

SUNY DOWNSTATE HEALTH SCIENCES UNIVERSITY
UNIVERSITY HOSPITAL OF BROOKLYN

POLICY AND PROCEDURE

Subject: **MEDIA AND CRISIS COMMUNICATION GUIDELINES FOR SUNY DOWNSTATE**

Prepared by: Dawn S. Walker

Reviewed by: Dawn S. Walker

Committee Approval:
Executive Performance
Improvement Council
Medical Executive Committee (MEC)

No. **IN AD _ 1 (formerly UN AF-1)**

Page 1 **of** 10

Original Issue Date: 10/07(UN-AF-1)

Supersedes: 8/2018

Effective Date: 02/2021

TJC Standards: LD.04.02.03: Ethical principles guide the hospital's business practices. EP The hospital follows ethical practices for marketing and billing

Issued by: **Regulatory Affairs**

I. PURPOSE:

These guidelines are not intended to limit communication from this institution, but to ensure that SUNY Downstate is represented accurately and favorably in the mass media (television, radio, newspapers, magazines, etc.) by calling attention to:

- Newsworthy events and interesting programs
- Noteworthy Hospital developments
- Scientific developments of interest to the public
- New sources of research support and general institutional support
- Innovations in health care
- Involvement in professional and community affairs.

II. POLICY:

The Office of Communications & Marketing (OC&M) is responsible for drafting materials to media specifications, for targeting stories to interested audiences, and for disseminating information about SUNY Downstate to editors, news producers, writers, and reporters. OCM also retains responsibility for ensuring that Downstate's messages are accurate, prepared with good judgment and taste, and delivered professionally. This applies to all media communications concerning SUNY Downstate regardless of whether the interaction occurs on-site, off-site or via electronic means.

To protect patients' privacy and avoid the disruption of activities at SUNY Downstate, **OC&M is the only department in Downstate that is authorized to arrange press conferences, events, or interviews at/or concerning SUNY Downstate**, to communicate official SUNY Downstate policy to the news media; to prepare and issue press releases regarding the institution; and to request or authorize media coverage of SUNY Downstate-related individuals, programs, or events on campus, or remotely.

Any Downstate department seeking media coverage should communicate their requirements to OC&M to obtain appropriate approvals and guidance. **No SUNY Downstate department is permitted to invite media to the campus without prior written approval or notification to OC&M.**

Understanding that media activities and interviews occur fluidly, OC&M strongly recommends calling (347) 533-2071, or sending an email to press@downstate.edu to provide notification of any potential media activity.

Employees contacted directly by a member of the media should refer the caller to OC&M. All inquiries from the press, including requests for interviews or photography, must be coordinated through OC&M, by email at press@downstate.edu.

In the event of any Hospital media-related emergency situations, the SVP and Managing Director of University Hospital of Brooklyn (UHB), Associate Vice President for OC&M, or their designee may act on behalf of OC&M staff members.

When deemed appropriate, OC&M will supply a knowledgeable spokesperson, sensitive to patient concerns and rights, to help provide information to the press, while maintaining patients' rights and confidentiality.

III. DEFINITION(S)

None.

IV. RESPONSIBILITIES

OC&M, the Department of Police and Public Safety—also known as UPD—Information Technology, Health Information Management, the Office of Compliance & Audit Services, the Office of the General Counsel, and all employees of SUNY Downstate Health Sciences University are responsible for ensuring compliance with this policy.

V. PROCEDURES / GUIDELINES

VISITING NEWS MEDIA

News media personnel must arrange all interviews, filming, videotaping, and photography through OC&M. Permission for visits/scheduling will be granted in consultation with the Offices of Compliance & Audit (if patients are involved), General Counsel and/or Information Technology as appropriate. OCM will notify UPD and obtain permission for visiting media. UPD will provide appropriate identification for visiting press.

If applicable, to ensure compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), and to ensure patient confidentiality, privacy, and sensitivity, news media **must always be accompanied on campus by an OC&M staff member or another designee, approved by OC&M.**

In consideration of Federal and State privacy requirements, any filming or photography of patients/patient care areas must be properly scrutinized before any authorizations may be granted. This will be done in conjunction with the Offices of Compliance & Audit Services and General Counsel. OC&M will pre-screen any requests in advance.

Access by media personnel to patient care areas and/or capture of images that require patient authorization is not permitted even if patient images are blurred in post-production footage. UPD officers may remove unauthorized or unruly members of the news media from the premises as deemed necessary.

