

**Silverton Health
GENERAL MANUAL**

TITLE: RELEASE OF INFORMATION TO NEWS MEDIA

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Policy No: GEN-IM-145**

Date Issued: May 2003

Source/Reference: OAHHS Code of Cooperation; HIPAA 1996, 42CFR, Part 164.500; 2010 Joint Commission Standard IM.02.01.01

Date Reviewed: September 2005,
December 2009

Date Revised: January 2010,
January 2014

Departments Affected: All

Author: Privacy Officer

PURPOSE: Silverton Health (SH) recognizes the rights of patients to have their health information remain private and that in certain cases there may be inquiries from the media regarding the status of patients. This policy is established to provide a guideline for responding to media inquiries in a way that does not infringe upon patient privacy, professional medical ethics or patient care.

POLICY STATEMENT: SH will respond to media inquiries regarding a patient's condition using the guidelines listed in this policy and established by the Oregon Association of Hospital and Health Systems and assure that the privacy of patient health information is maintained in accordance with the desires of the patient.

DEFINITIONS:

Disaster: Any man-made or natural event that causes significant loss of life, injury or illness.

Patient Condition: Includes the following standard terms when describing a patient's condition.

- **Good:** Vital signs such as pulse, temperature and blood pressure are stable and within normal limits. Patient is conscious, comfortable and there are no complications.
- **Fair:** Vital signs are stable and within normal limits. Patient is conscious and alert although may be uncomfortable or in pain and may have minor complications.
- **Serious:** Vital signs may be unstable or outside normal limits. The patient is acutely ill or injured and may have major complications.
- **Critical:** Vital signs are unstable or outside normal limits. There are major complications (most patients in an intensive care unit are considered critical until ready to be moved to a regular nursing unit).
- **Undetermined/Under Evaluation:** Patient in the process of receiving physician assessment.

Note: "Stable" is not a condition.

Personal Representative:

- A person appointed as a guardian under state law;
- A person appointed as a health care representative under state law to make health care decisions or mental health treatment decisions; or
- Such other person as designated in SH's policies and procedures.

PROCEDURE: SH has designated the Director of Public Relations and Communications to be accessible to the news media. In the event that the Director of Public Relations and

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Communications is not available their designee is to be accessible to the News Media. The Director of Public Relations and Communications serves as the primary resource for the news media and assumes responsibility for coordinating exchange of information from and access to SH. When requested or allowed by a patient or a patient's family, SH will direct calls to the patient's designated spokesperson. News media in the Silverton area should be informed that the Director of Public Relations and Communications is the designated spokesperson for SH. It is SH's responsibility to keep this information current.

When a physician's approval is necessary to release information, the Director of Public Relations and Communications will assist the reporter to obtain this information.

Before releasing an attending physician's name, the facility spokesperson must get the physician's approval. However, the spokesperson may acknowledge that a patient is under the care of the health care facility staff, if appropriate patient permission is obtained.

With a Signed, Written Authorization: If a patient or the patient's personal representative has signed a written authorization (see attached) allowing release of information to the media, SH may release the information indicated on the authorization to the media representative(s) specified on the authorization. The most frequently requested information that specifically requires patient authorization is as follows:

- A detailed statement about a patient's condition
- Taking photographs of a patient
- Interviewing a patient
- Confirmation of patient age, gender, admission and discharge dates, and city of residence
- Prognosis should only be released if, in addition to patient authorization, the physician has approved release

Without a Signed Written Authorization: Without a written patient authorization, SH may release only location in the facility and one-word general condition, (refer to the definition of "patient condition" in the definition section of this policy), and only if the following requirements are met:

- The media representative asks about the patient by name; and
- SH has told the patient this information may be released and the patient has not expressly stated that he/she does not want this information released.

Incapacitated Patient: In some cases, patients will not have had the opportunity to state a preference about having their information released. For example, a patient's medical condition may prevent hospital staff from obtaining authorization or asking about information preferences upon admission. If the patient is unable to sign an authorization or object to release of condition and location information, that condition and location information may be released only if the reporter has the patient's name and past patient preferences are known, or such release is determined to be in the best interest of the patient, in the professional judgment of the physician.

