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Why Bother?

Good media relations can help:

• Keep public informed
• Raise profile in the community
• Showcase employees
• Build partnerships
• Lessen impact of bad news
What Do We Want?

- Positive coverage
- An outlet for public information
- Fair coverage of bad news
What Do They Want?

- Breaking news
- Updates for various platforms
- Story ideas
The Public Interest

• Accident and injury prevention
• Public health and disease prevention
• Public education
The Public Interest

Information in which the media is “interested” is not necessarily “in the public interest.”
HIPAA and the Media

What is the balancing test under HIPAA?
HIPAA and the Media

Oh, wait ... there isn’t one!

The public has no right to know!
• OCR reactions
• What if your motives are pure?
• Watch out for illegitimate goals
Communicating with the Media

So what can you say?
Communicating with the Media

Does my real-time blast to the media violate HIPAA?

OCR
45 CFR § 164.501 *Health information* means any information, whether oral or recorded in any form or medium, that: (1) Is *created or received* by a health care provider… and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the *provision of health care* to an individual; or the past, present, or future payment for the provision of health care to an individual.

*Individually identifiable health information* is information that is a subset of health information, including *demographic information* collected from an individual, and:

(1) Is created or received by a health care provider… and

(2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and

(i) That *identifies the individual*; or

(ii) With respect to which there is a reasonable basis to believe the information *can be used to identify the individual*. 
Health information includes the fact that a patient was treated, evaluated and released, and/or transported by ambulance. It also includes a patient’s condition, mechanism of injury, transport destination and demographic information such as age and gender.

If the health information can be used to reasonably identify the patient, when combined with other available information, it is Protected Health Information (PHI).
What kind of disclosures of PHI to the media does HIPAA authorize without prior consent?

NONE!

What are the HIPAA safe harbors for disclosures of PHI to the media?

THERE ARE NONE!
What is “De-identification?”

There are two methods for de-identifying Health Information (so it is no longer PHI):

1. **EXPERT DETERMINATION** (only works for research)

2. **SAFE HARBOR FOR DE-IDENTIFICATION**

   Do your real-time notifications meet the requirements of the safe harbor?
You must remove 18 identifiers, including:

All geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code and their equivalent geocodes, except for the initial three digits of a zip code if that includes at least 20,000 residents.

All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death

45 CFR 164.514 (B)(2)(B)
AND: You must have no actual knowledge that the information you are disclosing could be used alone or in combination with other information to identify an individual who is a subject of the information.

911 EMS dispatch transmission

Information available from other public safety agencies

Motor Vehicle Accident reports
So, I don’t qualify for the Safe Harbor ... But what could go wrong?
• When scene is a residence, don’t be more specific than a neighborhood or quadrant of the city or county.

• Only give locations for MVAs or large public places or events.

• Don’t report nature of injury or sickness. Use general conditions only (hospitals different).
What About Inquiries?

- Respond!
- Have a policy and share it.
- Designate a spokesperson.
- Restrict field personnel from communicating information.
What About Inquiries?

- The more the press knows, the less you can say.
- The more the public knows, the less you can say.
- A patient’s self-disclosure does not authorize your disclosure.
Want Coverage?

- Meet the press.
- Focus on public interest, human interest, local interest.
- Cater to need for constant updates.
- Make it easy.