

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.1	General Oversight Policies	Revised:	May 2007
Policy 11.1.4	Patient Photography, Videotaping, and Other Imaging	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

PATIENT PHOTOGRAPHY, VIDEOTAPING, AND OTHER IMAGING

Policy

The Health Science Center utilizes a variety of media to collect protected health information on patients and will hold all such information to the same standard of confidentiality and security as required for all protected health information according to Health Science Center policies.

Definition

PHOTOGRAPHY: For the purposes of this policy “photography” will be used to indicate a recording of a patient’s likeness by a number of visual means, including still photography, videotaping, digital imaging, scans, and others.

Patient Consent

The patient will be asked to provide consent for the Health Science Center to photograph, videotape, or create other images of the patient, via consent form that is signed by the patient at the time of initial treatment at the facility of care or when photography begins. This consent information can be combined in other consent forms or can be a separate form, the [Consent for Photography](#) form. This consent form limits the use of such media to purposes related to treatment, payment, and health care operations. In addition, this consent allows these images to be used within the Health Science Center to educate faculty, residents, and students involved in the program.

The Health Science Center will obtain additional patient consent to take photographs of the patient to use for any purpose outside of treatment, payment, and operations as described above. The Health Science Center will also obtain separate written authorization from the patient using the [Patient Authorization for Release of Health Records to External Parties](#) for use or disclosure of photographs for these additional purposes. Uses and disclosures of this nature may include photographs, videotapes, or other images, to be used for any other purpose than stated above, such as telemedicine, Internet use, publication, etc.

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Documentation

The use of photography as part of the patient’s treatment process should be documented in the patient’s health record. Still photographs may be included in the health record. If the photographs are of a sensitive nature, they can be stored in a secure location or in a secured envelope within the health record.

Security and Storage

All patient photographs, videotapes, and other images will be stored in a secure manner that protects the patient’s privacy. These images will be stored for the retention period required by law or as defined by Health Science Center policy, generally for the same time period as the patient’s health record. The images, if not stored with the patient’s paper or electronic health record, must be stored in a manner that allows timely retrieval. These images are generally considered part of the patient’s health record and will be released or disclosed and destroyed according to the same policies governing other patient protected health information.

Documentation of Abuse and Neglect

Reportable cases of actual or suspected abuse and neglect do not require prior authorization from the patient prior to photographing, videotaping, and other imaging. These images may be submitted to the investigating agency with appropriate authorization or court order.

Research

Photography taken as part of a research protocol must be approved by the Institutional Review Board. Consent for such images must be incorporated into the patient consent for participation in the research protocol.

Marketing

Written authorization must be obtained from the patient prior to photographing of the patient for marketing or publicity purposes. See [Section 11.2.7](#) of the *Handbook of Operating Procedures* (HOP), “Uses and Disclosures of Protected Health Information for Marketing”.

Family/Friends

Generally, patient consent is not required for the patient’s family and friends to photograph the patient while receiving treatment at the Health Science Center; however, this is allowed only with the agreement of the

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clinician and patient, and with the acknowledgement that the individual may be asked to discontinue taping if the clinician deems it necessary. Health Science Center staff must ensure that the images will in no way include other patients or staff who have not consented to be included in the images.

**Manuscripts/
Conferences**

Written authorization must be obtained from the patient prior to using photographs, if identifiable to a patient, in manuscripts and presentations at conferences and professional organizations external to the Health Science Center or in any other public forum where they may be viewed by unauthorized individuals.

**De-identification
of Protected
Health
Information/
Disclosure**

Unless otherwise required by law or for purposes related to treatment, payment and operations, the Health Science Center will not release photographs, videotapes, or other images to outside requestors or for other purposes without specific authorization from the patient as required by Health Science Center policy related to disclosure of protected health information. The Health Science Center may determine that images are not individually identifiable health information if identifiers of the individual or of relatives, household members of the individual, or employer are removed. If the Health Science Center believes the image cannot be used in any way to identify the patient, the images may be used for outside purposes without patient authorization. See [Section 11.2.9](#) of the HOP, "De-identification of Protected Health Information".

The patient is entitled to copies of photographs unless prohibited by law. The Health Science Center will maintain the original photographs. The Health Science Center may charge a reasonable fee to cover the cost of duplication of the photographs.

Revocation

As with all patient authorizations for disclosure of protected health information, the patient has the right to revoke the consent for photographing, videotaping, or making other images, at any time. The Health Science Center will not be liable for any use of such images prior to the revocation.
