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Brenden Hayden

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Richard Patrick  
FICEMS Chairperson  
c/o Office of Emergency Medical Services  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, Southeast  
Washington, DC 20590

Dear Mr. Patrick,

On behalf of the National Emergency Medical Services Advisory Council (NEMSAC), we are writing to encourage the Federal Interagency Committee on EMS (FICEMS) to research best practices on the topic of Body-Worn Cameras (BWC) in the Emergency Medical Services (EMS) setting. Using this research, we recommend promoting and publishing findings in a curriculum that will educate EMS agencies who are looking to implement a BWC program in their jurisdiction. There is a growing interest in the use of BWCs for prehospital clinicians, namely for the accountability, training, and protection of the clinicians, as well as the documentation and protection of the patient. There are legal, financial, workforce, and social issues associated with the use of BWCs in the field. Law in this area is relatively sparse and still developing, prompting a response needed from FICEMS on this topic.

Potential Benefits:

- Improved documentation
- Clinician accountability to protocols, treatment, and behavior
- Resolve disputes/litigation between patient/clinician interactions
- Safety for EMS clinicians and for the patients
- Quality Assurance/Quality Improvement, usage in training scenarios

Potential Issues:

- Legal (Protected Health Information, data retention and usage, state invasion of privacy laws)
- Financial (cost, storage, etc.)
- Workforce (staff perception, union bargaining, usage in discipline)
- Patient/public perception

Violence to prehospital clinicians has dramatically increased over the last decade. Over the course of only one year, 2020 to 2021, New Orleans EMS saw a doubling of assaults on their staff, prompting them to institute BWC's to protect employees in the field. EMS clinicians supported the implementation of these devices that are widely used now throughout this system. Patients benefit from the use of BWCs through the improvement of accountability and transparency in treatment.

Approximately 100 EMS agencies across the country are currently using BWCs, to follow other law enforcement agencies for the promotion of public safety. With the increased interest, complications from using them are also growing. Guidance and education is needed to ensure the proper use of the Protected Health Information (PHI) collected, ensuring protections for both the patient and the clinician.

To assist EMS agencies in successfully deploying a BWC program, they will need to ensure compliance with all federal and state laws, which are subject to change. The impact of a BWC program can be extremely positive, with policy, procedures, and protections potentially associated. Currently there is a lack of regulation on EMS body camera footage containing PHI. Clear and comprehensive procedures should be set forth to ensure proper use and training on the cameras within each jurisdiction.

NEMSAC is seeking support from FICEMS member agencies to promote the awareness and usage of BWCs in EMS. Specifically, we are asking for widespread communication via the following mechanisms, including but not limited to:

- Posting links to the “EMS Body-Worn Camera Quickstart Guide” produced by NEMSIS under “Important Issues in EMS” section, where the links are front and center at the top of the page [https://nemsis.org/wp-content/uploads/2021/06/EMS-Body-worn-Camera-Quickstart-Guide\\_Legal-Considerations\\_06.2021.pdf](https://nemsis.org/wp-content/uploads/2021/06/EMS-Body-worn-Camera-Quickstart-Guide_Legal-Considerations_06.2021.pdf)
- Hosting webinars on the basic outline of BWC usage, the benefits and the concerns, legal aspects (including PHI), and how to access more information
- Email distribution through NHTSA
- Posting in the “EMS Update” newsletter
- Each FICEMS member agency should utilize their internal distribution and communication channels for state and local information regarding BWCs, including PHI, training, discipline, and all other legal aspects, to EMS partners
- Provide guidance to inquiring agencies on best BWC practices

We believe that BWCs could potentially have an important role in promoting the safety of EMS clinicians and improved clinical care, but requires careful consideration for proper deployment. We appreciate the assistance of FICEMS in promoting and spreading further awareness.

Sincerely,

Brenden Hayden  
Chair, National Emergency Medical Services Advisory Council