ARIZONA REVISED STATUTES, ADMINISTRATIVE CODE, SUBSTANTIVE POLICY STATEMENT
BEMSTS DATA CONFIDENTIALITY, QUALITY ASSURANCE CIVIL DISCOVERY PROTECTION

T. 36 – PUBLIC HEALTH & SAFETY; CH. 21.1 – EMS; ART. 1 – GENERAL PROVISIONS

36-2201. Definitions

In this chapter, unless the context otherwise requires:

21. "Medical record" means any patient record including clinical records, prehospital care records, medical reports, laboratory reports and statements, any file, film, record or report or oral statements relating to diagnostic findings, treatment or outcome of patients, whether written or recorded, and any information from which a patient or the patient's family might be identified.

36-2220. Records; confidentiality; definition

A. Information developed and records kept by the department or a political subdivision of this state for the purpose of administering or evaluating the Arizona emergency medical services system or for the trauma system are available to the public except:

1. Any patient record including clinical records, prehospital care records, medical reports, laboratory statements and reports, any file, film, record or report or oral statement relating to diagnostic findings, treatment or outcome of patients, whether written or recorded, and any information from which a patient, the patient's family or the patient's health care provider or facility might be identified except records, files and information shall be available to the patient, the patient's guardian or the patient's agent.

2. Information obtained for purposes of chapter 25 or chapter 4, article 5 of this title.

B. Unless otherwise provided by law, all medical records developed and kept by a prehospital component of the statewide trauma system and information contained in these records are confidential and may not be released to the public without written authorization by the patient, the patient's guardian or the patient's agent.

C. Notwithstanding subsection B of this section, a prehospital incident history report completed and kept by a nonhospital political subdivision of this state is available to the public except for information in that report that is protected from disclosure by the laws of this state or federal law including but not limited to confidential patient treatment information.

D. Patient records and medical records covered by this section may be obtained pursuant to section 12-2294.01.

F. For the purposes of this section, "prehospital incident history report" means a record of the prehospital response, nature of the incident and transportation of an emergency medical services patient that is documented on a prehospital incident history report.

CH. 25 – HEALTH CARE QA; ART. 1 – HEALTH CARE ENTITY QA PROCESS

36-2403. Confidentiality; protection from discovery proceedings and subpoena; exceptions

A. The information considered by any entity or organization acting pursuant to section 36-2402, subsection C in the course of a quality assurance process and the records of its actions and proceedings shall be confidential and are not subject to subpoena or order to produce except as provided in subsection B of this section and in proceedings before the appropriate state licensing or certifying agency, or in actions by an aggrieved licensed health care provider against a health care entity. No member of a health care entity, its staff or any person assisting or furnishing information to it or participating in the course of the quality assurance process may be subpoenaed to testify in any judicial or quasi-judicial proceeding if such subpoena is based solely on activities relating to the quality assurance process.

B. This article shall not be construed to affect any patient's claim to privilege or privacy or to prevent the subpoena of a patient's health care records if they are otherwise subject to discovery.

C. Information considered by a health care entity and the records of its actions and proceedings which are used pursuant to subsection A of this section by a state licensing or certifying agency or in an appeal shall be kept confidential and shall be subject to the same provisions concerning discovery and use in legal actions as are the original information and records in the possession and control of a health care entity.

T. 12 – COURTS AND CIVIL PROCEEDINGS; CH. 13 – EVIDENCE; ART. 7 – MEDICAL RECORDS

12-2291. Definitions

In this article, unless the context otherwise requires:
6. "Medical records" means all communications related to a patient's physical or mental health or condition that are recorded in any form or medium and that are maintained for purposes of patient diagnosis or treatment, including medical records that are prepared by a health care provider or by other providers. Medical records do not include materials that are prepared in connection with utilization review, peer review or quality assurance activities, including records that a health care provider prepares pursuant to section 36-441, 36-445, 36-2402 or 36-2917. Medical records do not include recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity, but include communications that are recorded in any form or medium between emergency medical personnel and medical personnel concerning the diagnosis or treatment of a person.

ADHS/BEMSTS SUBSTANTIVE POLICY STATEMENT #SP-083-PHS-EMS Effective January 26, 2007
Interpretation of A.R.S. § 36-2220(A) through (D), as Related to Disclosures by ADHS

The purpose of this substantive policy statement is to notify the public of the Arizona Department of Health Services’ (ADHS’s) interpretation of A.R.S. § 36-2220(A) through (D), as related to disclosures of information by ADHS.

A.R.S. § 36-2220(A)
ADHS interprets A.R.S. § 36-2220(A)(1) to allow for disclosure of these items only to the patient, the patient’s guardian, or the patient’s agent.

ADHS interprets A.R.S. § 36-2220(A)(2) as providing an absolute exception to the general requirement for disclosure for information obtained for purposes of health care quality assurance activities under A.R.S. §§ 36-2401 through 36-2404 and for purposes of review of certain health care practices under A.R.S. §§ 36-445 through 36-445.04. It is important to note, however, that documents and information in ADHS’s possession that are otherwise subject to disclosure do not become confidential simply because they are considered during health care quality assurance activities or review of certain health care practices under these statutes. For purposes of whether a document or information is subject to the general requirement for disclosure, the original nature of the document or information is retained, even if the document or information is subsequently considered for purposes of health care quality assurance activities or review of certain health care practices.