



THE Source

Society of Professional Journalists
Oklahoma Pro Chapter

January 2000



Winners named

By *Ronna Austin*
SPJ Secretary

Proposed medical record changes opposed by SPJ

By *Joel Campbell*
SPJ FOI Committee
Member

If medical records privacy standards proposed by the U.S. Department of Health and Human Services go into effect next year without revision, the result could be barriers for news organizations trying to obtain basic patient information from the nation's hospitals.

On Oct. 29, HHS Secretary Donna E. Shalala proposed the first-ever set of national standards to protect personal health information — after Congress failed to enact specific rules. Under a 1996 law, HHS is required to issue final regulations by Feb. 21, 2000. The "Proposed Standards

for Privacy of Individually Identifiable Health Information" would prohibit disclosure of health information without patient consent except to health researchers and law enforcement officials.

The rules fail to recognize the current routine releases of patient condition information to news organizations — and the public interest in that information.

Widespread hospital policies which allow release of information about patients who are victims of violent crime,

traffic accidents and disasters would likely be overturned by the new regulations.

For example, if the proposed rules were in effect, it is likely that journalists covering the recent bonfire stack collapse in Texas, the Columbine shootings in Littleton, Colo., or the Oklahoma City bombing would have been blocked from obtaining victims' names and medical conditions without their consent.

While those are cer-

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"Widespread hospital policies... would likely be overturned by the new regulations."

—Joel Campbell
SPJ FOI Committee Member

NEXT Board Meeting, Jan. 14

Make plans to attend the monthly board meetings of the Oklahoma Pro chapter of the Society of Professional Journalists, held the second Friday of each month.

The meetings are a great place to be heard and share ideas with other SPJ members or to become a member.

The next meeting is noon, Jan. 14 at the OPA board meeting room located at 3601 N. Lincoln in Oklahoma City.

Bring a brown-bag lunch including a drink and join fellow journalists.

SPJ needs you and your ideas so make plans to attend. We look forward to seeing you there!

Packages have arrived from Chicago, Memphis and Indianapolis.

No, they aren't gifts from Santa. It's better than that! They're the winning entries in the SPJ award contest.

By the time this newsletter reaches SPJ members, contest coordinators will have begun the exciting process of sorting through and recording the winning entries.

All entrants — winners and non-winners — will be notified by mail this month.

With the notification letter will be a reservation card for the Awards Banquet to be held Feb. 26 at Applewoods. Cost per person is \$25.

The evening will begin with a cocktail and social hour at 6:30 p.m. There will be a cash bar available.

Dinner will be

See "Contest," p. 4

Privacy standards not welcome by PR staff

By *Kim Morava*
SPJ vice president

University Health Partners — consisting of Children's Hospital, University Hospital and Presbyterian Hospitals of Oklahoma City — would be one of the local health care providers possibly affected by medical privacy standards proposed by the U.S. Department of Health and Human Services.

Currently, UHP has a public relations staff committed to releasing public record information to journalists.

Common practice for the health care facility is to rotate on-call schedules of various public relations officers — making patient information available to the press at virtually any time, day or night.

Dennis Gimmel, UHP

director of marketing and public relations, said the proposed HHS rules could make his job a nightmare.

On average, he said, UHP receives five to 10 calls per day from the press concerning patient information.

Gimmel said of those calls, at least one third of the reporters already know the patients' names but rely upon the public relations staff to supply additional information.

Information about patients brought into the emergency room after an accident, crime-related incident or disaster is routinely released as long as it falls under matters of public record, he said.

Public record information now includes the victim's name, address, age, marital status, sex, occupation and employer,

nature of the accident, general nature of the injury and the patient's condition.

If the new HHS proposed standards were to go into effect and the above information fell under the restrictions of protected health information, Gimmel said, the standards would create hassles for the public relations staff.

In fact, he said, they may find it easier to stop releasing all information.

The standards would put public relations officers in the middle of the controversy, Gimmel said, and if a patient were to consent to releasing such information, hospital officials would likely want the consent in writing.

Shana Hawk, police and crime reporter at The Shawnee News-Star, said at times, she and fellow

reporters already find it difficult to obtain basic information from hospitals, especially after 5 p.m. when administrative officials are gone for the day.

In more everyday reporting, Hawk and her fellow reporters cover a variety of stories — car accidents, stabbings, shootings — and those stories demand that patient information and conditions be passed to the reader.

While Hawk obtains most of her information from law enforcement officers, the proposed HHS regulations could be detrimental to overall reporting of police- and crime-related stories in instances where the patient is transported to a hospital with that being the only source available.

See "Proposal," p. 3

Medical records access threatened by proposal

"Medical," cont. from p. 1

tainly high-profile incidents, the rules could also preclude thorough reporting on more common topics including shootings or other violence that results in injury, traffic accidents, and the hospitalization of public officials and public figures.

The center of the HHS proposal is patient consent before hospitals or medical providers release any "personally-identifiable" medical information.

The rules could create a bureaucratic nightmare for those at health care facilities — usually public relations staff who gather patient consent and release information to the

media. In practice, it would simply be easier to stop giving out the information — especially since there are steep fines proposed for those who violate the rules. Civil monetary penalties of up to \$25,000 per person, per year, per standard violation are proposed.

Journalists could also be subject to severe criminal fines for obtaining "protected health" information. Journalists who obtain and print conditions of patients could conceivably be subject to a \$250,000 fine and up to 10 years in prison for selling or transferring such information.

Outside of daily reporting, privacy issues raised

by the standards might also raise new roadblocks for releasing information journalists may need for investigating health-care fraud, patient abuse or misprescription of drugs.

Individual stories and names are often key to such investigations and such stories need a human face to be effectively told.

SPJ has proposed that HHS include language that would protect access to public record information.

