

Report on Patient Privacy Volume 18, Number 10. October 31, 2018 With News Media, Find 'Balance', Be Ready to 'Push Back' Demands

By HCCA Stuff

The HHS Office for Civil Rights recently announced another pricey settlement triggered by hospitals' interactions with the news media that OCR said crossed the line into HIPAA violations. Notably, the settlement harkens back to circumstances that led to a \$2.2 million agreement in 2016 between OCR and NewYork-Presbyterian Hospital involving a medical documentary-type show, *NY Med*.

Save My Life: Boston Trauma, the show at issue in the nearly \$1 million settlement announced Sept. 20, shares the same producer and network as the 2016 case—ABC News. All three hospitals denied any wrongdoing, and two strongly defended their involvement (see box below).

For nearly two-thirds of his four-decade career, Roger Sergel was a producer and managing editor for medical coverage for ABC News, although he was not associated with the two shows involved in the OCR settlements.

Until 2012 when he joined *MedPage Today*, a news site for physicians, Sergel worked with shows such as *World News Tonight*, *Good Morning America*, *Nightline*, and *20/20*. Sergel came to ABC in 1984 as the primary producer for the now well-known medical reporter, Dr. Timothy Johnson.

RPP talked to Sergel, now editor-at-large at SurvivorNet, to better understand how covered entities can work effectively with journalists while ensuring they safeguard patients' privacy. Although he was no longer working in the field at the time the privacy, security and breach notification rules went into effect, Sergel nonetheless had to seek authorizations from patients and follow hospital requirements.

Reporters and visual journalists, Sergel tells *RPP*, can be pushy but so should hospitals and other medical organizations that don't want to run afoul of OCR. Both the media and hospitals have important jobs to do, he says, and privacy need not be sacrificed.

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