

When exactly you are legally required to report a patient case to the police?

A gun is involved?

Report it: gunshots, bullet wounds, powder burns

Injury by a sharp object?

Required only if the injury is likely to result in death

Other reporting:

Child Abuse, Court Orders (with the exact request specified in writing by a judicial officer or grand jury subpoena), and when failure to disclose PHI would pose a threat to public safety.

Otherwise:

No PHI should be shared w/ officers w/o authorization from a consentable patient.

Can a police officer confiscate a patient's property?

Not without probable cause. Once a patient's property has been collected and placed in the safe, PD must have a warrant to retrieve property as evidence.

Be aware, part of NY's civil forfeiture law states that police departments can absorb the value of property confiscated (up to 60%) as profit, at times even without convicting the owner of that property of a crime. Vox¹ has studied the financial incentive borne into civil forfeiture by police nationwide and the Institute for Justice² has given NY a C grade for their civil forfeiture laws.

Can you dismiss a police officer during resuscitation/examination?

Yes, if you do NOT, this is a violation of HIPAA if you are disclosing sensitive information in front of the officer. This may violate the patient's right to privacy within the hospital given by the NY State Patient Bill of Rights.

Be aware that the NYPD police is to be near to and ideally within visual contact so you may have to ask them to move far away in order to ensure privacy when speaking with your patient.

What if a patient is handcuffed to a bed can you insist on removing the handcuffs?

As per the "arrests" section of NYPD's patrol guide, an officer can handcuff the patient to the bed, unless as the provider you request to remove them.

Be aware. If you ask to remove them, they may argue that there **needs to be an assessment of safety** during treatment and say that they will only remove the restraints if there are enough safety measures in place.

Can physicians prescribe medications for patients to be taken while in custody?

If a physician at a hospital provides a pre-arraignment prisoner with medications to be taken by the prisoner during the pre-arraignment period, the uniformed member accompanying the prisoner will take custody of the medication until the member reaches the court section for processing.

At this location, the medications will be given to the available emergency medical technician *EMT) to hold until the prisoner needs to self-administer it.

Can you as a provider insist police leave the hospital?

Providers may insist that police leave treatment areas by claiming that the presence of non-hospital personnel increases the risk of outsiders seeing confidential information & violating HIPAA: