




June 8, 2012

TO: SCVHHS Executive Management Group
FROM: René G. Santiago 
Deputy County Executive/Director, SCVHHS

SUBJECT: Media Policy and Guidelines

REFERENCE: JCAHO 2005; HIPAA 2006

POLICY:

The purpose of HHS #932.0 is to ensure that inquiries from the news media are responded to appropriately in a manner that protects the proprietary rights of the County of Santa Clara, is in compliance with state and federal laws, safeguards patient privacy, and provides guidelines for:

1. News organization/media/press inquiries, and requests for interviews or information;
2. Information which may be publicly released;
3. Obtaining authorization and consent for interviews, photographs or videotapes;

STATEMENT OF POLICY

It is the policy of Santa Clara Valley Health & Hospital System (SCVHHS) to cooperate with the media by providing accurate and timely public information. That goal must be balanced in every instance against the imperative to protect patient privacy and limit disruption to health and hospital system operations.

Protected health information may be released only for approved purposes, with proper authorization from the patient when required, and in accordance with state and federal laws.

The SCVHHS Public Information Officer (PIO) or designee has the primary responsibility for managing the media, reactively and proactively. The SCVHHS PIO or designee is responsible for all inquiries, news releases and events. The PIO determines the news value of a story, as well as the form, method, time, and sources of the dissemination of relevant information. The designee for the Public Health Department is the Health Information Officer (HIO).

The PIO will inform the SCVHHS Director, appropriate SCVHHS Executives, and the Director of the Office of Public Affairs, County of Santa Clara, of any high-profile media issues.

Media requests involving patients, employees, workforce members, or SCVHHS departments are to be directed to the PIO or designee. Requests involving the Public Health Department (PHD) should be

directed to the HIO or designee. During SCVMC off hours, media calls should be directed to the SCVMC Shift Supervisor or the SCVMC Administrator on Call (AOC).

The PIO or designee and authorized SCVHHS administrators are the official spokespersons for SCVHHS. The HIO or designee, and authorized PHD and SCVHHS administrators are the official spokespersons for the PHD. All other employees or workforce members are not allowed to represent themselves as official spokespersons of SCVHHS or any of its departments, or speak on behalf of SCVHHS or any of its departments, without first obtaining approval from the PIO or the HIO (for PHD). The PIO is designated by the Director of SCVHHS. The HIO is designated by the Director of the PHD.

While on duty, SCVHHS employees are representatives of the health and hospital system and must have the permission of the PIO or HIO (for PHD) before conducting media interviews. When off duty, SCVHHS employees may speak to the media, representing only their own opinions, not those of the organization, its departments or programs.

SCVHHS may deny news media/press access to any area including, but not limited to, the operating rooms, intensive care units, maternity unit, emergency department, psychiatric department, nursery, pediatric unit, mental health facilities, and substance abuse units. SCVHHS reserves the right to refuse media requests.

If the media/press is granted access to a SCVHHS facility, they must always be escorted by the PIO, HIO (for PHD) or designee. During multi-casualty incidents or disasters, media must remain in designated areas unless specifically permitted access to other areas by PIO, HIO (for PHD) or designee.

PROCEDURES:**1. SCVHHS Press/Media Inquires and Releases**

Employees who want to contact the media, or who have been contacted by the news media/press should work through the PIO so that public information and publicity can be coordinated and handled according to SCVHHS policy. When appropriate and/or when the media inquiry involves the PHD, the PIO works closely with the HIO and/or a representative from the County Executive's Office of Public Affairs in the management of media activities.

a. SCVHHS

- i. All new media/press inquiries for SCVHHS administration, programs or policies, as well as for all of the SCVHHS departments, with the exception of PHD, are coordinated and should be referred to the SCVHHS PIO at 408-885-4164.
- ii. If the volume of inquires is high, back-up support will be provided by the HIO 408-792-5155 or the Office of Public Affairs 408-299-5154 and/or SCVHHS Administration 408-885-4030 or SCVMC Administration 408-885-4010.

b. SCVMC Off Hours (Mon.-Fri. 5:00 pm through 8:00 am) weekends, and on holidays: All news media calls to SCVMC through the switchboard are directed to the SCVMC Shift Supervisor, the SCVMC Administrator on Call (AOC), or the SCVHHS PIO.

- i. When the Shift Supervisor and/or AOC is responding to a news media inquiry, he/she provides basic information on the patient's condition and makes determinations about media access and availability by hospital staff.