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Public Airwave: The fact that patient information may already have been disclosed over public airwave does not affect SH's obligation to protect patient information under HIPAA. Information in those circumstances will be released following the same guidelines for other disclosures under HIPAA.

Interviews and Photographs: Media-requested photographs, videotapes or interviews can be granted only with the patient's written authorization. When the patient is a minor, written authorization of a parent or personal representative must be obtained. The patient's physician should be informed of news media requests.

1. Requests to interview or photograph a patient under arrest or in custody will be handled in consultation with the police department or government agency holding jurisdiction.
2. SH's spokesperson may stay with the news media and the patient throughout the session to provide assistance.
3. News media coverage of unconscious patients or patients suffering from severe illness or injury will be permitted only with written authorization of the patient's personal representative.

Special Situations:

Police and Accident Cases: SH may not make a statement as to whether a patient was intoxicated, whether injuries were the result of assault or an attempted suicide, whether a patient is suspected of being a drug addict, the circumstances in which a patient was shot or stabbed, or the details relating to an automobile accident and whether there was an arrest. News media may be referred to law enforcement for matters that are still under police investigation. If written authorization from the patient or the patient's personal representative is obtained, further medical information dealing with specific injuries may be given by SH's spokesperson as follows:

1. Fractures (except head injuries): Indicate the part of the body involved and whether the fracture is simple or compound. The words "possible" or "probable" should be used when a diagnosis is not available.
2. Injuries to the head (except fractures): A simple statement may be made that there are injuries to the head. However, it may not be disclosed that the skull is fractured. No opinion may be given regarding severity of the head injury until the condition is definitively determined by a physician.
3. Trauma and internal injuries: Trauma cases usually involve injuries to more than one body location. A statement may be made that there are multiple trauma injuries. It may be stated that there are internal injuries and the general site of such injuries may be given.
4. Unconsciousness: If the patient is unconscious when brought to the hospital, this fact may be stated. However, the cause of unconsciousness may not be given.
5. Shooting or Stabbing: A statement may be made that there is a gunshot or stabbing wound and its position indicated. The Director of Public Relations and Communications may not state how the accident occurred (i.e. accidental, suicidal, homicidal, etc.), nor describe the situation under which it took place.

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6. Paralysis or Loss of Limb: No statement may be made without permission from the family or designated health care representative. SH and the news media recognize that in cases of paralysis or loss of limb, there is great emotional turmoil for the patient and family. Often the family opts to wait for a short time to tell the patient of the extent of his or her injuries. In such cases, both hospital personnel and the news media will cooperate to ensure that the patient's privacy is protected.
7. Burns: A statement may be made that the patient is burned and the Director of Public Relations and Communications may identify the area of the body involved. A statement as to the severity and extent of burns may be made if indicated by the physician.
8. Poisoning: A statement may be made that the patient is being treated for a suspected poisoning. The cause of the poisoning may not be described (such as suicidal, homicidal or accidental). However, when poisoning is proven to be accidental and reported to public authorities, the hospital spokesperson may confirm the nature of the poisoning. The product ingested should be described generically (such as "weed killer" or "detergent") and not by trade name. When the ingested material has not been identified, this fact should be so stated.
9. Battered Children: No statement shall be made that a child's injuries appear to be the result of child abuse, even if an official report has been filed. The general nature of injuries may be released if appropriate authorization is obtained and all other state and federal privacy provisions are followed.
10. Rape: Every effort will be made to protect the privacy of an alleged rape victim. Names will not be released. No statement will be made concerning the nature of the incident or injuries without the specific written consent of the patient. Once a case is reported to the police, further news media questions should be directed to law enforcement authorities.