Modeled after hospital association guidelines now in use, SPJ asks that hospitals and other health care providers be allowed the release of information without patient consent

when:

- Patients are under arrest or held under police surveillance.

- Patients were transported to the hospital by a public safety agency.

- Patients were involved in shootings, stabbings, poisonings, injury by automobile, bites and other cases which are reportable to government agencies or unusual industrial accidents.

- Disclosure is warranted during times of disaster or emergencies.

- When public officials are hospitalized.

A summary of the proposed rule can be viewed at an HHS website at: <http://aspe.hhs.gov/admsimp/pvcsumm>

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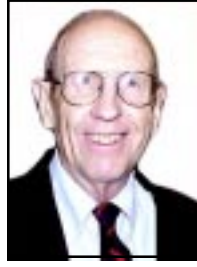
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From the President



By *Jim Campbell*
SPJ president

SPJ chapter plans events for new year

and journalism faculty members at several Oklahoma campuses are involved. Read more about the project in the item Sue wrote for this newsletter.

SPJ Welcomes 2000

A 2000 agenda item is the annual banquet honoring winners of SPJ's statewide media contest along with the person chosen for the Lifetime Achievement Award.

All contest entries, in unprecedented volume, have arrived from chapter judges in three out-of-state cities.

Tickets for the Saturday, Feb. 26, banquet at Applewoods in Oklahoma City will be available soon.

Early Justice

Among other exciting events on the 2000 calendar will be a showing of the first film made during a federal court trial.

It records, circa 1933,

sentencing of Machine Gun Kelly and his cohorts for kidnapping of oilman Charles Urschel.

We also will see letters Kelly wrote seeking his freedom from Alcatraz.

The federal judge who discovered these artifacts will be invited to discuss them. They dramatize SPJ's efforts to admit cameras into the courtrooms.

Law update

During the December board session at Oklahoma Press Association headquarters, OPA Executive Vice President Mark Thomas reviewed the OPA's legislative reform proposal for public disclosure of deferred prosecution agreements.

Thomas showed those in attendance a thick stack of tearsheets from newspapers which printed an OPA reporting project on the obscure law.

One of the chapter's traditional events is co-sponsorship of an annual Job Fair, which has given hundreds of aspiring journalists a professional boost in previous years.

It's scheduled this year for Friday, Feb. 25, at the OU Student Union building in Norman.

Heading our efforts in support of the fair is Sue Hinton of Oklahoma City Community College.

The goal, she says, is to help student journalists meet people who hire journalists.

Her outline for the day gained unanimous approval of the chapter board Dec. 10.

News media personnel

Local reporter says changes would make job harder

"Proposal," cont. from p. 2

In a small town, patient information is demanded by the readers of the close-knit community, she said.

"Without it, my stories would be incomplete," Hawk said. "They would be nameless, faceless."

Such reporting was key last May when News-Star reporters relied on local police officials as well as public relations personnel at University Hospital to keep them updated after a Shawnee police officer was shot.

That night, Hawk said, she was unable to obtain

basic condition information from a Shawnee hospital about the officer's condition.

Once he was transferred to University Hospital, public relations officials there kept the media abreast of the officer's daily condition.

Such information was crucial for the readers of the Shawnee community, who rallied in support of the fallen officer.

Hawk said reporting of the story was a daily routine for some time with quick and easy access to hospital information being the key to good reporting.

Day-to-day stories fall under the same category, she said.

From serious traffic accidents to a domestic dispute, the stories on the next day's front page would not be complete without identifying the patient and letting the community know the condition of such a patient.

If the HHS proposal involves barriers to keep her from fully reporting a story, Hawk said, her job description would surely change — from reporting the news to dancing around the news.

Annual job fair offers networking opportunities

By Sue Hinton
OCCC

The 7th annual SPJ job and internship fair has been scheduled for Friday afternoon, Feb. 25, at the University of Oklahoma student union in Norman.

Keynote speaker for the event will be Tom Lindley, senior staff writer for The Daily Oklahoman.

Lindley came to Oklahoma in 1999 after working for 11 years as editor of the Flint, Mich., Journal. Before that he worked for the New Orleans Times Picayune and the Dallas Times Herald. Lindley recently produced a series of stories on the environmental disaster of Tar Creek in far northeastern Oklahoma.

At the job fair students will hear from a panel of editors about what they look for when they hire reporters and editors. Also serving on the panel will be a group of recently hired journalists who can talk to students about what their experiences in the working world have taught them about preparing for a career in the field.

After the formal program has concluded, students will have the opportunity to talk with representatives from 12 to 15 newspapers, media chains and wire services who are hiring new people or seeking summer interns.

Students are encouraged to bring résumés and clips to showcase their tal-

ents and training.

Representatives from four Oklahoma colleges designed the job fair program at a planning session in November at Oklahoma City Community College.

The committee consisted of Jack Willis and

Kathryn Jenson White from the University of Oklahoma, Mark Hanebutt from the University of Central Oklahoma, Fritz Wirt from Oklahoma State University in Stillwater, and Sue Hinton from Oklahoma City Community College.

Banquet plans finalized

"Contest," cont. from p. 1

served at 7:30 p.m.

The menu will include a double entrée including a 6-ounce filet minon and 4-ounce chicken marsalis, twice-baked potato, green beans amandine, green salad, hot rolls, all-you-can-eat apple fritters, New York-style cheesecake, tea and coffee.

Award and special presentations will begin during dinner.

The banquet is a great place for journalists from all fields to get to know one another and have a great time. Make plans to attend.

Questions? Call Kim Morava at (405)214-5520 or Ronna Austin at (405)793-2774.



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NEXT SPJ MEETING: NOON, JAN. 14, AT OPA, 3501 N. LINCOLN BLVD.