

# Updated Guidelines

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## FOR THE RELEASE OF INFORMATION ON PATIENT CONDITIONS TO THE MEDIA

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(2003 Edition, Compliant with HIPAA Regulations)

Hospitals and the media recognize that a delicate balance exists between protecting patient privacy and providing access to information that is newsworthy.

Beginning in April 2003, the federal Health Insurance Portability and Accountability Act (HIPAA) regulates certain aspects of patient privacy and confidentiality. These HIPAA regulations specify how information may be released to the media.



To clarify these changes, the New Jersey Hospital Association, in cooperation with its member hospitals, the New Jersey Press Association and major media outlets statewide, has developed this reference to serve as a model for consistency and cooperation.

The following information is provided as a general guideline that provides a minimum standard of patient privacy protection under HIPAA. Healthcare facilities should consult with legal counsel before finalizing any detailed policy on the release of patient information.

### RELEASE OF INFORMATION

- **A hospital now has the responsibility of telling patients that it can release general condition information (directory information) and to whom that information will be disclosed. Patients have the option of stating that they do not want information released at all, including confirmation of their presence in the facility. If the patient requests that no information be released, the hospital *must* honor that request.**
- **The fact that a patient has been treated or admitted to the hospital, as well as his or her general condition (under evaluation, good, fair, serious or critical, etc.) may be given if the inquiry contains the patient's name and as long as the patient has not requested that the information be withheld.**
- HIPAA allows no discretion for reporting any details other than general condition. Any specific information such as time of admission, extent of injuries or type of treatment, interviews with patients or attending physicians and photographs can only be released with the specific written authorization of the patient.
- The patient's location within the hospital is part of the directory information that may be released under HIPAA. Hospitals should use discretion in releasing this information. HIPAA specifically prohibits releasing the patient's location in the hospital if that information could prove harmful to the patient.
- No information regarding treatment for psychiatric conditions, substance abuse, the AIDS virus or any other sensitive conditions or circumstances should be released. Special discretion should be used when releasing information regarding minors, victims of sexual assault and attempted suicides.
- If a patient is unconscious and cannot express an information release preference, the hospital must determine if the patient expressed a preference during a past hospital stay. If no preference is known, the hospital must decide if disclosure is in the patient's "best interest."

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### MATTERS OF PUBLIC RECORD AND PUBLIC FIGURES

- Under HIPAA, matters of public record (those situations that are by law reportable to public authorities such as the police, coroner or public health officials) are now no different than other cases. Victims of accidents, explosions, falls, shootings, stabbings, injury from fire, natural disasters or terrorism have the same privacy rights as all other patients. Media calls requesting patient information should be answered with only the one-word condition.
- As with any patient, when a public figure is hospitalized and the media inquiry contains the patient's name, confirmation and the one-word condition may be given unless the patient requests that no information be released.
- In high-profile cases, especially those resulting in multiple injuries or mass casualties, only information as to number of injured and general conditions can be released without names.

### PATIENT CONDITIONS

Unless the patient has expressed otherwise and opted out of releasing any information, only the following one-word conditions about the patient's condition should be released.

- **UNDER EVALUATION** - Patient undergoing 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 questionable.
- **CRITICAL** - Vital signs are unstable and not within normal limits. Patient may be unconscious. Indicators unfavorable.
- **TREATED AND RELEASED** - Received treatment but not admitted.
- **TREATED AND TRANSFERRED** - Received treatment. Transferred to a different facility.
- If the patient has expired, this fact can be reported to the media only after the patient has been pronounced dead and family has been notified. However, **death** is a condition subject to HIPAA restrictions, so if the patient initially opted out of providing information altogether a hospital cannot say the patient has died .

*NOTE: The term "stable" should not be used as a condition or in combination with other conditions.*

### SPECIAL THANKS

- *NJHA Release of Patient Information Task Force*
- *The Associated Press*
- *Newark Star-Ledger*
- *WCTC Radio*
- *McGimpsey and Cafferty*
- *American Hospital Association*
- *The Ohio Hospital Association*

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