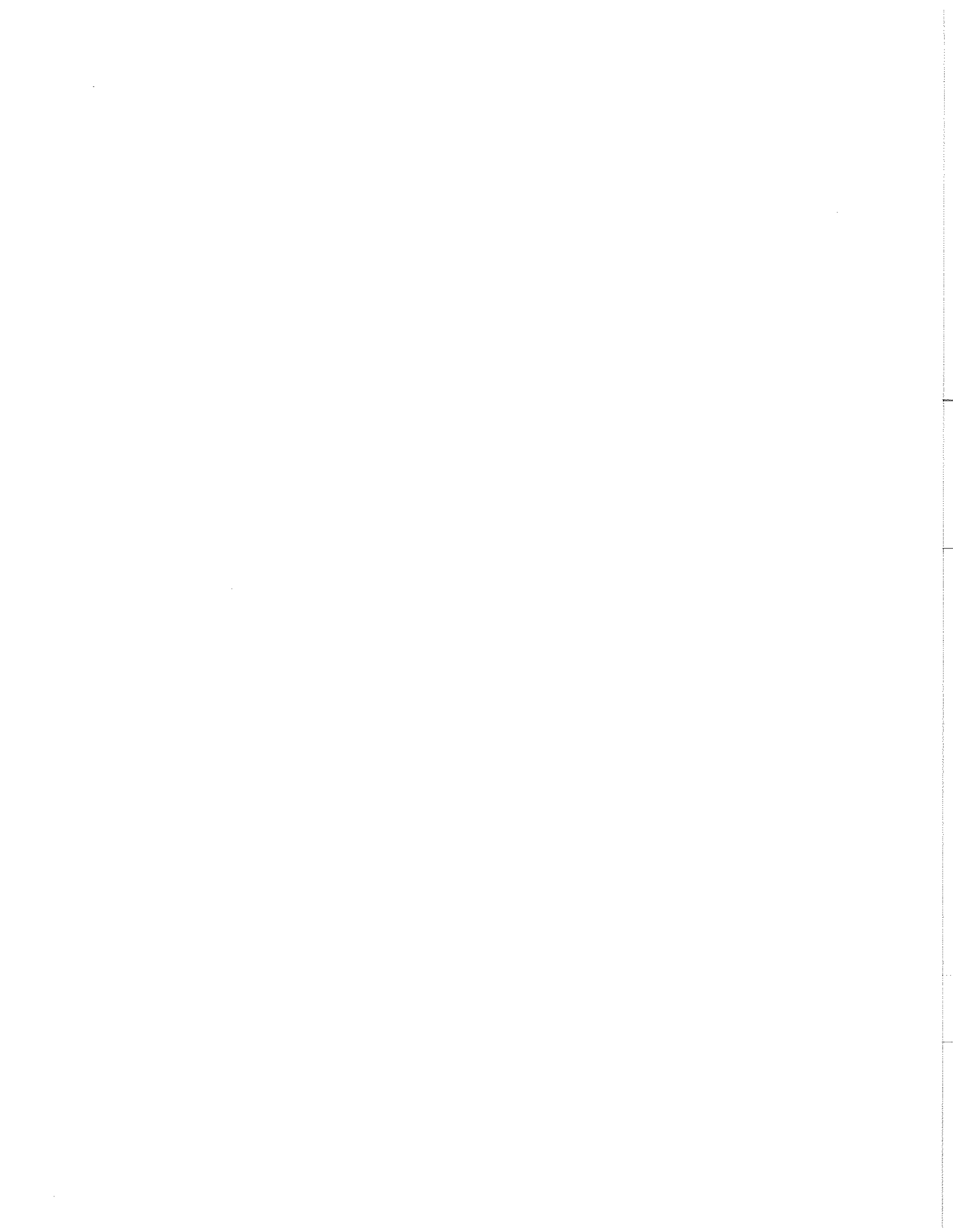
- viii. Patient is incapacitated and/or unconscious, unless there is authorization from next of kin or it is in the patient's best interest.
- b. As long as the patient has not requested that SCVMC Hospital Directory information be withheld, the following basic information may be disclosed if the inquiry specifically references the patient's name:
 - i. Confirm that the patient is at SCVMC (or not), and if the patient is at SCVMC, the patient's location within the hospital **should not** be routinely given to the media;
 - ii. Verify that the patient has been discharged;
 - iii. General condition of the patient. Note: "stable" is not a condition:
 1. Undetermined (The patient is awaiting physician assessment)
 2. Good (Vital signs are stable and within normal limits. The patient is conscious and comfortable.)
 3. Fair (Vital signs are stable and within normal limits. The patient is conscious but may be uncomfortable.)
 4. Serious (Vital signs may be unstable and not within normal limits. The patient is acutely ill.)
 5. Critical (Vital signs are unstable and not within normal limits. The patient may be unconscious.)
 6. Deceased patient: Deceased patients retain their privacy rights. SCVHHS will make all reasonable efforts to notify the next of kin before confirming a patient death. In most cases, the SCVMC is not the appropriate source to disclose cause of death. That is done by the medical examiner.
4. Authorization and Consent to Interview, Photograph or Videotape for Media Purposes.
 - a. If representatives from the news media request to photograph, videotape or interview a patient/client, or request expanded information about condition greater than that authorized in this policy, or request access to family members, the request must be submitted to the PIO and/or HIO (for PHD clients) for approval. The PIO or HIO will discuss the request with the patient/client /family;
 - b. If the request is regarding a SCVMC patient, the PIO will discuss the request with the assistance of the Nurse Manager and/or Charge Nurse, the patient's physician or a physician on the unit where the patient is admitted, and when appropriate, the AOC and Shift Supervisor;
 - c. Management of these types of requests is done during regular business hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. High profile SCVMC patients may require PIO, AOC and/or Shift Supervisor to communicate patient status and updates to the next shift;
 - d. Permission for interview/photograph/videotape may be given if:
 - i. If the person is an inpatient, and if, in the opinion of the SCVMC patient care team, the patient's condition will not be jeopardized, and the patient has decision-making capacity;
 - ii. The patient or client has signed a written consent (See "SCVHHS Authorization for Release of Information to News Organizations" form – Appendix 1 and "SCVHHS Photographic Consent" form - Appendix 2 or Appendix 2A Spanish or Appendix 2B Vietnamese). The signed consent must be filed in the patient's medical record.
 - e. Consent is not needed for employees to be photographed or interviewed in the course of their work duties, but employees have the right of refusal.

