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| Policy Title: Patient Photographing, Video or Audio Recording, and Other Imaging | | | |
| Department Responsible: THN Compliance & Integrity | Policy Number: SEC-108 | THN's Effective Date: January 1, 2022 | Next Review/Revision Date: September 30, 2024 |
| Title of Person Responsible: THN Director of Privacy & Compliance | THN Approval Council: THN Compliance and Privacy Committee | Date Committee Approved: June 9, 2023 | Date Approved by THN Board of Managers: August 15, 2023 |

- I. **Purpose.** The purpose of SEC-108 is to create a policy that ensures Triad HealthCare Network (THN) protects the privacy of individuals as appropriate when using patient photography, video and audio recording, digital imaging, and other visual recordings during patient care.

- II. **Policy.** 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. Informed consent will be obtained from patients for patient photography, imaging, or audio recording.

- III. **Procedure.**
 - A. **Informed Consent**
 1. 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."
 2. Photographs may be taken for these purposes if the patient has agreed to and signed the informed consent form.
 3. Medical personnel and THN employees may take photographs of patients for medical/legal purposes after verbal permission is obtained and documented in the medical record.
 4. A separate consent form (Media Authorization Form) will be used for the purposes of disclosing or using images for publicity purposes.
 5. 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.

B. Abuse or Neglect

1. Photographs may be taken by staff of the Health System to document the 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.

C. Research

1. 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.

D. Medical Education, Teaching or Publicity

1. 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.

E. Media or Law Enforcement

1. 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.

F. Photographing of Patients for Medical/Legal Purposes

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

G. Family

1. 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 are in the photographs or videotape. This is required to protect their privacy rights. If staff notice 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.

H. Procedural/Operative

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

I. Maintenance

1. All photographs, videotapes and other images should be stored so that timely retrieval is ensured 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 in an area designated by the department obtaining the images.

J. Disclosure

1. 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 THN. 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.

| Date | Reviewed | Revised | Notes |
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| January 1, 2022 | | | Originally Published for DCE |
| May 2023 | X | | Reviewed for REACH – no changes |
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