



Media Guidelines for the
Release of Nemours Patient Information

Nemours®

Nemours Media Relations

The Nemours Department of Marketing and Communication supports Nemours operating entities in Delaware, Florida, New Jersey and Pennsylvania and is solely responsible for responding to media inquiries, disseminating information about Nemours and its various operating entities, and managing all aspects of the Nemours brand.

Media inquiries are handled by Nemours Public Relations Associates. No other Nemours Associates are authorized to respond to media inquiries on behalf of Nemours or any of its entities without prior coordination and approval from these Nemours Public Relations Associates. Media should not contact patients, other Nemours families, providers or Associates directly. Instead, they should request information or an interview through Nemours Public Relations Associates.

Media may be allowed to interview patients for specific events that parents or legal guardians have authorized. Access to a patient may be denied if it is determined that the presence of reporters or photographers might aggravate the patient's condition or interfere with patient care.

A Nemours Public Relations Associate (or Marketing/Communications designee) must accompany media representatives at all times while they are on Nemours premises. Nemours may deny the media access to any area at its discretion.

Nemours Public Relations Associates cannot discuss a patient's protected health information until authorization forms are signed and returned to the the Nemours Department of Marketing and Communication.

Privacy regulations prohibit Nemours Associates from answering any questions about patients or discussing cases without proper written authorization. Members of the media attempting to question Nemours Associates may experience a "no comment" response and/or may be referred to the Nemours Department of Marketing and Communication.

Media Access to Patient

Hospitals, clinics and physician practices are responsible for protecting the privacy and confidentiality of their patients and patient information. The Health Insurance Portability and Accountability Act (HIPAA) and the HITECH Act have mandated regulations that govern privacy standards for health care information. These HIPAA regulations specify the purposes for which information may and may not be released without authorization from the patient. This document provides overall policy guidance about release of patient information to the media by Nemours.

The following activities require written authorization from the patient or the patient's legal guardian:

- Drafting a statement for approval by the patient or the patient's legal representative.
- Interviewing patients.
- Taking photographs, video, audio or other digital content that identifies patients.
- Discussing the patient's medical condition in terms more specific than a one-word condition report.
- For incoming media inquiries about specific patients, Nemours Public Relations cannot provide details unless the person legally responsible to give consent has signed a **MEDIA AUTHORIZATION FOR USE OR DISCLOSURE OF NEMOURS PATIENTS' PROTECTED HEALTH INFORMATION (PHI)** form.

Condition of Patients: What and When Information May Be Released

- **In some cases Nemours may release the patient's one-word condition without obtaining prior patient authorization** as long as the patient or the patient's guardian or representative has not requested that information be withheld. The hospital will use the one-word terms "undetermined," "good," "fair," "serious," or "critical."
- **Inquiries must contain the patient's name.** Information about the condition of a Nemours patient may be released only if the inquiry specifically contains the patient's first and last name. No information will be released to the media if a request does not include a specific patient's name.
- **Patients can "opt out" of providing information altogether.** Nemours has a responsibility to tell patients what information will be included in the hospital directory and to whom that information will be disclosed. The patient has the option to expressly state that he or she does not want information released — including information of his or her presence in the facility.

Definitions of Patient Condition

- **UNDETERMINED.** Patient awaiting physician and 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.

The death of a patient may be reported to the authorities by the hospital, as required by law. Typically, a report will be made after efforts have been made to notify the next-of-kin. Information about the cause of death must come from the patient's physician, and its release must be approved by a legal representative of the deceased. Information cannot be shared with the media about the specifics of sudden, violent or accidental deaths, as well as deaths from natural causes, without the permission of the decedent's next-of-kin or other legal representative.

Federal laws prohibit hospitals from releasing any information regarding a patient being treated for alcohol or substance abuse. These include the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; the Drug Abuse Office and Treatment Act of 1972; and 42 CFR Part 2, 188. Other state laws may also apply.

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 a public health officer. While laws and/or regulations require health care facilities to report a variety of information to public authorities, it is not the responsibility of these facilities to provide that information in response to calls or other inquiries from the media or other parties, including law enforcement officials. Instead, such calls should be directed to the appropriate public authority.

Patients who are involved in matters of public record have the same privacy rights as all other patients, as far as the hospital is concerned. The mode of transportation by which a patient arrives at the hospital will have no bearing on the hospital's approach to releasing information about the patient. The fact that someone has been transported to the hospital by a police or fire department vehicle from an accident, crime scene or fire is a matter of public record likely to be reported by those agencies. These public records may prompt media calls to the hospital requesting a patient's condition. In such cases, if the inquiry includes the patient's first and last name, only the one-word condition may be released, unless the patient has requested that all information be withheld.

There are numerous state statutes addressing reporting of incidents ranging from child abuse to gunshot wounds. The fact that a hospital has an obligation to report certain confidential information to a governmental agency does not make that information public and available to the media.

The hospital will refer media questions to the public entity (such as the coroner's office, police, fire or health department) that receives such reports. The public entity will be guided by the applicable statute as to whether it can release any or all of the information received.

Releasing Patient Information in Disaster Situations

- **When appropriate, general information will be released by Nemours to help dispel public anxiety.** In highly charged situations, such as disasters, the public may benefit from the release of general information when specific information is not yet releasable. For example, "the hospital is treating four individuals as a result of the explosion."
- **When feasible, the next-of-kin will be notified first.** While it is desirable to notify next-of-kin before releasing patient information, in disaster situations involving multiple casualties, it may be necessary to share patient information with other hospitals and/or rescue/relief organizations before the next-of-kin has been notified.
- **Nemours will not hesitate to cooperate with other hospitals or relief agencies.** Patient information will be shared with other hospitals, health care facilities and relief agencies in situations where multiple facilities are receiving patients from a disaster.
- **Working effectively with the media.** Current information will be made available to the media as soon as possible. If information is not yet available or if next-of-kin has not been notified, all media inquiries will be logged and callbacks made as soon as information is releasable. A location will be provided for all media to gather so that information can be released in a press conference format that does not compromise patient privacy or the hospital's need for added security in a disaster situation.

Nemours Media Relations Contact Information

NEMOURS-DELAWARE VALLEY

Nemours/Alfred I. duPont Hospital for Children: (302) 298-7459

Nemours duPont Pediatrics: (302) 298-7459

Nemours Health & Prevention Services: (302) 298-7459

NEMOURS-FLORIDA

Nemours Children's Hospital, Orlando: (407) 650-7676

Nemours Children's Clinic, Jacksonville: (904) 697-4268

Nemours Children's Clinic, Pensacola: (850) 473-4502

KIDSHEALTH.ORG

(302) 651-4046

NEMOURS MANSION AND GARDENS

(302) 651-5012

NEMOURS BRIGHTSTART!

(904) 697-4268