



Policies and Procedures

Policy Title: Patient Photographing, Video or Audio Recording, and Other Imaging			
Department Responsible: Compliance & Integrity	Policy Code: THN-CP-0417-3.0	Effective Date: April 10, 2017	Next Review/Revision Date: September 30, 2019
Title of Person Responsible: Compliance Officer	Cone Health Approval Council: Leadership Alliance Policy & Procedure Committee		Date Adopted by THN Compliance & Integrity: April 10, 2017

PURPOSE:

The use of patient photography, video and audio recording, digital imaging and other visual recordings during patient care is commonplace in the healthcare setting. Before allowing patient photography, imaging or audio recordings, healthcare providers should consider why it is being done and how the images or audio recordings will be used. Efforts should be made to protect the privacy of individuals as appropriate.

POLICY;

Informed Consent

Informed consent will be obtained from patients for the purpose of patient photography, imaging or audio recording.

The following consent paragraph is in the System’s *Informed consent for medical/surgical/diagnostic procedures* consent form: “taking of photographs, videotapes and/or illustrations of my procedure and/or other medical procedures for diagnostic, educational or scientific purposes, provided my/the patient’s identity is not revealed.” Photographs may be taken for these purposes if the patient has agreed to and signed the informed consent form.

Medical personnel and Triad HealthCare Network employees may take photographs of patients for medical/legal purposes after verbal permission is obtained and documented in the medical record.

A separate consent form (Media Authorization Form) will be used for purposes of disclosing or using images for publicity purposes.

For student or intern counseling sessions there should be a signed, informed consent from the parent/legal guardian or the patient. The informed consent form must be placed in the patient's medical record. It is the patient's or parent/legal guardian's right to withdraw consent at any time.

Abuse or Neglect

Photographs may be taken by staff of the Health System to document abuse or neglect of a minor or incompetent adult with the consent of the patient or his/her legally authorized representative. Such photographs may be submitted with the required report to the investigating agency, but they should not be used for other purposes (such as teaching) without authorization. Please refer to the complete [Abused, Neglected & Exploited Patients](#) Policy. If the patient or his/her legally authorized representative will not consent to photographs, then the lack of consent and inability to obtain photographs may be communicated to law enforcement or government investigators when reporting the suspected or alleged abuse.

Research

Photographs taken as part of research protocol should be approved by the IRB. Consent for such photography should be incorporated into the consent form the patient signs to participate in the research protocol.

Medical Education, Teaching, or Publicity

Written authorization should be obtained before photographing patients for medical education, staff teaching or publicity purposes. The patient or his/her representative should sign and date the authorization form. Anyone other than the patient who has the legal authority to sign should indicate his/her relationship to the patient. The signature should be witnessed and the witness' signature should be included on the authorization form. This signed form should be filed in the patient's medical record. A new authorization form should be signed for each new series of photographs taken by individuals other than those named in prior authorizations. The authorization given for photography remains valid unless and until the patient or his/her legal representative withdraws or restricts the authorization.

Media or Law Enforcement

When representatives from the news media or law enforcement agencies ask to photograph a patient, permission may be given if (1) the patient's physician does not feel it would be detrimental to the patient and (2) the patient or his/her legal representative signs a written authorization form agreeing to the photography.

Photographing of Patients for Medical/Legal Purposes

Photographs of patients may be obtained as part of treatment, payment, and healthcare operations provided verbal permission is obtained.

Photography and Videotaping of Newborns

Photography and videotaping of newborns by family and friends of the parents is allowed with their permission. If parents want to videotape or photograph a child's delivery, the father or significant other can videotape or photograph the delivery up until the patient is prepped for delivery. Videotaping and photographing may resume as soon as the infant is handed over to the mother in a vaginal delivery or until the infant is handed over to the father/significant other or the neonatal team after a cesarean section, if resuscitation efforts are not underway. Physicians may opt to discontinue videotaping or photographing at any time. Written information should be provided to the parents prior to the videotaping and photographing outlining these guidelines.



If facilities routinely take photographs for newborns to give or sell to parents, consent should be obtained before this is done. A separate consent form may be used or a brief consent statement may be incorporated into the standard admission form.

Parents or the guardian of a NICU infant must give consent for hospital staff to make digital photographs of the infant using a hospital-owned, encrypted digital device and to send the photos to the parent at an email address provided by the parent. NICU parents or guardian must also give consent for hospital staff to send live video of the infant using a hospital-owned, encrypted digital device to a phone number provided by the parent. *Consent for Staff to Photograph/Video Capture Infant for Parents* form (MR99112) must be used to obtain written consent for this purpose. The signed consent form will be saved in the patient's medical record.

Family

Permission must be obtained from the patient before the patient's family and friends photograph or videotape them. Written consent of other patients is required if they will be in the photographs or videotape. This is required in order to protect their privacy rights. If staff notices a visitor, patient or family member taking photographs or videotaping other patients, they should be asked to stop if they do not have the written consent of the patient. If the person fails to stop the filming, Security should be contacted.

Procedural/Operative

Consent has already been obtained if the patient has signed the *Informed Consent for Medical/Surgical/Diagnostic Procedures* form.

Audio Recording by University Students

1. Students and interns will follow their university's policy and procedure on audio recording counseling sessions.
2. University policies must contain, at a minimum, the following:
 - Signed, informed consent from the parent/legal guardian or the patient. If both, then both copies must be placed in the patient's medical record.
 - The patient's or parent/legal guardian's right to withdraw consent at any time.
 - Explanation of the use of the audio recordings and destruction of the tape.
 - Explanation of transporting/transferring audio recording material in terms of confidentiality.
 - Written notice from the university of the destruction of the tape is required. This notice will be sent to the discipline who arranged the counseling session(s) and placed in the patient's medical record.
3. At the time of the recording, the patient will be informed that the session is being recorded. Remind the patient that the recording can be stopped at any point.
4. The University will maintain patient privacy and confidentiality by securely storing and destroying all patient recordings.

Maintenance

All photographs, videotapes and other images should be stored in a manner that ensures timely retrieval when requested. Patient privacy and confidentiality of all patient images should be maintained.



Whenever possible, the images should be filed in the patient’s medical record or an area designated by the department obtaining the images.

Disclosure

All photographs, videos, scans and other images should not be released to outside requestors without specific written authorization from the patient or his/her legal representative. If the patient wants the photographs for his/her own use, a copy may be provided unless otherwise prohibited by state law. The originals should be kept by Triad HealthCare Network. Disclosure of photographs is treated the same as disclosure of any other protected health information concerning the patient and the same authorization, accounting and other requirements should be followed.

REFERENCES;

- CONE HEALTH POLICY PR-RSK-2006-38
- The Joint Commission
- Administrative and Patient Care Policies in the Corporate policies
- [Informed Consent](#) Policy
- IRB packet
- [Media Consent Form](#)

PREVIOUS REVISION/REVIEW DATES:

<i>Date</i>	<i>Reviewed</i>	<i>Revised</i>	<i>Notes</i>
October 1999			
January 2006			
May 2007			
May 2009			
December 2012			
February 2014			
December 2014			
May 4, 2015			Updated formatting to match current policy template and updated hyperlinks; no content changes.
June 10, 2016		X	Policy change to allow use of tablet in NICU for sending photos and video to parents.
April 10, 2017			Adopted by THN C&I Committee