

June 22, 2018

MEMORANDUM

TO: Hospital CEO, Emergency Preparedness Director, Regulatory Compliance

FROM: Mike Vicario, Vice President of Regulatory Affairs

SUBJECT: Disaster Preparedness Topics

American Red Cross and the Health Insurance Portability and Accountability Act (HIPAA)

NCHA supports the American Red Cross' efforts to provide humanitarian assistance to families and individuals affected by disaster. However, in some situations they have seen reluctance among providers to share needed information that would help in their response efforts. They have issued a clarification statement regarding HIPAA regulations and the specific authority that covered entities like hospitals have in sharing protected health information with the American Red Cross. Please share the information (<https://bit.ly/2yFKQuC>) with your emergency department and others likely to interact with those affected by disaster. Questions regarding the letter can be brought to me, or the local chapter of the Red Cross.

The Emergency Medical Treatment and Labor Act (EMTALA) and Disasters

The HHS Office of the Assistant Secretary for Preparedness and Response (ASPR) Technical Resources, Assistance Center, and Information Exchange (TRACIE) was created to help meet information and technical assistance needs. They have released an updated version of a January statement addressing questions regarding EMTALA and disasters. The statement has been approved by the NC State Regulatory Agency, the Division of Health Services Regulation. See this information at <https://asprtracie.s3.amazonaws.com/documents/aspr-tracie-fact-sheet-emtala-and-disasters.pdf>.

CMS Required Succession Policy in Emergency Preparedness Plan

The Centers for Medicare & Medicaid Services (CMS) ((§403.748(a)(3)) and The Joint Commission require (EM 02.02.01 EP 12) that that there be a succession policy in the facility's emergency preparedness plan. Hospitals should ensure that their succession policy lists replacements for key leaders who may not be available to carry out their duties during an emergency, as surveyors may include a review of that policy during their visit. The Policy should be shared with the Emergency Management Program Leaders for your organization.

Mutual Aid Agreement

The MAA is a written, voluntary agreement providing a framework for the effective utilization of available hospital resources in the event of a disaster, and to provide timely and effective patient care. Supporting Hospitals agree to provide, whenever practicable, other types of assistance and services as may be needed by the Affected Hospitals. Compensation for patient care services is made through the usual and customary channels for those patients transferred. A listing of NC hospitals that have current mutual aid agreements, along with links to the operations guide, can be found at on NCHA's website at <https://www.ncha.org/disaster-preparedness/>. Login is required to link to the MMAs.

Please contact Mike Vicario, NCHA Vice President of Regulatory Affairs (919-677-4233) mvicario@ncha.org if you have questions.