RELEASE OF PATIENT INFORMATION

HIPAA governs how a patient's Protected Health Information (PHI) may be released to the public, including to the news media. Under HIPAA rules, patients must be informed how their PHI will be used; they will be given the option of restricting the release of such information. **As such, patients who are unable to provide such consent, cannot be subjected to media questioning, nor can their images be used in any way.**

Additionally, no information can be released to the media if the patient has opted out of the Hospital Directory – available at www.downstate.edu/hipaa/hipaa_policies.html. Before responding to a request for patient information from the news media, OC&M will first confirm with the patient's care provider or with Hospital administration of the patient's preference. If the patient is listed in the Directory, OC&M may give a one-word description of the patient's condition if the media asks about the patient by the patient's full name.

For the one-word condition, one of the following terms will be used, as defined below.

UNDETERMINED: Patient 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: Received treatment but not admitted.

TREATED AND TRANSFERRED: Received treatment. Transferred to another facility.

The term “STABLE” is never to be used to describe a patient’s condition to the media.

Additional details about a patient’s condition may be released to the media only if the patient or their representative has expressly authorized this, and has specified what information may be released in a signed copy of SUNY Downstate’s Media Authorization Form.

The patient’s location in the hospital should not be released if it would potentially reveal protected patient information, such as treatment for substance abuse, psychiatric conditions, treatment of HIV disease, etc.

If a patient in question has expired, it should first be confirmed that providers have notified the next of kin. Thereafter, any information about the cause of death should be provided by the patient’s physician, but only pursuant to an authorization signed by the personal representative of the decedent.

If a death is being investigated by the medical examiner or coroner, questions about the cause of death should be referred to the Office of the New York City Medical Examiner.

MATTERS OF PUBLIC RECORD AND OTHER SPECIAL CASES

The news media often will ask hospitals for information involving the police, accidents, or natural disasters. In cases of public record (those reportable to police, fire, or other public authorities), patients’ privacy rights remain intact, regardless of the situation.

OC&M will not provide any information to the news media about the condition of crime victims or even to confirm the patient’s presence in the facility. All such calls will be referred to the NYPD’s Office of the Deputy Commissioner, Public Information, which can be reached at (646) 610-6700. No statement should be made to the media by OC&M or any other employee regarding whether a patient is a victim of domestic violence, sexual abuse or rape, or child abuse.

OC&M will not use or disclose information related to a medical malpractice action (where a plaintiff has put the patient’s condition at issue and made such PHI part of a public record). Accordingly, without a HIPAA compliant authorization from the patient, University Hospital of Brooklyn (UHB) may not attempt to defend itself in the media or use PHI derived from UHB

in any public statements. In these situations, OC&M will consult closely with the Office of the General Counsel.

HIPAA privacy regulations establish a minimum acceptable threshold for the use and release of PHI. New York State has established stricter standards for certain conditions. OC&M may not release any information to the news media about HIV, sexually transmitted disease, psychiatric, or substance abuse patients, without express written authorization from the patient.

Celebrities—like any other patient—may opt out of the Hospital Directory, in which case, no information may be provided to the media, including whether the celebrity is in the facility.

Additional information is available in the “Guidelines for Releasing Information on the Condition of Patients,” published by the American Hospital Association (www.aha.org).

IN-HOUSE PUBLIC RELATIONS/MARKETING EVENTS

From time to time, SUNY Downstate and/or University Hospital may engage in activities that can generate publicity through advertising or through electronic media. On occasion, a representative of OC&M may make such opportunities available to faculty, staff, and others. These events are often general in nature without the need for signed authorization of patients’ medical information. In these cases, non-patient participants will be asked to sign a General Media Consent Form notifying the participant that the material may be used for marketing and publicity purposes.

REQUESTS FOR INTERVIEWS, FILMING, VIDEOTAPING, OR PHOTOGRAPHY

To ensure there is no disruption of patient care or breach of privacy, cameras (still, digital, or video) **may not be brought into SUNY Downstate without prior approval from OC&M in consultation with the Offices of Compliance & Audit, Counsel, and/or UPD.**

Photographers will be met at designated building entrances and will be accompanied by a member of the OC&M staff, or by a staff member designated by the Hospital Administrator. UPD will provide an appropriate on-campus identification badge to any media which must be returned upon leaving the campus.

Patients who agree to be photographed and/or interviewed must first sign a HIPAA-compliant Media Authorization Form. The request to sign the authorization form must be made by the patient’s physician or healthcare provider, and **not** by OC&M or administrative staff. A copy of the signed authorization form is to be kept in the patient’s record.

