPPA) are quite clear on violations of confidentiality. We have all attended the classes ad nauseum, but I suppose that would require the EMS person to take the training information and understand the implications of sharing photographs (including digital images) as the inadvertent release of confidential information. Is that too much to ask from a bunch of chatty EMS folks?

What about a Code of Conduct for city employees? Under my city's policy, Rule XII Section 3: Code of Conduct (a): "The conduct listed below, although not intended to be an exhaustive list, sets forth examples of grounds for disciplinary action:

(3) Conduct not becoming a city employee, either during duty hours or during off duty hours if in uniform or if such conduct renders the employee incapable of effective performance of his/her duties and responsibilities.

(4) Violation of any lawful and reasonable regulation or order, or failure to obey any lawful or reasonable direction given by a supervisor. (Federal law forbids disclosure of private medical information – including detached or displaced body parts, without authorization).

(9) Inappropriate conduct or language toward the public, supervisors, or co-workers. (Are photos considered "language"? In my opinion they are.)

(12) Unauthorized release of any privileged or confidential information or release of work products without the express approval of the supervisor." (They did not have their supervisor's permission to take the photos, much less release them).

The above is a list of charges that could be brought against the employees had a complaint been filed. Perhaps we need an EMS Code of Conduct in this state so that all of us are covered equally and supervisors can rely on that professional Code of Conduct to guide our folks and prosecute those that need it.

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Even without a state EMS Code of Conduct, presently supervisors and managers are not without grounds to prosecute discipline against employees with these camera phones or just plain old cameras. In the light of fairness, a memo was produced that specifically banned the use of cameras from unauthorized use. If your department has not addressed these modern annoyances (I mean, "advances in

technology"), perhaps you need to develop a policy under the guidance of your legal staff to get control of these and other upcoming advances in technology. One certainly does not want to find your agency on the front page of your hometown newspaper with an Abu Ghurayb prison-like photos gleaned from the internet with your folks being the focus of the investigation.

Oh, the end result for those EMS party animals? The memo clarified what would happen if they are caught with such material again and that the images should

be deleted from their files. I don't know who they were and don't want to know. Everyone is now on notice that their immature actions may cost them their jobs and their future as EMS providers. 'Nuff said.

Tip of the Month

National Registry Certification does not license or certify anyone to practice as an EMT or Paramedic in any state, only the state in which the individual is practicing in can issue state certification or licensure.

Recertification Expiration Extended to January 1, 2005



Recertification Deadline is extended due to recent disaster efforts.

Due to the impact on Florida from the severe hurricane season and under authority of the Governor's Executive Order 04-217, the expiration date for EMT and paramedic certificates scheduled to expire on December 1, 2004, has been extended to January 1, 2005.

The expiration date of those organizations offering continuing education credit for EMTs and paramedics due to expire on December 1, 2004, also has been extended to January 1, 2005.

To ensure that you are not assessed a late fee, your complete renewal application, along with the required fees in the form of a money order or certified check must be received by the Bureau of EMS by close of business on Thursday, December 30, 2004. Renewed certificates are generally issued within two weeks of receipt of complete applications.

We Need Your Ideas!

The Bureau of Emergency Medical Services needs your help in creating a name for our newsletter. Be creative!

Submit ideas by e-mail:

DEMO_EMS@doh.state.fl.us

Or by mail:

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We will be choosing an idea and announcing the creator in the next issue.