



Volunteers of America COVID-19 Media Protocol

April 7, 2020

Handling Media During COVID-19

The COVID-19 pandemic is a health crisis. This means it falls under the extremely strict rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This is a federal law that required the creation of national standards to protect sensitive patient health information. HIPAA violations often allow an individual impacted to sue the entity releasing the information.

In order to avoid lawsuits, it's extremely important to abide by HIPAA rules and regulations. The VOA National Office is familiar with the laws and is able to guide you through communications protocol that will limit your exposure to lawsuits. You must protect those who you care for and those you employ. As much as you may feel responsible to notify others, it is not your place to do so. During a crisis, hospitals and health departments are exempt from some HIPAA regulations. It is up to them to notify those who are in harm's way; it is not up to you.

When a health crisis strikes, you cannot "Get Ahead of the Story."

"Getting ahead of the story" and "full transparency" are buzzwords often used in crisis communications. While those may be good phrases when you've had an onsite incident (fire, etc.) where no one is hurt, they are not applicable to a health crisis. It is your responsibility to protect the information and identity of the victims. While you may need to provide some additional details on a case to your employees and families, you should not provide the media with any additional data, other than the approved VOA statement. Media should always be referred back to the local health dept. As mentioned above, health departments fall under specific HIPAA exemptions during crisis. They're allowed to provide media with additional information, if they choose to do so. It is not in your best interest to provide additional details.

Use the statement provided by the VOA National Office Comms Team.

The VOA National Office has helped numerous VOA entities across the country in various jurisdiction. The comms team consists of communications and legal professionals. The organization has a media statement template that you can just fill in. Don't distribute it proactively. Instead, it should be provided as media make inquiries. Be sure to reach out to the communications person at your local health department and make sure you use his/her contact info in the statement. In addition, VOA has other template materials for use in notifying families, residents, etc.

Don't let them pull you into talking. Take control of the situation.

Remember, there's no danger during this health crisis in providing too little information. There is danger in providing too much. If an employee falls ill, do not feel as if you are free to speak to media. You may speak to media about someone only if you have written permission from the patient. If the patient dies, you must obtain written permission from the next of kin before you can speak to media.

Bottom line—it isn't worth it. As frantic as the media may make you feel and as much as they try to push you, stay strong. The media statement is all that needs to be said. Most reporters will understand that you're busy internally taking care of patients, contacting family members, reaching out to employees. **THAT SHOULD BE YOUR FOCUS.**

With one media outlet at a VOA location late at night and threatening to go live on the 11 o'clock news, we let them know that we were still scrambling to notify the families and didn't want them to find out about their loved ones on the 11 o'clock news. They backed down and delayed their report.

Remember, your statement will enhance their story. They want that but you do not need to rush out in a panic to get it to them. If it's evening or late at night, tell them you'll send them a statement the following morning, after you notify your employees and families. **YOU SHOULD DRIVE THE TIMING OF THE STATEMENT RELEASE,** not the other way around.

As the story and the conditions of our patients change, should we update the media?

No. Your statement still applies. There's no reason to get into a daily update on who is sick, who has died, etc. By doing this, you perpetuate the media focus on your facility. If the public hears the name of your location over and over again, they're going to remember that when this is over and you may lose business and donors.

Do not feel that you have to confirm health department reports.

It doesn't matter if the health department is listing names and/or locations daily or keeping a running tally of sickness and death in specific facilities. You must still stick by your original statement that includes "out of privacy concerns for our residents, our employees and their families, we are unable to provide any additional information at this time."

If media call, there's no need to confirm what the health department has told them. Remember, the health dept. is exempt from some HIPAA regulations, you are not.

What good will come of this?

Always in crisis, think through if there's a benefit to having your name in the news. You're personally speaking with your families and your employees and there's no reason for them to receive communications through impersonal media accounts. Your facility should be on lockdown and all of your vendors should be notified. If media want to run health department numbers, that's their prerogative. There is no reason you should be confirming or contributing to additional stories. This doesn't mean you should be rude to the outlets or ruin your relationship with a community reporter. Just tell them that you're working with families and employees and have no additional information. They should be very understanding.