

UConn HEALTH

Administrative Policy

2021-04 Disclosures of Protected Health Information to the Media

Title	Disclosures of Protected Health Information to the Media
Policy Owner and Contact Information	Office of Healthcare Compliance and Privacy privacyoffice@uchc.edu
Campus Applicability	UConn Health
Applies to	UConn Health Workforce
Effective Date	February 9, 2022

PURPOSE:

To ensure that disclosures of Protected Health Information (PHI) to the media are made in accordance with the Health Insurance Portability and Accountability Act of 1996, the Health Information Technology for Economic and Clinical Health Act, and the associated regulations (collectively, "HIPAA").

POLICY STATEMENT:

University Communications is responsible for disseminating and pitching news stories, responding to media inquiries, arranging interviews and visual productions, and handling requests for distribution of information on behalf of the University's main campus in Storrs, UConn Health and all campus locations and programs. The University's institutional policy on communication with external media can be viewed at: <https://policy.uconn.edu/2017/05/17/communication-with-external-media-policy-on/#>

All requests for patient information from the media must be referred to University Communications. University Communications is the only department allowed to disclose patient information to the media, unless otherwise designated by senior leadership.

University Communications will consult with the Office of Healthcare Compliance and Privacy as needed prior to disclosing PHI to the media.

UConn Health must obtain an Authorization prior to disclosing PHI to the media unless such disclosure is otherwise permitted or required under HIPAA or other applicable law and is consistent with the UConn Health Notice of Privacy Practices.

UConn Health may disclose Directory Information to the media without an Authorization as set forth in this policy. Directory Information pertains to inpatients, patients on observation status, and patients in the Emergency Department at John Dempsey Hospital whose Directory Information is included in the Hospital

directory. ([See Policy 2021-05 Uses and Disclosures of Directory Information under HIPAA](#)). UConn Health will not disclose to the media the Directory Information of patients who are excluded from the Hospital directory.

Permitted Disclosures of PHI to the Media

1. Media Asks For Information Using Patient's Name

When the media asks for a patient by name, UConn Health may disclose the patient's Directory Information in accordance with Policy 2021-05 Uses and Disclosures of Directory Information under HIPAA, in the following situations ONLY:

- a. The patient has not objected to disclosure of their Directory Information and is not otherwise excluded from the Hospital directory;

OR

- b. There are emergency circumstances or the patient is incapacitated, and disclosure of the patient's Directory Information to the media is believed to be in the best interest of the patient and is consistent with the patient's prior expressed preferences, if any.

PHI disclosed to the media must be limited to patient name and location in the Hospital. Patient condition must not be disclosed.

2. Disclosure to Media for Notification Purposes

UConn Health may disclose limited PHI to the media without an Authorization to notify, or to assist in the notification of a family member, the patient's personal representative, or another person responsible for the patient's care, of the patient's location, general condition, and/or death if doing so is in the patient's best interest and:

- The patient is not present; or
- The patient is incapacitated or an emergency circumstance exists such that the patient does not have an opportunity to agree or object to the disclosure.

PHI disclosed to the media for this purpose must be limited to the minimum PHI necessary to provide the notification.

3. Other Disclosures to the Media

All other disclosures of PHI to the media, including disclosures for publicity or marketing purposes, require an Authorization ([see HCH2714: Authorization to Use and/or Disclose Protected Health Information for Publicity Purposes](#)).

Media Presence in Areas Where PHI is Accessible

Members of the media, including film crews, are not permitted in treatment or other areas where patients are present and/or PHI in any form (i.e., written, electronic, oral or other visual or audio form) is visible or accessible unless UConn Health has obtained an Authorization from each patient who will be present or whose PHI may be viewed or accessed.

DEFINITIONS:

[Privacy Definitions](#)

Directory Information: Directory Information consists of patient name and patient location within John Dempsey Hospital. With respect to the use or disclosure of PHI by or to clergy members, Directory Information also includes a patient's religious affiliation.

PROCEDURES/FORMS:

[Procedures for 2021-04 Disclosures of Protected Health Information to the Media](#)

[HCH2714: Authorization to Use or Disclose Protected Health Information for Publicity Purposes](#)

REFERENCES:

45 CFR §§ 164.510(a) and 164.510(b)(1)(ii) (HIPAA Privacy Rule)

RELATED POLICIES:

[University of Connecticut Policy on Communication with External Media](#)

[UConn Health Notice of Privacy Practices](#)

[2014-03 Visual, Audio or Recording of Patient Data Obtained through Any Medium](#)

[2021-05 Uses and Disclosures of Directory Information under HIPAA](#)

[2003-25 Uses and Disclosures of PHI Involving Family, Friends, and Others](#)

[2012-05 Legal Representative for Health Care Decisions](#)

ENFORCEMENT:

Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance with University By-Laws, General Rules of Conduct for All University Employees, applicable collective bargaining agreements, the University of Connecticut Student Code, other applicable University Policies, or as outlined in any procedures document related to this policy.

APPROVAL:

Bruce Liang (Signed)
Bruce Liang
UConn Health Chief Executive Officer

2/9/2022
Date

Kiki Nissen (Signed)
Kiki Nissen
Administrative Policy Committee Vice-Chair

2/9/2022
Date

Janel Simpson (Signed)
Janel Simpson
Administrative Policy Committee Chair

2/9/2022
Date

POLICY HISTORY:

New Policy Approved: 1/81

Reviewed Without Changes: 8/09, 11/12, 3/18

Revised: 1/86, 10/88, 12/91, 4/94, 5/97, 2/00, 10/02, 5/03, 11/03, 03/05, 6/15, 2/22