

MILLER THOMSON LLP

Barristers & Solicitors
Patent & Trade-Mark Agents

Working with the Media

Kathryn Frelick



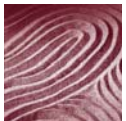
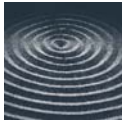
This Presentation is provided as an information service to our clients and is a summary of current legal issues. The Presentation is not meant as legal opinions and readers are cautioned not to act on information provided in this document without seeking specific legal advice with respect to their unique circumstances.

June 14, 2007

Background

- Working with the Media:
 - Who will say what and to whom?
 - What policies and procedures should you have?
 - How will you respond to your unique set of needs, clients, and stories?

Presentation Overview



- Fielding inquiries from the media
- Establishing a communications plan
- Developing a media policy
- Special considerations
- Q&A



Fielding Inquiries from the Media

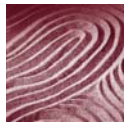
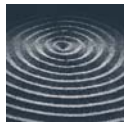
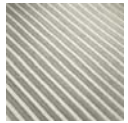
- Process established to determine:
 - when and how media contact is made and handled
 - who is responsible for effectively responding to media inquiries and requests
 - how calls are directed may depend on the subject matter



Reactive Media Relations

- No obligation to provide information or allow access to premises
- Privacy of personal information of clients and others
- Duty to provide proper and adequate care
- Establishing ground rules

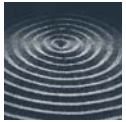
Proactive Media Relations



- Health organizations are knowledgeable and informed sources of health care information for the news media
- Excellent media relations assists the media *and* your organizations
- A proactive media program can be integrated into your communications plan



Establishing a Communications Plan



Drafting a communication plan:



– Identify your:

- Goals and objectives

- Issues and assumptions

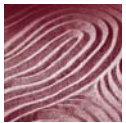
- Risks and opportunities

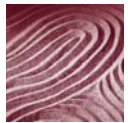
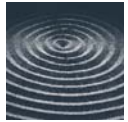
- Audience: Internal and external stakeholders

- Key Messages

- Strategies and Actions

– How will you evaluate your plan?

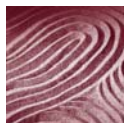
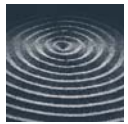




Proactive Communication Tools

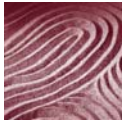
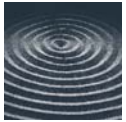
- Proactive communication efforts:
 - enables you to select, plan and follow through with what the public learns about your organization
 - pave an image to generate an awareness of your organization – “branding”

Generating Awareness



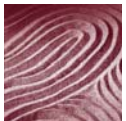
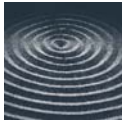
- Proactive communication can:
 - Keep your community informed about new treatments or approaches to health care
 - Create awareness of fundraising efforts and capital projects
 - Inform the public about the proper utilization of resources (e.g. bed management, crisis situations – SARS)

Communication Tools



- Dedicated media websites with press releases, information and communiqués
- Fact sheets
- Employee newsletters
- Public service announcements
- Advertising
- Solicitations
- Annual reports
- Open Houses

The Spokesperson



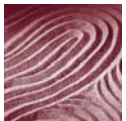
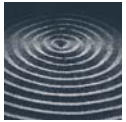
- Considerations:
 - Designate one person or department as media liaison and provide media training
 - Establish policies that ensure person(s) who are speaking publicly are so authorized
 - Recognize relationships (i.e. employees, physicians, board members) and special duties that may have to organization



Developing a Media Policy

- Components of a media policy
 - Purpose
 - Ground rules: clearance, access
 - Documentation and training
 - Identification of most appropriate spokesperson
 - Procedures re: photographs, on-site media coverage, after-hours requests

Privacy Considerations



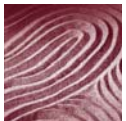
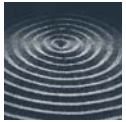
- Health information custodians have an obligation to protect the privacy and confidentiality of their clients
- Presence of the media must not compromise the provision of care



Statutory Requirements

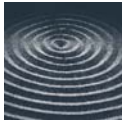
- *Regulation 965 under Public Hospitals Act*
- *Regulated Health Professions Act*
- *Personal Health Information Protection Act, 2004*

Personal Health Information Protection Act, 2004



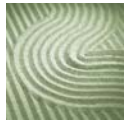
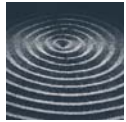
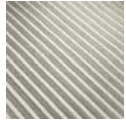
- A health information custodian shall not disclose PHI about a client unless it has the individual's consent and it is necessary for a lawful purpose or as otherwise permitted

Personal Health Information Protection Act, 2004



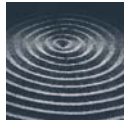
- In facility, if person is given opportunity to object and does not do so, may disclose:
 - The fact that the individual is in the facility;
 - The location of the individual within the facility; and
 - General condition i.e. critical, poor, fair, stable, satisfactory

Special considerations



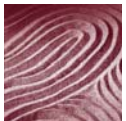
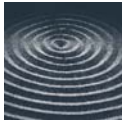
- Crisis/Disaster Communications
- Bed/Department closures
- Client Notification programs i.e. look back programs, sterilization issues
- Public safety issues

Special considerations



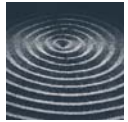
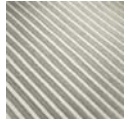
- Potential liability and risk – involvement of insurer/legal counsel
- Accepting responsibility/apology
- Controlling the message

Resources



- Consider having:
 - Policies and procedures
 - Internal information resource sheet – where to direct calls
 - Media log
 - Media request forms
 - Consent forms
 - Communication scripts
 - Legal counsel to assist you in managing aspects of your communication plan

Conclusion



- Proactive strategies
- Development of communications plan
- Media policy

- Questions?

**MILLER
THOMSON** LLP

Barristers & Solicitors
Patent & Trade-Mark Agents