The HIPAA-compliant Media Authorization Form is included as an attachment to this policy. This authorization form is also available from OC&M, and in a printable version on the SUNY Downstate website in the Newsroom/OC&M section under “Forms.”

The original version of the signed authorization form is to be filed in the patient’s medical records and a copy of the signed release is to be filed with OC&M. The patient may also be given a copy as the form outlines the patient’s rights in revoking authorization. When possible, the medical record patient identification label should be affixed to the form.

Employees of SUNY Downstate Health Sciences University are not permitted to invite film or videotape crews to campus for exclusively personal or non-professional reasons. All requests MUST be coordinated through OC&M.

NOTIFICATION OF VISITING MEDIA

Coordination with the Office of Communication & Marketing for all media (print, digital, radio, and TV) visits to the Hospital or academic enterprise is essential with ample notice. OC&M will notify all appropriate personnel of a proposed visit and will make the appropriate notifications. Individuals and/or units who may require to be notified by OC&M include:

- a. Chief Executive Officer/Chief Operating Officer
- b. Hospital CEO/Administrator
- c. Office of Compliance & Audit Services
- d. Office of General Counsel
- e. Information Security
- f. Supervising Physician and/or Departmental Chairperson
- g. Nursing Station
- h. Patient
- i. University Police/Public Safety
- j. Parking Office
- k. Operating Room
- l. Scientific Medical Instrumentation Center
- m. Facilities Management and Development
- n. Other key Medical Center personnel, such as Associate Administrator for the Service

Evening/Night Administrator or Weekend Administrator may occasionally receive media calls. The Evening/Night Administrator must contact the OC&M on-call person at (347) 533-2071; this person is also reachable through the page operator (ext. 2121).

The Evening/Night Administrator should attempt to obtain contact information, and as much information regarding the inquiry before reaching the on-call person in OC&M. Every effort should be made to call OC&M within fifteen (15) minutes of the inquiry.

The night-time Administrator or designee will also immediately contact the CEO, Hospital Marketing Director, or designee to inform him/her of the inquiry.

USE OF LABORATORIES

If it is requested that laboratory space be used as a filming site, permission for such use must first be obtained from the Department Chair and the Laboratory Director by OC&M to protect any sensitive or confidential research collateral.

MEDIA COVERAGE OF RESEARCH USING ANIMAL SUBJECTS

Any Downstate employee asked to provide information to the media about research using animal subjects should immediately contact OC&M, which will consult with campus Administration and the Division of Comparative Medicine (DCM) regarding the request.

Unauthorized photography or filming of any kind within the Downstate animal facilities is strictly prohibited without the written consent of the DCM Director or designee and must comply with DCM's photography policies and procedures.

CONSENT FORMS AND LOCATION RELEASE AGREEMENT FORMS

News crews from local or network television or radio stations on short visits to interview campus medical and healthcare experts generally do not bring location release agreement forms for signing before filming begins. On rare occasions, such crews may ask interview subjects to sign a personal consent form.

However, crews producing documentaries, professional- or corporate-sponsored films, or other long-form productions, often shoot over the course of many hours or several days, may require both personal consent forms and location agreement forms. These must be reviewed and cleared by Downstate's Office of General Counsel in conjunction with OC&M, as well as the Office of Compliance & Audit, if necessary. Location agreement forms must be signed, and may only be signed by Senior Downstate Administration before any filming begins. OC&M must have at least two weeks' notice of any filming request that involves a location agreement to facilitate this process. On occasion, OC&M will consider requests on a fluid basis provided there will be no significant disruption to business operations.

EMERGENCY SITUATIONS

In the event of natural or other disasters in the region, or disaster within SUNY Downstate itself, it is the policy of SUNY Downstate that the media be kept informed how the situation is being managed. This is both to allay unnecessary concerns in the community, and to communicate the whereabouts and condition of patients to family members and significant others, under the restraints of normal confidentiality procedures.

In the event of such an emergency, a Command Center will be established within the Office of the CEO of University Hospital of Brooklyn (physical conditions warranting). OC&M will be present to telephone or carry information from the Command Center to OC&M for dissemination to the media. An OC&M post may be set up adjacent to the Command Center if conditions warrant.

Similarly, if conditions warrant, a space will be set up for visiting news media, both print and electronic, in a secure area of the Center—ideally the Special Functions Room in the Health Science Education Building. Representatives of OC&M will staff the media briefing room.

The Office of University Police/Public Safety will maintain security as required in managing news media access to the Downstate campus, including University Hospital. OC&M will—with input and direction from University Police/Public Safety—maintain communication with Police, Fire, or Emergency personnel through the Hospital Command Post and/or University Police/Public Safety.

