



State of New Jersey

DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
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www.nj.gov/health

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

December 22, 2021

VIA EMAIL & REGULAR MAIL

Re: Lincoln Park First Aid Squad

Dear Mr. Streger:

On December 3, 2021, you sent correspondence to the Commissioner of the Department of Health, which raised concerns with the manner in which the Department of Health, Office of Emergency Medical Services (OEMS), shares health information with the New Jersey Department of Law and Public Safety (NJDLPS). As your correspondence raised concerns involving OEMS, your letter was referred to me for a response. Please allow this letter to serve as a response to your December 3rd letter and supplement the Department's December 1st correspondence, which provided you with guidance on the Department's EMS data repository and the manner in which the Department shares health information with its State partners.

In your letter, you make several statements that are incorrect. First, your letter references your "client's ImageTrend medical records system" and the "State ImageTrend data repository where all the EMS providers in the state transmit their NEMSIS data." In other words, you are stating that the Department hosts two independent databases. This is incorrect. The Department has only one EMS data repository, which is hosted by ImageTrend. Your client's medical records system is an integrated part of the State EMS data repository.

Second, your December 3rd letter provides that the NJDLPS's access to the Department's EMS data repository was revoked. As stated in the Department's December 1st letter, this is false. When a State level administrator is added to the system, by default, ImageTrend lists the State level administrator on the local level as a "Staff Member". This is a vendor coding default. In the past, this has caused some confusion with local users (i.e. EMS providers), which prompted local users to request that the Department remove the "Staff Member" coding. To accommodate, the

Department manually unchecks “Staff Member” so the title does not appear in the local staff listing, which is appropriate because the State level administrative access is not a local user. Per the ImageTrend default coding, NJDLPS is initially coded as a “Staff Member” on the local level. Pursuant to routine management of the ImageTrend system, OEMS manually moves the State administrative users, such as NJDLPS, from the local staff listing to the State administrative listing. NJDLPS’s access to the database remains the same in order for NJDLPS to fulfill its federal reporting requirements. As stated in the Department’s December 1st correspondence, the NJDLPS’s access has remained current and has not been “revoked”.

Based upon the explanation above and the Department’s December 1st correspondence, the Department will not be providing an “accounting” of patient records as you requested as there has not be a breach of the system or any violation of State or federal law regarding NJDLPS’s access to the repository.

Third, you assert that the Fatality Analysis Reporting System (FARS) personnel’s access to the EMS repository is “wholly inappropriate legally and ethically.” This too is false. As the Department’s December 1st letter explains, FARS, which sits under the NJDLPS, Division of State Police, may only access the Department’s EMS data repository to search for victims of motor vehicle accidents pursuant to federal regulation and for public health purposes, as determined by the Federal Office of Civil Rights. Moreover, FARS has limited access to a restricted dashboard in the data repository. Specifically, FARS only has the ability to query a specific decedent, who has already been identified by FARS, and is restricted to information about the accident scene location, EMS response time, patient disposition, age and gender. Thus, FARS does not have unfettered access to data in the repository.

You also point out that the “data elements included in the DUA are essentially meaningless to the Fatal Accident Reporting System.” You are correct. The Department’s data use agreement (DUA) with NJDLPS¹ and FARS are two separate matters. NJDLPS can access the EMS data repository for public health purposes, specified in the DUA, relating to the opioid epidemic. Separately, the FARS may only access a restricted dashboard in the repository to obtain limited data related to victims of motor vehicle accidents, consistent with its authority outlined above.

Lastly, despite your accusation, the Department’s December 1st letter merely outlined the reasons why your guidance to your client to cease complying with State reporting requirements of N.J.S.A. 26:2K-67 is problematic; the Department’s letter was not threatening in any way. The letter was aimed to educate you concerning the relevant statutes, rules, and public health concerns that could result from non-compliance with N.J.S.A. 26:2K-67. In addition, the Department’s December 1st letter aimed to rectify the confusion that your initial November 22nd letter caused for the EMS community.

¹ Contrary to your assertion, the DUA is fully executed by both NJDLPS and the Department.

The Department has thoroughly explained, twice, how and why the Department shares data with its State partners and the Department's statutory authority in this regard. Because the Department is in full compliance with all State and federal laws, the Department will not entertain you in any further discussions on this matter.

Sincerely,

Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services