

<b>Title: HIPAA: Media Relations</b>	
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<b>Approved by:</b> Administrative Policy Committee, BH System Operations Team, PolicyTech Administrators 04/24/2019	
<p><b>Discrete Operating Unit/Facility:</b>  Banner Baywood Medical Center  Banner Behavioral Health  Banner Boswell Medical Center  Banner Casa Grande Medical Center  Banner Churchill Community Hospital  Banner Del E Webb Medical Center  Banner Desert Medical Center  Banner Estrella Medical Center  Banner Fort Collins Medical Center  Banner Gateway Medical Center  Banner Goldfield Medical Center  Banner Heart Hospital  Banner Ironwood Medical Center  Banner Lassen Medical Center  Banner Ocotillo Medical Center  Banner Payson Medical Center  Banner Thunderbird Medical Center  Banner—University Medical Center Phoenix  Banner—University Medical Center South  Banner—University Medical Center Tucson  East Morgan County Hospital  McKee Medical Center  North Colorado Medical Center  Ogallala Community Hospital  Page Hospital  Platte County Memorial Hospital  Sterling Regional MedCenter  Torrington Community Hospital  Washakie Medical Center  Wyoming Medical Center</p>	<p><b>Banner Corporate</b></p> <p><b>Ambulatory Services</b>  Banner Health Clinics  Banner Imaging Services  Banner MD Anderson Cancer Center  Banner Surgery Centers  Banner Urgent Care Centers  Occupational Health/Employee Services  Rural Health Clinics</p> <p><b>Banner Home Care and Hospice</b></p> <p><b>Insurance</b>  Banner Health Network  Banner Plan Administration  University Physicians Health Plans</p> <p><b>Banner Pharmacy Services</b></p> <p><b>Post-Acute Care Services</b></p> <p><b>Research</b></p>

**I. Purpose/Population:**

- A. **Purpose:** To identify the persons who may give information to news media, and to specify what information may be released.
- B. **Population:** All Employees

**II. Definitions:**

- A. N/A

**III. Policy:**

- A. Media requests will be processed with the utmost regard for a patient's right to confidentiality and the dissemination of consistent, accurate information. Information released to the media will be to the extent permitted by state and federal laws, including the privacy regulations issued under the Health Insurance Portability Act of 1996 (the "HIPAA Privacy Rule"). A patient's or employee's individual wishes for privacy or to participate in media coverage are foremost in this policy. This policy also reflects the importance of building relationships with media organizations in order to develop high visibility, credibility and a positive community image. It also recognizes the media function as an important communication link within our communities.
- B. All inquiries from news media regarding any Banner hospital, nursing home, or other facility and its patients, employees, volunteers or physicians should be referred to the facility Public Relations/Communications Department, the responsible administrator in facilities that do not have a formal public relations function, or the Banner Communications Department.
  - 1. Public Relations support is available 24 hours per day, 7 days per week and can be reached through the main hospital operations in Arizona operations and administrator on-call at other facilities.
  - 2. Where the patient/resident, employee, volunteer, or physician is likely to draw the attention of the media, all media requests for information are to be forwarded to the Public Relations Department or Administration for coordination. Information will be released to the extent consented to by the Administration for coordination. Information will be released to the extent consented to by the patient/resident or his legally authorized representative, or as otherwise allowed by state and federal law.
  - 3. While in Banner facilities, media should always be escorted by a member of Public Relations or Communications Department or Administration. Unescorted media should be reported to Security/Administration via the main operator of Administration.
  - 4. Public Relations, Communications, Administrative staff and/or those designated by these groups will serve as spokespersons during media interviews.
  - 5. Unless specifically authorized by Public Relations, Communications or Administration, employees will not participate in official or unofficial (off the record) media interviews or provide information to the media with respect to hospital, facility, employee, or patient/resident information.
- C. Only the following information will be released from the facility directory to the public, including news media. Directory information elements are:
  - 1. **Name** (information can be confirmed only to those who ask about the patient by name)
  - 2. **Condition** (using terms defined within this policy)
  - 3. **Location** within the hospital (providers are permitted, but not required to release)
- D. If the patient advises Banner that they would like to opt out of the facility directory, no information can be released about that patient. If patient is unable to opt-out, see **Policy: [HIPAA: Patient Information in Facility Directory](#)** .

