

Module 4 Assignment- HIPAA in Sports

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### HIPAA in Sports

The Health Insurance Portability and Accountability Act, or HIPAA, is a federal law that requires “employers to do what is reasonably necessary to ensure that employees’ health information is not available to those without permission to have it” (Spengler et al, 2016). Over the Fourth of July weekend in 2015, an NFL player for the Giants, Jason Pierre-Paul, injured his finger in an accident involving fireworks. This quickly became a controversy involving HIPAA when a reporter, Adam Schefter, tweeted a photo of Pierre-Paul's medical records. Along with the photo, Schefter posted, “ESPN obtained medical charts that show Giants DE Jason Pierre-Paul had right index finger amputated today.” The tweet was reposted 6,000 times and commented on over 3,000 times, with many of the comments about the legality of the post and people believing the reporter had crossed a line (Leventhal, 2015; Schefter, 2015). This example with Schefter and Pierre-Paul is an extreme example of a HIPAA violation, but it happens all the time. Athletes’ personal health information is released to the public every day. Gabriel Moreno of the Arizona Diamondbacks was injured September 23, during a game and the game wrap-up article included information on his left adductor tightness, as well as reminding readers that Moreno had already had a groin injury. Moreno’s injury was even in the headline of the article (Sommers, 2024).

The reality of HIPAA in sports is that it is a fine line to cross. Fans want to know an absurd amount of information about their favorite teams and players, and that includes what happens to them on and off the field. Usually, athletes have to sign an agreement when they join a team that addresses what type of private health information can and cannot be shared, or the collective bargaining agreement covers that (Peremore, 2023). It’s a fine line to cross, but if it is something that pertains to the sport, like Moreno’s injury, something that was seen by industry trainers or doctors, it can be shared with media and public. If it is an injury like Pierre-Paul's, not related to

his sport, where he went to a public facility to be treated, that should have never been shared publicly as it was. Being an athlete and missing a finger, it would have come out on its own eventually, but he has a right to privacy like every other individual.

## References

Leventhal, Rajiv. (2015). *What a Freak Injury to an NFL Star Has Taught Us About HIPAA, Patient Privacy, and Journalism Ethics*. healthcare innovation.

<https://www.hcinnovationgroup.com/cybersecurity/privacy-security/blog/13025452/what-a-freak-injury-to-an-nfl-star-has-taught-us-about-hipaa-patient-privacy-and-journalism-ethics>

Peremore, Kirsten. (2023). *Professional athletes' health information and HIPAA*. Paubox.

<https://www.paubox.com/blog/professional-athletes-health-information-and-hipaa#:~:text=As%20part%20of%20covered%20entities%2C%20professional%20athletic%20trainers,related%20to%20athletes%27%20physical%20and%20mental%20health%20conditions.>

Schefter, Adam. [@AdamSchefter]. (2015, Jul 8). *ESPN obtained medical charts that show Giants DE Jason Pierre-Paul had right index finger amputated today*. [Tweet]. Twitter.

<https://x.com/adamschefter/status/618918579770146816>

Spengler, J.O., Anderson, P.M., Connaughton, D.P., & Baker, T. A. (2016). Health Insurance Portability and Accountability Act (HIPAA). In *Introduction to Sport Law* (2<sup>nd</sup> ed. Pp. 146-146). book, Human Kinetics.

Sommers, Jack. (2024). *Gabriel Moreno Injured in Crushing Loss for Diamondbacks*. Sports Illustrated. [https://www.si.com/mlb/diamondbacks/arizona-diamondbacks-news/gabriel-moreno-injured-in-crushing-loss-for-diamondbacks-01j8dppzwxhz?utm\\_source=RSS](https://www.si.com/mlb/diamondbacks/arizona-diamondbacks-news/gabriel-moreno-injured-in-crushing-loss-for-diamondbacks-01j8dppzwxhz?utm_source=RSS)