

A Guide for Utah Media

Federal Standards for Releasing Hospital Patient Information

Introduction

Hospitals and health systems are responsible for protecting the privacy and confidentiality of their patients and patient information. The Health Insurance Portability and Accountability Act (HIPAA) mandated new regulations that govern privacy standards for health care information. HIPAA regulations specify the purposes for which information may and may not be released without authorization from the patient.

This media guide is modeled after guidelines established by the American Hospital Association and endorsed by UHA, Utah Hospitals and Health Systems Association. This document explains the guidelines Utah hospitals are required to follow when responding to media inquiries.

Condition of Patients

Under HIPAA guidelines, information about the condition and location of an inpatient, outpatient or emergency department patient may be released *only if the inquiry specifically contains the patient's name*. No information may be released by the hospital if a request does not include a specific patient's name.

As long as the patient has not requested that information be withheld, hospitals will use the following terms to describe a patient's condition*:

- # **Undetermined.** Patient is awaiting physician assessment.
- # **Good.** 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 be unconscious. Indicators are unfavorable.
- # **Treated and Released.** The patient was treated in the facility and released.
- # The death of a patient may be reported by the hospital, following notification of next of kin. Information about the cause of death must come from the patient's physician, and its release must be approved by the decedent's personal representative (next of kin or legal representative). Hospitals cannot share information with the media on the specifics about sudden, violent or accidental deaths, as well as deaths from natural causes, without the permission of the decedent's personal representative.

*The term "stable" should not be used as a condition. Furthermore, this term should not be used in combination with other conditions, which, by definition, often indicate a patient is unstable.

The Opt-Out Provision

Under the new HIPAA guidelines, patients can choose to "opt out" of providing any information on their hospital stay. The patient has the option to expressly state that he or she does not want information released—including confirmation of his or her presence in the facility. If a patient is unable to state a preference about having information released, the patient will be considered to have "opted out." In other words, no information about the patient, including confirmation of his or her presence in the facility, will be released unless the patient's personal representative authorizes release of the patient's one-word condition.

Federal laws also prohibit hospitals from releasing any information regarding patients being treated for alcohol or substance abuse.

Matters of Public Record

Matters of Public Record refer to situations that are reportable by law to public authorities, such as law enforcement agencies, the coroner or public health officers. While laws and/or regulations require healthcare facilities to report a variety of information to public authorities, new HIPAA regulations prohibit the release of information in response to calls or other inquiries from the media without patient consent.

Patients who are involved in matters of public record have the same privacy rights as all other patients. The mode of transportation by which a patient arrives at the hospital has no bearing on the information that the hospital can release about the patient. Only the one-word condition may be given.

Media Access to Patients

The media should not attempt to contact patients directly. Instead, interview requests should be made through a public relations or other designated hospital representative. Consent by the patient is required to allow the release of additional information, interviews or the taking of photographs. If the patient is a minor, permission for any of these activities must be obtained from a parent or legal guardian. Hospitals may deny the media access to the patient if it is determined that the presence of photographers or reporters would interfere with patient care or aggravate the patient's condition.

In the Event of a Disaster

In disaster situations, the public may benefit from the release of general information when specific information is not yet releasable. The hospital may release the number of patients who have been brought to the facility by gender or age group. Current information will be made available to the media as soon as possible.



2180 S. 1300 East,
Suite 440
Salt Lake City, UT 84106
801/486-9915
www.uha-utah.org