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December 14, 2007

Dave Macedo
Stockton Professional Firefighters Local 456
PO Box 69-2201
Stockton CA 95269

RECEIVED
DEC 17 2007
EMERGENCY MEDICAL
SERVICES

Dear Mr. Macedo:

The County of San Joaquin is aware of the Stockton Professional Firefighters Local 456 website www.amatterofpublicsafety.com. In reviewing the website, we have identified patient privacy and confidentiality violations.

The website contains a link to the Stockton Fire Department's Unusual Occurrence (UO) log. The log contains "patient identifiable information" which is protected from disclosure by the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191.) The disclosure of that information to Local 456 by the Stockton Fire Department and the subsequent publication of the information by Local 456 is a continuing violation of those patients' privacy rights subjecting the SFD to civil and criminal penalties of up to \$250,000.

The log also contains Peer Review/Quality Improvement outcome information. The State of California holds the peer review process in high regard, acknowledging that the quality of patient care is elevated by candid cooperation in the peer review process. However, that candor requires a measure of confidentiality. External access to quality improvement investigations inhibits the open exchange of essential information.

The EMS Quality Improvement program is a peer review program. The goal of the program is to identify clinical issues needing improvement and to develop action plans to bring about the improvement. The participants in the program would have little incentive to openly participate in the system if the information exchanged was not

confidential. The participants in the San Joaquin County EMS system recognize that the quality of care is elevated by candid participation in the Quality Improvement program. For that reason, participants, including members of the Stockton Fire Department, sign a statement agreeing to maintain the confidentiality of the Quality Improvement program. Publication of the SFD log is a breach of that confidentiality. Continued disclosure of the Quality Improvement data discourages open participation in the process and impairs the EMS community's ability to correct deficiencies and improve patient care.

Because the publication of the Stockton Fire Department's Unusual Occurrence log wrongfully discloses patient information and impairs the EMS Quality Improvement process, we are asking that you immediately remove the document from your website.

Sincerely,



J. Mark Myles
Assistant County Counsel

c: BOS
CAO
City Council
City Manager
City Attorney
SJCEMSA
AMR