

SUBJECT: RECORDINGS, FILMS OR OTHER IMAGES OF PATIENTS	REFERENCE #10004
DEPARTMENT: ORGANIZATIONWIDE	PAGE: 1 OF: 4
APPROVED BY:	EFFECTIVE:
	REVISED:

PURPOSE:

- To list the reasons for capturing images of patients and the requirements for informed consent, storage of images, and acceptable sharing of images taken by hospital staff and clinicians
- This policy and procedure is not intended to address:
 - Diagnostic films, such as CAT scans, MRI films, and films of endoscopic and other similar procedures, or for recordings, films or other images taken in public areas or events at the hospital or sponsored by the hospital
 - Recordings, films or other images taken by law enforcement agencies.

POLICY:

- _____ Hospital shall take recordings, films or other images in an effort to assist educational, treatment, research, scientific, public relations and charitable goals of the institution; and to document certain physical conditions when it may be of benefit to the patient's plan of care and treatment.
 - Recordings, films or other images are defined as photographic, video, electronic or audio media.
- It is never acceptable to use mobile camera phones as the equipment used to take photographs or films.
 - To ensure and protect privacy, the camera feature of mobile camera phones may **NOT** be used anywhere in the hospital.

Note: Signs stating “No Camera Phones” shall be placed in waiting rooms and other public areas of the hospital.
- Recordings, films or other images made for the purposes of identification, diagnosis or treatment of the patient do not require patient consent.

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- The purpose of the image capture determines requirements for storage, privacy and informed consent as follows:
 - Publicity and promotion:
 - Informed consent required and utilization consistent with the purposes described on the consent. May be used in hospital publications, release to media or promotion campaigns. The patient may be identified by name or not.
 - Research:
 - Informed consent required and utilization consistent with the purposes described on the consent. The patient may be identified by name or not. Other clinical information, such as disease and treatment, may be disclosed with the images. Informed consent must be approved by institutional review board.
 - Healthcare professional education and/or performance improvement:
 - Informed consent required except in codes or emergencies. In the case of the code or emergencies, consent will be obtained at the earliest appropriate time from the patient or surrogate decision maker. If they do not consent, images will be destroyed.
 - An integral and necessary part of patient care to provide for the safety and effective treatment of the patient:
 - Examples:
 - ◆ To record skin conditions, such as burns, rashes and/or pressure ulcers
 - ◆ To record potential or suspected abuse or neglect
 - ◆ To record plastic surgery or stoma placement
 - ◆ Observation of potential suicidal, self harm or aggressive behavioral health patients by video camera; no consent required

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- The recordings, films or other images shall become part of the confidential patient medical and released pursuant to the release of patient information policies and procedures.
- Recordings, films or other images taken by the patient or family:
 - The provider and hospital leadership must consent.
- This institution shall maintain the interrelated goals (as they relate to recordings, films or other images of the patient’s healthcare process) of protection of patient privacy and informing the public to better understand healthcare, in the highest regard.

PROCEDURE:

- The patient or his or her legal representative shall sign an “Authorization and Consent Form - Recordings, Films or Other Images, and Publication” for recordings, films or other images for reasons other than patient identification, diagnosis or treatment:
 - Healthcare Education or Improvement shall utilize the Authorization and Consent Form - Recordings, Films or Other Images, and Publication. The lead provider during the procedure or process of interest shall be responsible for the informed consent discussion. The original consent shall be filed in the confidential patient medical record, a copy shall be provided to the patient and a copy may be provided to the educational organization or the performance improvement project file.
 - If conscious and mentally competent, the patient shall be required to give consent to be recorded, filmed or have other images taken.
 - The consent shall contain a description of the circumstances of the use of the recordings, films or other images.
 - The patient or his/her authorized legal representative shall have the right to request cessation of recordings, films or other images at any time.
 - The patient or his/her authorized legal representative shall have the right to rescind consent for use anytime before the recordings, films or other images are used.

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- In a situation where the patient is comatose or otherwise unable to give informed consent (lacking full mental capacity), the patient’s authorized legal representative (surrogate decision maker) shall be required to give consent for the patient to be recorded, filmed or have other images taken.
- In the event the patient is comatose or otherwise unable to give informed consent, and no surrogate decision maker is available, approved representatives of this institution may film or record, or retain another to film or record, patient care activities. Pursuant to this institution’s policy, informed consent must be obtained from the patient or his or her legally authorized representative, before the patient's recordings, films or other images can be used for any purpose.
 - In this instance the recordings, films or other images shall remain in the physical possession of this institution and shall not be released to anyone else or used for educational or other purposes until appropriate informed consent is obtained.
 - If consent is not given, then the image of the patient shall either be removed from the recordings, films or other images or the recordings, films or other images will be destroyed.
- Anyone (including staff of this institution and/or outside authorized contracted individuals) who perform recordings as defined by this policy must sign an appropriate confidentiality commitment.
- When the patient or family inform the practitioner or hospital staff that they wish to take pictures/recordings during clinical care (i.e., during or immediately after delivery) or that will include practitioners or staff, the leader of the patient care area or hospital department should be consulted and the practitioner must agree. Reasonable efforts shall be made to exclude any staff who do not wish to have their pictures taken. A note shall be entered into the patient’s medical record regarding the circumstances and department leadership/practitioner agreement.
- At no time can patient/family cameras be taken into a sterile environment, such as the operating room. Patients and families may be asked to stop taking pictures or recording by hospital representatives at any time. Recordings, films or other images of patients can never be taken by families or friends without permission of the patient or their legal representative.