

**A RESOLUTION  
OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
APPROVING A RED FLAG POLICY FOR  
OURAY COUNTY EMERGENCY MEDICAL SERVICES**

**Whereas**, the Board of County Commissioners of Ouray County, Colorado (“Board”) is empowered under C.R.S. §30-11-107 (1)(q) to “organize, own, operate, control, direct, manage, contract for, or furnish ambulance service;” and

**Whereas**, the Board has recognized the U. S. Federal Trade Commission’s ruling that final rules implementing sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 require that all EMS and/or ambulance services create and implement an **Identity Theft Prevention and Detection and Red Flags Rule Compliance** policy to protect all Ouray County Emergency Medical Services (“OC EMS”) patients and their families from medical identity theft by August 1, 2009; and

**Whereas**, the Board hereby finds and determines that the execution of the OC EMS Red Flag Policy created by OC EMS and their billing contractor, Business Options, and approved by Ouray County Attorney, provides for the health, safety and welfare of the visitors and residents of Ouray County and meets the requirements stipulated by the Federal Trade Commission.

**Now, Therefore, Be It Resolved** that the Board of County Commissioners of Ouray County, Colorado approves and authorizes the Chair’s signature on the OC EMS **Identity Theft Prevention and Detection and Red Flags Rule Compliance** program.

Adopted this 13th day of July, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Heidi M. Albritton, Chair

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K. Keith Meinert, Vice Chair

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Michelle Nauer, Clerk and Recorder  
By: Linda Munson-Haley, Deputy Clerk of the Board

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Lynn M. Padgett, Commissioner Member

**Ouray County Emergency Medical Services  
Policies and Procedures  
for  
Identity Theft Prevention and Detection, and  
Red Flags Rule Compliance**

It is the policy of Ouray County Emergency Medical Services, OC EMS, to follow all federal and state laws and reporting requirements regarding identity theft. Specifically, this policy outlines how OC EMS will (1) identify, (2) detect and (3) respond to “red flags”. A “red flag” as defined by this policy includes a pattern, practice, or specific account or record activity that indicates possible identity theft.

It is the policy of OC EMS that this Identity Theft Prevention and Detection and Red Flags Rule Compliance program is approved by the Ouray Board of County Commissioners, BOCC, as of August 1, 2009, and that the policy is reviewed and approved no less than annually.

It is the policy of OC EMS that the Chief Paramedic or his or her designee is assigned the responsibility of implementing and maintaining the Red Flags Rule requirements. Furthermore, it is the policy of OC EMS that this individual will be provided sufficient resources and authority to fulfill these responsibilities.

It is the policy of OC EMS that, pursuant to the existing HIPPA Security Rule, appropriate physical, administrative and technical safeguards will be in place to reasonably safeguard protected health information and sensitive information related to patient identity from any intentional or unintentional use or disclosure.

It is the policy of OC EMS that its business associates (Business Options, Montrose Memorial Hospital, etc.) must be contractually bound to protect sensitive patient information to the same degree as set forth in this policy. It is also the policy of OC EMS that business associates who violate their agreement will be dealt with first by an attempt to correct the problem and, if that fails, by termination of the agreement and discontinuation of services by the business associate.

It is the policy of OC EMS that all members of our workforce have been trained by the August 1, 2009 compliance date on the policies and procedures governing compliance with the Red Flags Rule. It is also the policy of OC EMS that new members of our workforce receive training on these matters within a reasonable time after they have joined our organization. It is the policy of OC EMS to provide training should any policy within a reasonable time after the policy or procedure materially change. Furthermore, it is the policy of OC EMS that training will be documented, indicating participants, date and subject matter.

## **Procedures**

**I. Identify red flags.** In the course of caring for patients OC EMS may encounter inconsistent or suspicious documents, information or activity that may signal identity theft. OC EMS identifies the following as potential red flags, and this policy includes procedures describing how to detect and respond to these red flags below:

1. A complaint or question from a patient based on the patient's receipt of:
  - A bill for another individual;
  - A bill for a service that the patient denies receiving;
  - A notice of insurance benefits (or explanation of benefits) for EMS services never received.
2. Records showing EMS treatment that is inconsistent with those reported by the patient.
3. A complaint or question from a patient about the receipt of a collection notice from a bill collector.
4. A patient or health insurer report that coverage for a legitimate ambulance transport is denied because insurance benefits have been depleted or a lifetime cap has been reached.
5. A complaint or question from a patient about information added to a credit report by a health care provider or health insurer.
6. A dispute of a bill by a patient who claims to be the victim of any type of identity theft.
7. A notice or inquiry from an insurance fraud investigator for a private health insurer or a law enforcement agency, including but not limited to a Medicare or Medicaid fraud agency.

**II. Detect red flags.** OC EMS staff will be alert for discrepancies in documents and patient information that suggest risk of identity theft or fraud. OC EMS will verify patient identity, address and insurance coverage at the time of patient contact, when possible. It is the practice of OC EMS to receive patient billing information from the receiving hospital a patient(s) was transported to.

**Procedure:**

1. When a patient calls to request a non-emergency transport the patient will be asked to bring the following at the time of service:
  - Driver's license or other photo ID;
  - Current health insurance card or verified insurance information.
2. OC EMS staff should be alert for the possibility of identity theft in the following situations:
  - The photograph on a driver's license or other photo ID submitted by the patient does not resemble the patient.
  - The patient submits a driver's license, insurance card, or other identifying information that appears to be altered or forged.
  - Information on one form of identification the patient submitted is inconsistent with information on another form of identification with information already in OC EMS's records.
  - An address or telephone number is discovered to be incorrect, nonexistent or fictitious.
  - The Social Security number or other identifying information the patient provided is the same as identifying information in OC EMS's records provided by another individual, or the Social Security number is invalid.

**III. Respond to Red Flags.** If an employee of OC EMS detects fraudulent activity or if a patient claims to be a victim of identity theft, OC EMS will respond to and investigate the situation. If the fraudulent activity involves protected health information (PHI) covered under the HIPAA security standards, OC EMS will also apply its existing HIPAA security policies and procedures to the response.

**Procedure:**

If potentially fraudulent activity (a red flag) is detected by an employee of OC EMS;

1. The employee should gather all documentation and report the incident to his or her immediate supervisor [or designated compliance officer/privacy official].
2. The supervisor [or designated compliance officer/privacy official] will determine whether the activity is fraudulent or authentic.
3. If the activity is determined to be fraudulent, then OC EMS will take immediate action. Actions may include:
  - Notify appropriate law enforcement;
  - Notify the affected patient;
  - Notify our business associates: i.e. contract billing service, receiving hospital, etc.

If a patient claims to be a victim of identity theft:

1. The patient should be encouraged to file a police report for identity theft if he/she has not done so already.
2. The patient should be encouraged to complete the ID Theft Affidavit developed by the FTC, along with supporting documentation.
3. OC EMS will compare the patient's documentation with personal information in the service's records.
4. If following investigation, it appears that the patient has been a victim of identity theft; OC EMS will promptly consider what further remedial actions/notifications may be needed under the circumstances.
5. If following investigation, it does not appear that the patient has been a victim of identity theft; OC EMS will take whatever action it deems appropriate.