

Unrest in Ferguson, Missouri Creates Disclosure Questions for Medical Professionals

Media outlets reporting on situations involving unrest and injuries



(such as the recent developments in Ferguson, Missouri) often ask hospitals and medical professionals to provide information about the individuals they are treating. However, medical professionals must ensure the patient's rights are not violated in all of the chaos that likely surrounds that treatment. In this week's post we will provide useful information your hospital or facility should know regarding the disclosure of patient information to the news media.

Release of Directory Information As you are likely aware, the Health Insurance Portability and Accountability Act (HIPAA) governs the use and release of your patient's personal health information, also known as PHI. Under HIPAA, a hospital may release directory type information about a patient, but only after the patient has been offered an opportunity to object to the release. This type of information includes the patient's name, the location of the patient in the facility, the patient's general condition (but not specifics), and the patient's religious affiliation. Additionally, you must be sure to follow your state's laws as well as your hospital's rules and regulations, both of which may be stricter than the HIPAA regulations. For example, many hospitals limit the release of information about patients associated with criminal activity for the safety of the patient and the hospital staff. **Patient Condition Reports** Medical professionals may also be requested to provide regular updates on the condition of patients. Such updates must also meet the HIPAA privacy standards and, to aid in providing general updates, the American Hospital Association has suggested seven short descriptions that may be of use:

Undetermined, Good, Fair, Serious, Critical, Treated & Released, and Deceased. **Public Information** It is also important to remember that the disclosure of PHI by the media or the police does not release a medical professional's duty under HIPAA and other laws. Rather, even if information is otherwise made publicly available, a hospital must continue to restrict the disclosure of that PHI by the staff and business associates of that hospital. **Your Policies** If your practice has received media requests and you are unsure what to do, or if your practice needs an update to its media policies, be sure to contact one of our Health Care Attorneys to help you remain compliant with the law. Image: Thinkstock/VladKol **This article is very general in nature and does not constitute legal advice. Readers with legal questions should consult with an attorney prior to making any legal decisions.*