Page 5 of 5

5. Media who enter SCVMC or a SCVHHS facility unescorted and without the approval of the PIO or HIO may be escorted off the grounds by the County of Santa Clara.
6. SCVHHS employees approached by the news off site, for instance at a medical conference or news conference conducted by another organization, should brief the PIO as soon as possible on the nature of the interview and what statements were made to the reporter. If it is possible to notify the PIO before an interview is conducted, then every reasonable effort should be made to do so.

Attachments: 1. Authorization for Release of Information to News Organizations
2. Photographic Consent Form

Issued: 08/09/1985
Revised: 06/08/2012





Dedicated to the Health
of the Whole Community

Public Information Office
2325 Enborg Lane, Suite 220
San José, CA 95128
Tel (408) 885-4164
Fax (408) 885-4050

Authorization for Release of Information to News Organizations

Patient/Client Information:

_____	_____	_____
Last Name	First	Middle Initial
_____	_____	_____
Medical Record Number	Date of Birth	Telephone Number

Authorization:

I hereby authorize the Santa Clara Valley Health & Hospital System (SCVHHS) and its representative(s) to release protected health information about me to the following news, entertainment or other media organization, including but not limited to television, radio, print, other media, internet or other social media:

Name of News Organization(s)

This authorization applies to the following information:
(Important: Check the appropriate box or boxes and initial or sign and date as required.)

- MEDICAL – Initial Required:** _____
- MENTAL HEALTH*** _____
Signature and Date Required
- DRUG/ALCOHOL*** _____
Signature and Date Required
- Genetic Testing Information** _____
Signature and Date Required
- Reference to or RESULTS of an HIV BLOOD TEST*** _____
Signature and Date Required
- OTHER (Please be specific)** _____



PHOTOGRAPHIC CONSENT FORM
Complete form in INK

Name of Patient/Client: _____
 (Please Print)

Medical Record or ID Number: _____ Date: _____

I hereby give Santa Clara Valley Health & Hospital System (SCVHHS), its employees and affiliates the absolute and irrevocable right and permission to take, use, re-use, publish, re-publish, and provide to news organizations photographic and video images of me, in whole or in part, individually or in conjunction with other photographs, in any medium for publicity purposes, and without limitation, for purposes of illustration, education, promotion, and advertising.

I hereby release SCVHHS and its affiliates from any and all claims and demands arising out of or in connection with the creation and use of these photographic images. This authorization releases the County of Santa Clara, its agents, officers, employees and affiliates from liability resulting from or attributable to the use of these photographs and images.

- Initial _____ Print or still photographs of patient/clients.
- Initial _____ Videos or filming for television, web broadcast or other electronic images/recordings of patients/clients.
- Initial _____ Other (describe below):

This authorization is subject to the following limitations:

 Signature of Patient/Client or Legal Representative Date

 Signature of Witness Date

Instructions:
 For Patients/Clients: The original copy of this form is placed in the patient/client medical record. If the client does not have a medical record, the original copy of this form is sent to SCVHHS Administration, Attention Public Information Office, 2325 Enborg Avenue, Suite 220, San Jose, 95128. A copy of the form should also be kept with the department, program or unit that oversees the client and/or who requested the photo, image or recording.