- E. The hospital spokesperson may not speculate on how, why or what caused the patient's injury or illness, but may offer a one-word patient condition while the individual is a patient in the facility. The following definitions will be used for patient conditions:
1. **Undetermined:** Patient is awaiting physician and/or assessment.
  2. **Good:** Vital signs (such as pulse, temperature and blood pressure) are stable and within normal limits. Patient is conscious and comfortable. The outlook for recovery is good or excellent.
  3. **Fair:** Vital signs are stable and within normal limits. Patient is conscious but may be uncomfortable or may have minor complications. Outlook is favorable.
  4. **Serious:** Vital signs may be unstable or not within normal limits. Patient is acutely ill and may be unconscious. Outlook is questionable.
  5. **Critical:** Vital signs are unstable or not within normal limits. There are major complications. Patient may be unconscious. Outlook is unfavorable.
  6. **Deceased:** Confirmation will be withheld until the next of kin has been notified or after a reasonable time has passed. A hospital may not disclose information regarding the date, time or cause of death. Information regarding cause of death comes from the coroner in most cases.
  7. **Treated and released or transferred:** The hospital spokesperson may indicate that a patient has been treated and released or treated and transferred. A hospital may not disclose information regarding the date, time or facility transferred to.
- F. When reporters request information beyond directory information, photographs or interviews with a patient, the hospital must obtain written authorization from the patient (or the patient's guardian if so required by state law). Authorization forms are available through the Public Relations Department/Administration, or can be obtained at [HIPAA Website - Forms](#).
1. When a patient/resident or legally authorized representative refuses consent, it would be appropriate to state: "At the request of the (patient, resident, family or legal representative), we will not issue any information on (patient's name) condition."
- G. BH cannot invite or allow media personnel, including film crews, into treatment or other areas of our facilities where patients' PHI (Protected Health Information) will be accessible in written, electronic, oral, or other visual or audio form, or otherwise make PHI accessible to the media, without prior authorization from each individual **who is or will be** in the area or whose PHI otherwise will be accessible to the media. It is also not sufficient to request or require media personnel to mask the identities of patients (using techniques such as blurring, pixilation, or using voice alteration software) for whom prior authorization was not obtained, because the HIPAA Privacy Rule does not allow media access to the patients' PHI, absent an authorization, in the first place.
- H. When request for interviews and photographs may be detrimental to the patient's well-being or may be disruptive to the welfare of other patients, the hospital may limit or prohibit the admission of media. If appropriate based in condition of the patient, the hospital will attempt to accommodate media in an alternative location.
- I. Per federal law, the facility is prohibited from acknowledging the existence of a patient/resident who is seeking drug/alcohol treatment without the patient's/resident's express written consent. Where consent has not been obtained, the patient's/resident's admission is to be "neither confirmed nor denied".
- J. In the case of mass casualty events, the hospital may provide limited information to an authority agency (i.e., law enforcement or Red Cross) for disaster relief for the purposes of

notifying family members or significant others of the individuals' locations and general condition.

- K. In extraordinary situations, such as disasters, the public may benefit from the release of general information when specific information is not yet releasable. For example, the Public Relations Department/Administration may say, "the facility is treating four individuals as a result of the explosion." The Public Relations Department/Administration may state the number of patients who have been brought to the facility by gender or by age group (adults, children, teenagers, etc.) This type of general information may help reduce undue anxiety.
- L. The Public Relations Department/Administration will organize media events for purposes of community education or to further other objectives of Banner Health. This may include inviting media personnel into clinical or non-clinical areas on BH property. If inviting media personnel into treatment or other areas where patients' PHI (Protected Health Information) will be accessible, prior written authorization is required for each individual who **is or will be** in the area (***Please see Section G above for further details***).
- M. If an officer seeks information from the hospital to identify or locate a suspect, fugitive, material witness or missing person (or law enforcement has issued public requests for information, "wanted" notices, or arrest warrants), a hospital may (but is not required to) provide limited information about the patient, including name, address, date and place of birth, social security number, ABO blood type and rh factor, type of injury, date and time of treatment, date and time of death (if applicable) and a description of distinguishing physical characteristics (such as height, weight, gender, race, hair and eye color, presence or absence of facial hair, scars and tattoos). A hospital may not disclose health information related to the individual's DNA or DNA analysis, dental records or typing, samples or analysis of body fluids or tissue. This includes patient/resident who have eloped and law enforcement is notified to assist in the identification and return of the patient to the hospital. The Public Relations Department, Administration and Risk Management are to be involved prior to notification.

#### **IV. Procedure/Interventions:**

- A. N/A

#### **V. Procedural Documentation:**

- A. Form: Authorization to Use or Disclose Protected Health Information (PHI) to Publish or Photograph. (Form can be obtained at [HIPAA Website - Forms](#))

#### **VI. Additional Information**

- A. N/A

#### **VII. References:**

- A. Federal Register, Vol. 65, No. 250, December 28, 2000, Standards for Privacy of Individually Identifiable Health Information; Final Rule.
- B. Federal Register, Vol. 67, No. 157, August 14, 2002, Standards for Privacy of Individually Identifiable Health Information; Final Rule.
- C. Arizona HIPAA Privacy Compliance Guide, Chapter 4, Section IV (Uses and Disclosures Permitted with Patient Notice and Opportunity to Object).

#### **VIII. Other Related Policies/Procedures:**

- A. [HIPAA: Patient Information in Facility Directory](#) (#394)
- B. [HIPAA: Use and Disclosure of Protected Health Information \(PHI\) Requiring Patient Authorization](#) (#1336)
- C. [HIPAA: Disclosures of Protected Health Information \(PHI\) to Law Enforcement/Government Officials](#) (#390)

**IX. Keywords and Keyword Phrases:**

- A. HIPAA
- B. Privacy
- C. Release of Information
- D. Patient Rights
- E. News
- F. Public Relations
- G. PR
- H. Video
- I. Filming

**X. Appendix:**

- A. N/A