

VALLEYCARE
OLIVE VIEW-UCLA MEDICAL CENTER/HEALTH CENTERS
POLICY & PROCEDURE

NUMBER: 171
VERSION: 2

SUBJECT/TITLE: **PHOTOGRAPHING OF PATIENTS, GUESTS AND/OR FACILITIES**

POLICY: To protect patients and guests from being photographed/recorded without their knowledge or consent, non-medical photographing of patients shall be treated in the same manner as confidentiality of records.

PURPOSE: To define ValleyCare policy regarding non-medical photographing of patients and/or facilities. To define ValleyCare policy for requirements for obtaining patient consent for photography or audio recordings.

DEPARTMENTS: All

DEFINITIONS: **Photograph and photography:** any recorder images or audio, video or still photograph, any other means of recording and reproducing images, or any audio recording in digital or other format.

Publication: any method of displaying or distributing photographic or audio recordings.

PROCEDURE: Photographic or audio recordings of a patient may be taken for purposes of treatment, professional education, peer review, publication, research, law enforcement, public relations, marketing and news media upon obtaining prior consent. Disclosure of photographic or audio recordings constitutes the release of medical information and therefore requires prior authorization for use of disclosure of private health information.

Patients consent for photography or audio recording for the specific purpose of identification, diagnosis, and treatment of the patient, or for the healthcare organization's own health care operations such as peer review, education, quality improvement and training, shall be obtained at the time of admission to the facility through the use of the General Consent form and included in the medical record. (These activities may include, but are not limited to, adverse event evaluation, compliance with regulatory requirements, impact of patient safety and quality initiatives, and education and presentation of unusual clinical conditions to healthcare providers in training). Photography or audio recording for purposes other than those listed above in this paragraph including the publication of photographs or audio recordings in medical journals or at medical conferences, and publication for law enforcement, public relations, marketing, and news media,

requires a separate consent and authorization for release of medical information by the patient or legal representative. Consent and authorization must be obtained for each unique instance of photography or audio recording not covered under the General Consent form. The person who obtains the consent and authorization must specifically explain what uses of the photograph/audio are anticipated and note all of the actual or anticipated uses of the photograph/audio recording(s) on the consent and authorization form. Use of the photograph/audio recording for purposes not initially identified on the consent and authorization form requires the patient's signature on an additional consent and authorization form.

Any request for non-medical filming, photographing, or recording of patients, guests, or facilities must be directed to the ValleyCare Director of Public Relations or Chief Executive or designee for approval.

It is prohibited to photograph on ValleyCare premises for commercial purposes.

When recording or filming for non-medical internal organizational purposes (e.g., performance improvement and education) or non-medical external purposes (e.g., a non-commercial television program), the Consent and Release For Interview; Press Interview; Photographs; and/or Television Form #OV-563C (Attachment I) is to be used to document the patient's approval for recording or filming.

Non-medical photographing of patients will only be allowed when consent forms have been completed by the patient or the patient's legal representative. The determination of who has the legal capacity to consent for a patient is defined in ValleyCare policy "Informed Consent". In accordance with ValleyCare policy "Use of Cellular Telephones by Patients and Visitors", the use of cell phones with camera or recording capability is not permitted anywhere in the facility.

If the patient is unable to give informed consent before recording or filming, refer to ValleyCare Policy "Media Access Policy, Guidelines: Public Release of Patient Information".

Patients have the right to request cessation of recording or filming. Patients have the right to rescind consent for use by the Department of Health Services (DHS) at any time.

Anyone who engages in recording or filming is bound by ValleyCare policy, "Right of an Individual to Agree or Object to the Use and Disclosure of Protected Health Information (PHI)".

References:

Joint Commission Comprehensive Accreditation Manual For Hospitals;

DHS Policy No. 304;

CHA Consent Manual, Policy No. 460;

ValleyCare Policy “Media Access Policy, Guidelines: Public Release of Patient Information”;

ValleyCare Policy “Use of Cellular Telephones by Patients and Visitors”;

ValleyCare Policy “Right of an Individual to Agree or Object to the Use and Disclosure of Protected Health Information (PHI)”

Approved by: VEC-2011Jan

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