OC&M, based upon updates from first responders and/or University Police/Public Safety, will inform the media of developments through regular contact with the commercial news

wires, other news media, and with media requesting specific information. A media briefing room will be established if necessary, for the duration of the emergency.

OC&M will inform the SUNY System Administration Office any major developing situations.

As required by Federal and State laws, patient privacy rights will be upheld in all OC&M disaster briefings. Communication to the media regarding the status of an ongoing emergency will not supersede any individual's right to privacy unless otherwise granted by the governing bodies responsible for their enforcement.

EMERGENCY WEBSITE LINK

OC&M, working with the institution's webmaster, will create a link from the SUNY Downstate website (www.downstate.edu) to a special crisis communications page for both the press and public if this is determined to be necessary. The crisis link will be activated when warranted, and will be regularly updated. The link will provide an e-mail address for Internet users to forward messages, which will be monitored closely throughout the crisis. E-mail from the public will be answered to the extent the situation permits. Any patient information or images posted to this special crisis site must be authorized by the patient (via the Media Authorization Form).

HOME TELEPHONE NUMBER DIRECTORY

A list of home telephone numbers of all essential administrative Hospital and academic personnel should be made available to the OC&M **for use under emergency circumstances only**. Such a list should be updated annually, by January 1.

PHOTOGRAPHY OR VIDEOGRAPHY UNRELATED TO MEDIA

Requests from law enforcement authorities to videotape patient statements or depositions should be directed to Downstate's Office of General Counsel who will work with the Campus Police/Office of Public Safety in providing a coordinated response.

Requests from patients to utilize photography and/or videography while in-house fall under the guidance of UHB policies and procedures, CONS-7 "Photography and Video Recording of Patients".

Requests from theatrical or commercial film production companies to use campus facilities will be considered on a case-by-case basis. All such requests must be referred directly to OC&M.

SOCIAL MEDIA POLICY

For questions regarding use of social media, please consult the Social Media Policy found on the left side of the page at this link: <http://www.downstate.edu/policy/>.

- Information gathered through the course of employment and/or the performance of duties may not be used for publication via social media. Do not assume that private posts will not be seen by those outside of your personal network.

- Downstate employees are prohibited from posting any information about a patient—including ‘de-identified information’ with identifiers removed—to any personal social media account.
- All workforce members should exercise caution when taking photos/video in the workplace to ensure that no patients, patient information, co-workers, or other sensitive business-related information are captured in the images.

COMMERCIAL VENTURES IN THE HOSPITAL FACILITIES

In special cases, and in coordination with the Office of the President, OC&M may grant authorization for the use of SUNY Downstate facilities by commercial ventures. In general, such requests will be honored only if the purpose is educationally sound or worthwhile to the promotion of healthcare information. Enough time must be allowed to ensure that the use of any facility does not disrupt patient care or education. Proposals should be forwarded in advance to the Associate Vice President of OC&M at press@downstate.edu.

VENDORS

Companies doing business with SUNY Downstate Health Sciences University and University Hospital of Brooklyn sometimes ask if they may issue a news release about or otherwise promote the fact that they have contracted with the facility. Such requests must first be forwarded to OC&M at press@downstate.edu to determine whether it is in the interest of the campus to cooperate with the vendor in this regard.

HIPAA PRIVACY

This policy was developed in coordination with the Office of Compliance & Audit Services, which is responsible for enforcing HIPAA Privacy rules at SUNY Downstate Health Sciences University. All questions related to the proper application of federal and state privacy requirements described herein may be directed to the HIPAA Privacy Officer. Specific policies related to HIPAA Privacy at Downstate Health Sciences University; resources and contact information are available at www.downstate.edu/hipaa.

VI. REASONS FOR REVISION

- **Changes in regulatory or statutory laws or standards**
- **System failures/changes**
- **Institutional/operational changes**

VII. ATTACHMENTS

- Media Authorization Form, including patient release information.
- General Media Authorization Form, without patient release information.

VIII. REFERENCES

HIPAA Regulations

TJC Standards

GNYHA Document: Revisiting HIPAA

Guide to the Health Insurance Portability and Accountability Act for Hospital Public Relations Professionals.

Date Reviewed	Revision	Required (Circle One)	Responsible Staff Name and Title
06/2016	(Yes)	No	Ellen Watson
08/2018	(Yes)	No	Dawn S. Walker, AVP Comms & Mktg.
05/2020	(Yes)	No	Office of Compliance & Audit Services
01/2021	Yes	No	Dawn S Walker, AVP Comms & Mktg.