

LAW DEPARTMENT  
PATRICIA A. HAGEMAN  
CITY COUNSELOR  
314 CITY HALL  
1200 MARKET STREET  
SAINT LOUIS, MO 63103-2864  
(314) 622-3361  
Facsimile (314) 622-4956



FRANCIS G. SLAY  
MAYOR

DEPUTY CITY COUNSELORS  
NANCY R. KISTLER  
MICHAEL A. GARVIN

ASSOCIATES  
JOSEPH R. NIEMANN  
FRANCIS M. OATES  
KATHLEEN G. TANNER  
DONALD G. DYLEWSKI  
LESLYE E. MITCHELL-YANCEY  
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RAYMOND B. FLOJO  
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DANIEL J. EMERSON  
CHRISTINE HODZIC  
NANCY E. EMMEL

ASSISTANTS  
PATRICIA L. WENDLING  
PAUL R. DIEKHOFF  
ALAN R. SCHMIDT  
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ERIN MCGOWAN  
MICHELLE BURRIEL  
ALEXIS L. SILSBE  
MALLORI ALLEN  
ANNA L. MOLITOR

September 20, 2013

Ms. Deborah Myers (*via first class mail*)  
P.O. Box 782888  
Wichita, KS 67278

**RE:** Request for Records: 911 Incident Report and CAD Transcript  
Date of Request: August 22, 2013  
Date of Incident: August 21, 2013  
Place: 4251 Forest Park Ave.  
City Final Response: September 7, 2013  
City Final Response to Corrected Address: September 20, 2013

Dear Ms. Myers:

Your records request to the City of St. Louis Fire Department, Emergency Medical Services dated August 22, 2013 for the 911 incident report and CAD transcript for the incident on August 21, 2013, ambulance arriving at approximately 11:10 a.m. at 4251 Forest Park Ave., St. Louis, MO 63108, was forwarded to me for further response. I sent the enclosed letter to you dated September 7, 2013 in response to your request, but it was returned to the City Counselor's Office today due to using an incorrect address in mailing this response to you. (Please see the enclosed copy of my September 7<sup>th</sup> letter to you.) I apologize for this error and any inconvenience caused by it.

In response to your request, please be advised that any records responsive to your request are closed records under the following authority: 1) the closed records provisions for records protected from disclosure by law under § 610.021(14) RSMo. because the City of St. Louis Fire Department Emergency Medical Services (EMS) is a City-designated health care component covered by the HIPAA Privacy Rule and the disclosure

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of the Protected Health Information pertaining to EMS services and activities as requested under Chapter 610 RSMo. would violate 45 CFR § 164.502 of the Privacy Rule; 2) the closed records provisions for “[n]onjudicial mental or physical health proceedings involving identifiable persons” under § 610.021(5) RSMo.; and 3) the protection of such information by the physician-patient fiduciary duty of confidentiality under Missouri law. See Brandt v. Medical Defense Associates, 856 S.W.2d 667, 674 (Mo. banc 1993); Fierstein v. DePaul Health Center, 949 S.W.2d 90, 92 (Mo.App. E.D. 1997).

I note that the date of treatment is an identifier under 45 CFR § 164.514(b)(2)(i)(C), and any records responsive to your request for a particular treatment date could not be de-identified under 45 CFR § 164.514.

The City considers this to be a complete and final response to your records request of August 22, 2013.

Very truly yours,



Patricia L. Wendling  
Assistant City Counselor

cc: Donald Dylewski, Associate City Counselor