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Folder: Marketing/Communications/
Media -KentuckyOne
Health
References:
Applicability: KentuckyOne Health

News Media/Media Communications/Patient Privacy Policy

Applies to:

KentuckyOne Health

PURPOSE STATEMENT(S):

- Protect the privacy of our patients and personnel.
- Provide guidance for all team members in regard to video, photography, or audio recordings regardless of whether they are for news media, company or educational purposes.
- Provide guidance on how to obtain and document patient consent to video, photograph, interview patients at the organizations facilities.
- Clarify roles and responsibilities of spokespersons that are authorized to provide factual information about the organization and its patients to the public and the news media.
- Clarify when the Emergency Department should contact Marketing & Communications Department.

POLICY STATEMENT(S):

It is the responsibility of all employees to protect patient privacy and to protect the reputation of the organization. To guard against the unauthorized release of information and protect patient privacy, only individuals designated to speak on behalf of the organization should interact with the media, community organizations, government officials and the public. No one other than these individuals is authorized to represent this organization's public position.

This policy includes information that is sought by the media and information, which the organization wishes to disseminate to the public using all forms of communications, including radio, television, newspapers, advertising and internet.

In adherence with federal HIPAA Privacy Regulation, all patient information is to be kept private including verbal or written documentation of patient information and photographs, video or audio recording taken without the written consent form signed by the patient/parent/guardian. Should an interview, photograph, video or audio need to be obtained; the patient/parent/legal guardian granting permission must sign a HIPAA Authorization form (KentuckyOne Health General Authorization to be Photographed and/or Interviewed form).

All video, photography, audio recording or news media interviews must have prior approval by Marketing & Communications. Forms are to be obtained from and maintained by Marketing & Communications. In addition, the Compliance Officer and Privacy Officer maintain forms.

If the patient is a minor or for some reason unable to give consent, the patient's family or guardian must give consent before the patient is photographed, videotaped or interviewed.

Unless for treatment and or educational purposes, no one - including physicians, staff, employees, guests, patients or media is allowed to record (photograph, video or audio) a patient, guest, physician or team member on any campus or facility inside or outside without permission of the Marketing & Communications Department. For photos, video, etc. related to treatment and educational purposes refer to the policy "[Patient Photography for Treatment and Educational Purposes](#)."

DEFINITION(S):

Audio recorder – any device capable of recording sound/conversation

"B-roll" is videotaped film (by camera, phone, etc.) to use as a visual to tell a story. "B-roll" also refers to footage provided free of charge to broadcast news organizations as a means of gaining free publicity. For example, an automobile maker might shoot a video of its assembly line, hoping that segments will be used in stories about the new model year.

Photograph – camera, mobile phone device, or other devices that have the capability to take a picture

Print – any news or entertainment print publication (including newspapers or magazines) or internet/online website

Radio – any entertainment or news program whether on air or web site

Social media – email, blogs, YouTube, Facebook, Twitter or any website that allows video, photographs, or postings of conversations

TV – any television program or television news station whether on the air or website.

Video – video camera, flash camera, mobile phone device, or other devices that have the capability to record video

PROCEDURE:

A. General Media Inquiries

1. Patient condition media requests (see Patient Condition below)
2. All inquiries, beyond patient condition, from the news media about patients, employees or the organization must be directed to the Marketing and Communications Department or local facility designee. (SEE MEDIA RELATIONS PROTOCOL). Employees must not initiate or participate in any interviews or comment on the organization's views, policies or practices without prior permission from the Marketing & Communications Dept. Any external requests must be referred to the Marketing and Communications Department or local facility designee.
3. The Marketing and Communications Department representative or local facility designee will contact the affected Administrator, Department Leader, Supervisor or Head Nurse to determine the answer to media's questions and facility appropriate response.
4. To ensure the well-being of all involved, media representatives will be provided with an escort, i.e., Media Relations Manager or a Marketing & Communications designee, while in the hospital facility conducting media business.
5. Media must obtain permission from Marketing & Communications to be on the premises of any facility. If you believe that they are on the grounds without permission, please contact your Security Department.

B. Matters of Public Record

1. There are situations that by law are reportable to public authorities, such as law enforcement agencies, the coroner or public health officer. While laws and/or regulations require hospitals and health care facilities to report a variety of information to public authorities, it is not the responsibility of facilities to provide that information in response to calls or written inquiries from the public or the media. Calls from the public or the media should, however, be directed to the appropriate public authority.

C. Natural Disaster/Terrorist:

1. Existing facility disaster plans, including provisions for media relations, should be implemented when an incident involving mass casualties occurs. Patient information should not be released until next-of-kin are notified.
2. Information should be made available to the media, as soon as possible, but only by authorized personnel.
3. Updates should be provided as they become available.
4. If information is not yet available or next-of-kin has not been notified, all media inquiries should be logged and callbacks made as soon as information is releasable.
5. In such a highly charged situation, the public may benefit from the release of general information to help them better understand the reality of the situation (for example, the facility is only treating four individuals as a result of the incident).
6. A central location should be designated for media briefings and/or news conferences.
7. Media should receive assistance to perform their job without compromising patient privacy or the facility's need for added security in a disaster situation.

