



**Vice President and Chief Executive Officer of the Medical Center**

**MEDICAL CENTER POLICY NO. 0038**

- A. SUBJECT: Requests by News Organizations for Patient Information and Access for Photography or Electronic Recording
- B. EFFECTIVE DATE: October 1, 2013 (R)
- C. POLICY:

The University of Virginia Medical Center seeks to assist news organizations (also referred to in this policy as “the media”) with inquiries whenever possible while assuring the confidentiality of patient records and other information properly classified as confidential. The Medical Center Marketing/Public Relations Office is designated to coordinate the release of information to these news organizations.

The Marketing/Public Relations Office acts in accordance with the University's information policy, as established by the President and implemented by the Office of Public Affairs. The Public Affairs Office also oversees the University's compliance with the Virginia Freedom of Information Act.

The HIPAA Privacy Rule applies to information already in the public domain as well as information that has been disclosed by the patient; therefore, disclosures of PHI in response to media inquiries, beyond information about a patient’s general condition as more fully described in Section D.6 below, are only permissible pursuant to a written, fully executed HIPAA authorization and Medical Center policy.

No statements (including interviews) disclosing PHI may be made to a media organization without the prior written consent of the patient, with his/her fully executed HIPAA authorization documented in the EMR. No news organizations may photograph and/or electronically record a patient without the prior written consent of the patient, with his/her fully executed HIPAA authorization documented in the EMR. Clinicians and Medical Center employees involved in a patient’s care may not be photographed or electronically recorded by a media organization without their permission. The production of photography and/or electronic recording may not interfere with patient care, create safety concerns, or disrupt business operations.

- D. PROCEDURE:
1. To the extent practicable, all media inquiries shall be referred for response to the Medical Center Marketing/Public Relations Office at 434-924-5679.
  2. The Marketing/Public Relations Office shall be notified whenever a member of the news media is on Medical Center premises to the extent such notification is practicable. A Marketing/Public Relations representative shall escort reporters in patient care areas.

(SUBJECT: Requests by News Organizations for Patient Information and Access for Photography or Electronic Recording)

3. Media requests soliciting a statement of the position of the Medical Center on an issue shall be referred to the Marketing/Public Relations Office for response unless Medical Center senior management has already provided a response *via* a press release or other statement.
4. Media requests for a statement or interview regarding a patient, beyond a description of his/her general condition (See Section D.5), shall be coordinated by Medical Center Marketing/Public Relations, which shall:
  - a. Obtain any necessary approvals from Medical Center senior management;
  - b. Contact the patient and the patient's physician to inform each of them of the request;
  - c. Meet with the patient to describe the news organization's request, and to ask for the patient's written consent, as documented on a Patient Photo/Video/Story Release Form. Once signed, the Marketing/Public Relations Office shall send the Form to Health Information Management (HIM) for its inclusion in the electronic medical record.
5. When reporters contact physicians or administrators directly with questions relevant to their particular area of expertise (not requiring a statement on the policy of the Medical Center, which they are not authorized to make), they may provide the information or have a Marketing/Public Relations representative respond on their behalf. In either case, the department head or director and Marketing/Public Relations representative shall be notified. This notification is for informational purposes and shall be made promptly by telephone.
6. Requests for Patient's General Condition
  - a. In accordance with HIPAA rules regarding patient privacy, University of Virginia Medical Center may release to the media the condition of an inpatient, outpatient, or emergency patient provided that:
    - i. the inquiry specifically contains the patient's name, and
    - ii. the patient (or his/her surrogate decision maker<sup>1</sup>) has not requested that the information be withheld from disclosure ([See also Medical Center Policy No. 0150 "Requests for Restriction of Patient Information"](#)).
  - b. A patient's condition shall only be described in general terms ("general condition") that do not communicate specific medical information about the individual. For example, the following general terms are acceptable: "good," "fair," "serious," "critical".
  - c. To the extent practicable during normal business hours (i.e., 8:00 a.m. to 5:00 p.m. weekdays, except holidays) all news media requests for a patient's general condition shall be directed to Marketing/Public Relations. Marketing/Public Relations will then contact Patient Information Services/Bed Center to ascertain whether the requested patient information has been restricted. If the information has not been restricted, Marketing/Public Relations will contact the unit

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<sup>1</sup> "surrogate decision maker" has the same meaning as such terms as "legal representative", "authorized agent", "healthcare agent" and "legally authorized representative." appearing in other Medical Center policies.

(SUBJECT: Requests by News Organizations for Patient Information and Access for Photography or Electronic Recording)

where the patient is located to obtain the one word term describing the patient's general condition and relate that information to the media.

- d. A news organization's request for a patient's general condition received outside of normal business hours shall be forwarded to a Patient and Guest Services representative between the hours of 7:00 p.m. and 5:00 a.m. and to the on-call Marketing/Public Relations representative the rest of the time; each shall follow the procedures described above in Paragraph D.6.c with respect to ascertaining whether the requested patient information has been restricted, contacting the unit for the patient's condition, and relating that information to the media.
- e. No information regarding a deceased patient can be released to the media until the Marketing/Public Relations Office has confirmed with the Office of Decedent Affairs that the patient's family has been notified of the death, and has further confirmed that the family has not requested that the information be withheld.

7. Requests to Take Photographs of, or to Make Electronic Recordings of, a Patient

When an external media organization wishes to obtain a Photograph of, or to electronically record, a patient, or a particular procedure involving a patient, the Marketing/Public Relations Office shall coordinate the response to such request by following these steps:

- a. Obtain any necessary approvals from Medical Center senior management, and secure signatures on contracts and/or confidentiality agreements;
- b. Contact the patient and the patient's physician to inform each of them of the request;
- c. Check with the manager of the area where the patient is located to determine the feasibility of taking photographs or other electronic recordings and the conditions that must be met in that area;
- d. Meet with the patient to describe the news organization's request, and to ask for the patient's written consent, as documented on a Patient Photo/Video/Story Release Form. Once signed, the Marketing/Public Relations Office shall send the Form to Health Information Management (HIM) for its inclusion in the electronic medical record.
- e. Secure the permission of clinicians and Medical Center employees who might be included in any photography or video/audio recording.

SIGNATURE:



R. Edward Howell, CEO, UVA Medical Center

DATE:

9/24/13

(SUBJECT: Requests by News Organizations for Patient Information and Access for Photography or Electronic Recording)

Medical Center Policy No. 0038 (R)

Approved September 1985

Revised August 1987, August 1990, September 1991, September 1993, March 1995, March 1996, March 1997, June 2003, August 2003, September 2006, December 2009, March 2012, September 2013

Reviewed January 2000

Approved by Associate Vice President for Strategic Relations and Marketing

Approved by Medical Center Administration