

Sample Consent for Clinical Photography, Videotaping, Audiotaping, and Other Multimedia Imaging of Patients

Save to myBoK

*This sample policy and procedure is not intended for adoption as a substitute for a customized internal organizational specific policy and procedure. This policy is not inclusive of specific state or organizational requirements and should not be used without editing for specific information. Any notations within the policy identified with a (**) indicates a policy statement that each organization should review carefully and individually define.*

Origination Date:

Revision Date:

Medical Staff Approval Date:

Purpose: (INSERT ORGANIZATIONAL NAME HERE) is committed to providing high-quality healthcare to its patients. As such, the use of clinical photography is limited to the purposes of diagnosis, treatment, and professional education (OTHER REASONS SUCH AS PUBLICATION CAN ALSO BE LISTED). This policy establishes guidelines for managing multimedia imaging of patients. For the purpose of this policy, multimedia imaging includes photography, videotaping, and audiotaping (LIST ANY OTHER SPECIFIC ORGANIZATIONAL DEFINITIONS).

Policy: Clinical photography of patients may be appropriate for the diagnosis and treatment of medical conditions as well as professional education. Clinical photography can be accomplished through a variety of multimedia technology to collect, analyze, and store patient protected health information. Use of these medias will be carefully controlled and executed in compliance with all state and federal regulations as well as other organizational policies and procedures.

All photographs must be appropriately identified with patient name, medical record number, account number, and date of admission.

Any disclosure of clinical photography is considered the release of protected health information and must follow all applicable organizational policies.

****No clinical photography can occur without a separate, written, informed consent of the patient, legal guardian, or next of kin.**
OR Clinical photography is considered a routine practice of the care and treatment of patients and is covered within the general admission consent to treat.

****Clinical photography does not include independent patient videos or pictures (e.g., filming of a delivery). These types of photographs are not allowed. OR Clinical photography includes images carried out by patients, family members, and visitors. If at any time it is felt by (INSERT ORGANIZATIONAL NAME) that the imaging process is not in the best interest of the patient or organization, the organization may request the individual processing the images to discontinue. Failure to comply with this request may result in the termination of the patient care relationship or other relationship with the organization.**

****Clinical photography informed consent does not include reproduction in illustrations or medical publications. The use of clinical photography in this manner requires a separate consent obtained through the public relations (OR INSERT OTHER DEPARTMENT NAME HERE) department.**

****Clinical photography does not include photography of patients for the purposes of promotion, artwork, or advertising of (INSERT ORGANIZATIONAL NAME HERE). These photographs are addressed through the public relations (OR INSERT APPROPRIATE DEPARTMENT HERE) department and follow the policies and procedures within that department.**

Clinical photography is defined as any videotaping, filming, or still photography of patients and includes, but is not limited to:

1. Pictures of pressure ulcers or wounds
2. Videotapes if endoscopy procedures
3. Pictures illustrating abuse, neglect, assaults, or accidents
4. Pictures of pediatric patients taken for the purpose of identification
5. (INSERT ORGANIZATIONAL SPECIFIC DEFINITION HERE)

Clinical photography is not allowed by clinical care providers on their individually owned camcorders, digital cameras, or Polaroids. (INSERT ORGANIZATIONAL POLICY HERE)

Consent

****The consent for clinical photography is a separate and distinct consent form.** General admission or surgical consent forms cannot be utilized for photography. **OR** The use of clinical photography is considered routine to patient care and is covered under the general admission consent to treat form.

The patient or responsible party ***must be informed prior to*** the photography of the use and purpose of the picture.

The patient or responsible party has ***the right to refuse***.

The patient or responsible party has ***the right to withdraw consent at any time*** by contacting the compliance officer (OR INSERT APPROPRIATE RESPONSIBLE PARTY HERE).

Releasing Clinical Photographs

Once taken, clinical photographs become a permanent part of the legal health record and can be released as such according to state and federal regulations.

Clinical photographs must be identified as a separate page/section of the electronic health record (OR PAPER RECORD) with the appropriate patient-identifiable information including patient name, medical record number, account number, date of admission, and attending physician.

Requests for disclosures of clinical photography for the purposes of treatment, payment, or operations do not require patient consent.

Requests for external disclosures of clinical photography that are not for treatment, payment, or operations requires the patient's informed consent prior to the release. Examples of external disclosures requiring authorization include, but are not limited to:

- Requests by law enforcement
- Requests by social services
- Requests by marketing
- Newborn photographs available for purchase

Record Retention

Clinical photographs are considered a part of the legal health record.

Images will be maintained in accordance with all organizational record retention policies and procedures.

Images that are sensitive in nature may be stored in a further safeguarded manner. (LIST ORGANIZATIONAL REQUIREMENTS FOR SENSITIVE INFORMATION OR SEALED RECORDS HERE)

Use of Cell Phones as Imaging Devices

The use of cell phones as imaging devices is strictly prohibited by hospital staff. Cell phones are not allowed in patient care areas, nor should they be used by hospital staff while on duty.

While it is impossible for (INSERT ORGANIZATIONAL NAME) to control the number of cell phones that may enter the hospital by patients and families, the use of cell phones as an imaging device must follow the guidelines as outlined in this policy. If at any time it is felt by (INSERT ORGANIZATIONAL NAME) that the imaging process is not in the best interest of the patient or organization, the organization may request the individual processing the images to discontinue. Failure to comply with this request may result in the termination of the patient care relationship or other relationship with the organization.

The use of cell phones in certain areas of the hospital may have the ability to affect equipment. For that purpose, cell phones are not allowed in certain areas of the hospital. These areas are clearly marked and identified via signage.

Corrective Discipline

Failure to follow the clinical photography policy may result in the corrective disciplinary process up to and including termination.

Examples of inappropriate photographs include a:

- Physician using a personal digital camera in the ICU to take a patient's picture
- Nurse using a general surgical authorization as consent for release of a clinical photograph in a nursing publication
- Resident using a photograph in a research paper published in a national magazine without authorization
- Physical therapist using a personal iPhone, Blackberry, or other cell phone to take a picture of an interesting skin infection.

See also:

Corrective Discipline Policy

Release of Information Policy

Informed Consent Policy

Legal Health Record Policy

Designated Record Set Policy

[LIST ALL APPROPRIATE ORGANIZATIONAL POLICIES HERE]

Article citation:

AHIMA. "Sample Consent for Clinical Photography, Videotaping, Audiotaping, and Other Multimedia Imaging of Patients." *Journal of AHIMA* (April 2010): web extra.

Driving the Power of Knowledge

Copyright 2022 by The American Health Information Management Association. All Rights Reserved.