Disaster Situations: In the case of a disaster, SH may release general information to help dispel public anxiety when specific patient identifiable information is not yet releasable. For example, we can say, "The hospital is treating four individuals as a result of the explosion." Specific information should be made available to the media as soon as possible. A conference room shall be made available for the media to gather in so that information can be released in a press conference format that does not compromise patient privacy or the health care facility's need for added security in a disaster situation.

Maternity: SH must obtain written authorization from the parent before permitting photographs or release of information about newborns. No information may be provided about drug-affected newborns (babies born to drug-addicted mothers) without written authorization from the parent or legal representative.

Unusual Illnesses: SH will refer to the health department all questions about reportable diseases or unusual illnesses. An HIV patient's privacy is protected by state and federal law. The identity of a person tested for HIV or the results of an HIV-related test is confidential.

Death: A patient death may be confirmed by SH after notification of next of kin and with written authorization from the deceased's personal representative.

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1. Information on the cause of death may be given by SH after receiving approval from the attending physician and the patient's personal representative.
2. If a death becomes the object of a medical examiner's investigation, news media inquiries as to the cause and circumstances of death will be directed to the medical examiner's office.
3. Suicide: SH will never release statements asserting suicide or attempted suicide as a reason for hospitalization or death of a patient. A medical examiner is usually the qualified authority for rendering such a judgment.

Patient Discharges: Once a patient is discharged, SH no longer will disclose information about him or her to the news media. All further inquiries should be directed to the patient or the family. Without written patient authorization, we may not release information related to the date and time of discharge. We may, however, indicate that the patient "is no longer located in the facility."

Newsworthy Persons: HIPAA does not distinguish between public and private persons or infamous and ordinary injuries. A person whose activity is a matter of public interest, a person whose livelihood or success depends on being kept in the public eye (i.e. a sports figure, an elected official or an actor), or a victim of a newsworthy injury does not forfeit a right to privacy of their medical information.

1. When a prominent person is hospitalized, SH will coordinate with the patient, family and physician to provide information about the patient's illness in a manner that is consistent with the law.
2. The prominent person may elect to name his or her own spokesperson, who will receive all requests for information. Media should seek out the person's spokesperson when requesting information about the person.
3. When a newsworthy person is in serious or critical condition, SH will arrange for medical bulletins to be issued on a regular basis, while complying with this policy.

Approvals: Policy Review Team 10/11/13; Public Relations/Communications Director 10/23/13; Chief Operating Officer – Physicians Services 1/10/14

Related Policies:

Patient Authorization to Disclose Health Information to the Media

Patient Name

Date of Birth

MR#

- I authorize Silverton Health to provide personal health information to reporters for state and national media publications, including newspapers and magazines, and to reporters for local, state and national television broadcast stations, or as otherwise specifically described:

- The information will be used on my behalf for the following purpose(s): _____

Information to be released:

- ____ Information about my specific injuries or medical condition
- ____ Only general one-word condition
- ____ My medical prognosis
- ____ My age
- ____ My city, county or state of residence
- ____ The date and time of expected or actual discharge from the hospital
- ____ Information necessary to conduct an interview with me in the hospital
- ____ Information necessary to take a photograph of me in the hospital
- ____ Such other information as stated: _____

- If not revoked earlier, this authorization will automatically expire when I am discharged from the hospital.
- I understand that media representatives are not covered by federal privacy regulations and my health information may be redisclosed and no longer protected by these regulations.
- I further understand that I may refuse to sign this authorization and that my refusal to sign will not affect my ability to obtain treatment or payment or my eligibility for benefits. I may inspect or copy any information to be used and/or disclosed under this authorization.
- Finally, I understand that I may revoke this authorization in writing at any time, provided that I do so in writing, except to the extent that action has been taken in reliance upon this authorization.
- I understand that I will be given a copy of this authorization form, after signing.

Signature of patient

Signature of person authorized by law to sign for patient

Date

Relationship to patient

Witness

Date

	<p>Patient Authorization to Disclose Health Information to the Media</p>	<p><i>Patient Identification</i></p>
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