PATIENT CONDITION

This organization's primary responsibility is to its patients. We exist to provide top quality care, often of a very private and personal nature, for our patients. The confidentiality of this relationship makes the decision to release medical information about a patient an important one.

Per the Health Insurance Portability and Accountability Act (HIPAA) of 1996, general information about a patient may only be released to the public and/or media with the patient's permission. Should a patient be unable to object due to incapacity or an emergency treatment circumstance, general information may be released according to a patient's prior expressed preference or in a patient's best interest as determined by the health care provider.

News media requesting patient information **must provide the patient's name; no information will be given unless the requester has the patient's name.** News media will only be provided acknowledgment of admittance and the patient's one-word condition, unless the patient has made other arrangements. News media requesting information beyond acknowledgment of admission and one-word condition will be referred to Marketing & Communications. Only Marketing & Communications is authorized to release patient information to the news media beyond acknowledgment of admission and one-word condition.

The standard definitions of the five conditions are:

- **Undetermined:** Patient awaiting physician and assessment.
- **Satisfactory:** Vital signs are stable and within normal limits. Patient is conscious and comfortable; indicators are excellent.
- **Fair:** Vital signs are stable and within normal limits. Patient is conscious but may be uncomfortable; indicators are favorable.
- **Serious:** Vital signs may be unstable and not within normal limits. Patient is acutely ill; indicators are questionable.

- **Critical:** Vital signs are unstable and not within normal limits. Patient may not be conscious; indicators are unfavorable.

The term “stable” should be not used as a condition nor should it be used in combination with other conditions, which by definition, often indicates a patient is unstable.

Marketing & Communications will only release additional information to the news media after retaining consent from the patient or guardian. The Department of Marketing and Communications retains responsibility for protecting the rights of the hospital, its employees and patients; he/she may delegate authority in specific instances.

The patient's decision is final. If the patient is a minor, permission shall be obtained from a parent or guardian.

NO INFORMATION RELEASES

If a patient or family member requests that no information be released, the Marketing and Communications representative and Switchboard Operator are to be notified by the House Administrator.

PHOTOGRAPHS, VIDEO, INTERVIEWS FOR EDUCATIONAL, LEGAL, AND OTHER PURPOSES

When there is a request to photograph, interview, or videotape a patient from a physician, law enforcement officer, insurance agent, or other community individual, the person receiving the request should contact the Marketing & Communications Department and Nurse Supervisor to request permission to photograph, interview, or videotape the patient.

Under both circumstances, a representative from Marketing & Communications or local facility designee will discuss the request with the patient, family, or guardian and inform them of their right to accept or decline the request. A patient, family, or guardian that agrees to a patient photograph, videotape or interview will complete the appropriate HIPAA authorization consent form, sign and date their acceptance. An employee must witness the consent and have the consent form placed in the patient’s medical record.

The entity requesting the photograph, interview, or videotape will be notified that the patient, family or guardian agreed to or declined the request. Patients who request a copy of the picture, interview, or videotape must contact the party that gathered the information.

Should you observe anyone – including patients, guests, physicians, team members, etc. – taking a photographs, video, taping, etc., of anyone on any of this organization's campuses or facilities without authorization, please report it to your Security Department immediately.

EMERGENCY DEPARTMENT NOTIFICATION RESPONSIBILITY

The Emergency Department staff will call the Marketing and Communications or the House Administrator about incidents that might be of interest to the media. The Emergency Department staff will provide the name, age, sex, address, extent of injury, and condition to the Marketing and Communications representative.

MEDIA RELATIONS PROTOCOL

The following protocol will be followed for all media relations activities. A Marketing & Communications representative or local facility designee will manage each step in the process.

Interview of Patient

- Verbal approval obtained from the patient's physician or nurse
- Written consent obtained from patient or guardian (attached to medical record)
- Verbal consent obtained from patient roommate in semi-private rooms. *(If roommate does not consent, alternative arrangements made for location)*
- Notification of Manager/Supervisor and/or Director for area
- Notification of Security
- Marketing & Communications representative or local facility designee on-site

Interview of Physician or Staff

- Verbal approval obtained from interviewee
- Written message points provided, as necessary
- Notification of Manager/Supervisor and/or Director for area
- Notification of Security
- Marketing & Communications representative or local facility designee on-site

Photograph Opportunity and "B-Roll" Footage

- Notification of Manager/Supervisor and/or Director for area
- Notification of Security
- Marketing & Communications representative or local facility designee on-site

Patient Condition Updates

- Can be handled as each facility typically handles general condition requests
- Media inquiries, beyond patient condition, should be immediately directed to a Marketing & Communications representative or local facility designee
- Security to be placed "on alert" for unusual and/or "high profile" cases

Attachments:

No Attachments

	Approver	Date
	Jeff Murphy	12/2013
	Debbie Howell: Policy Manager	12/2013