

LOS ANGELES GENERAL MEDICAL CENTER POLICY

Subject: PHOTOGRAPHING, FILMING, AUDIO RECORDING, AND TEXTING PATIENT'S PROTECTED HEALTH INFORMATION	Original Issue Date: 4/01/79	Policy # 225
	Supersedes: 10/22/19	Effective Date: 5/31/21
Policy Owner(s): Public Information Officer Executive Sponsor(s): Chief Executive Officer		
Departments Consulted: Medical Administration Quality Improvement Privacy Compliance Committee Office of Risk Management Support Services Office of Public Affairs Los Angeles County Sherriff's Department (LASD) Chief Information Office Graduate Medical Education	Reviewed & approved by: Attending Staff Association Executive Committee Senior Executive Officer	Approved by: Chief Medical Officer Chief Executive Officer

PURPOSE

To: 1) define when images and audio recordings may be obtained on the Los Angeles General Medical Center campus: and 2) support patient care activities while protecting patients' rights to privacy and confidentiality, by providing standardized guidelines for managing photographs, video, and audio recordings, as well as text messages, in all formats.

POLICY

A. **Photographs, video, audio recordings NOT explicitly obtained as part of direct patient care**

- 1) All photographs, video, and audio recordings, including of physical space, facilities, or any people (patients, family, visitors, staff) may only be obtained on the Los Angeles General campus with permission from the Public Information Officer (PIO).
- 2) Photographs, video and audio recordings of patients taken for purposes other than patient care, healthcare operations, or law enforcement purposes, such as research, publication in medical journals or at medical conferences, public relations, marketing, and news media, must adhere to all of the following criteria:
 - a. A separate Consent and Authorization form for photography, video, and audio recording is obtained from the patient or legal representative. This Consent and Authorization form must be signed by a witness as are all informed consents in accordance with hospital policy 225.

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- b. The taking of the photographs does not interfere with the care and treatment of the patient
 - c. The taking of the photographs does not violate the privacy of the patient or any other person.
 - d. The person who obtains the Consent and Authorization form for photography, video, and audio recording must specifically document and explain to the patient or legal representative how the photograph/audio recording will be used. The person must also inquire if the patient requests any restrictions and must note all of the actual or anticipated uses of the photograph/audio recording(s).
 - e. Use of the photograph, video, or audio recording for purposes not initially identified on the Consent and Authorization form requires the patient's signature of an additional Consent and Authorization form.
- 3) Any requests for photography, video, or audio recording that originate from non-Los Angeles County entities, including news media, television, film production entities, documentary and marketing must be approved by the hospital's PIO, which will coordinate with appropriate person(s)/departments and will inform hospital leadership and Risk Management. A representative of the PIO must be present during such activities in accordance with hospital policy 132.
- 4) If at any time the facility staff believes that the photography, video images, or audio recording is not in the best interest of the patient, the Medical Center, or DHS, or negatively impacts the patient's safety, treatment, or healthcare operations, the facility may require the person/agency conducting the photography or recording to discontinue. Failure to comply may result in termination of the treatment relationship or business relationship. Any release or sharing of photographic or video images or audio recordings for any purpose other than the direct medical care of the patient and to any person other than a provider involved with care or supervision of the patient, without the patient or surrogate decision-maker's consent and authorization, is expressly forbidden. Such acts reflect a violation of hospital policy as well as a Health Insurance Portability and Accountability Act (HIPAA) violation and could result in personal liability or criminal prosecution.
- 5) All social media posts containing any images acquired at or on the Los Angeles General Campus must be approved by the PIO.
- B. Photographs, video, audio recordings NOT explicitly obtained as part of direct patient care**

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Photographs, video and audio recordings of patients, and sending text messages with patient protected health information (PHI) for the purposes of patient care or healthcare operations, as authorized under the General Consent obtained at the point of care (see Medical Center policy 205), must adhere to all of the following criteria:

- a. Photographs, video, and audio recordings, or text messaging containing patient PHI, must be taken either with
 - b. County owned equipment or using a Health Agency approved software application that prevents unauthorized storage of the material on a personal device. A list of approved applications may be obtained from the Health Agency Enterprise Project Management Office (EPMO).
 - c. Users of Health Agency approved applications that support image capture and secure communications may capture images for the purposes of communication between members of the healthcare team. However, these communications within the secure messaging application are not part of the legal medical record and do not take the place of appropriate documentation within the medical record.
 - d. Photos, videos, and audio recordings may not be stored on the device memory or any other local or cloud storage media, except through use of the Health Agency approved application.
 - e. Health care providers and employees who leave county service will have their accounts on all Health Agency approved applications deactivated as part of their checkout process.
- 6) Photographs, video, and audio recordings of patients taken by law enforcement personnel must be covered under a warrant, or with written consent of the patient. Law enforcement activities will be coordinated by the Sheriff's Department in partnership with hospital leadership.

C. DISCIPLINARY ACTIONS

Appropriate corrective action, up to and including discharge, will be imposed upon any workforce member who violates the provisions of this policy.

Any visitor or patient who is found in noncompliance with this policy will be addressed on an individual basis.

RESPONSIBILITY

Administrators
Office of Public Affairs
Office of Risk Management
Attending Staff and Housestaff
Nursing Staff
Los Angeles County Sheriff's Department

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PROCEDURE DOCUMENTATION

Medical Staff Manual
 Nursing Services and Education Generic Structure Standards

AUTHORITY:

22 California Code of Regulations (CCR) §70723
 Joint Commission Standards, Rights & Responsibilities of the Individual, RI 01.03.03

REFERENCES

California Code of Regulations, Title 22
 DHS Policy #314, Informed Consent
 Joint Commission Standards (Ethics, Rights, and Responsibilities)

REVISION DATES

August 1, 1995; November 13, 1998; April 16, 2002; June 22, 2004; October 15, 2008, October 22, 2019; May 31, 2021