

	POLICY: Patient Photography, Videotaping, Audio Recording and Imaging
Facility: Systemwide	Key Words: Photos, videos, videotape, tape recording, images, mobile services, mobile devices
Applies To: Patient care areas	
Policy Manual: Clinical	
Original Policy Date: September 2010	Revised Date: July 2016, July 2014
Approved by:	
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I. Policy

A. General Guidelines:

Inova may refuse to permit any person to photograph, videotape, record, or film any person on Inova owned or leased property if it:

- a. violates the privacy or jeopardizes the safety of anyone.
- b. is judged by the staff to be disruptive to Inova operations.

B. Imaging By Inova/Inova-Affiliated Individuals:

1. Circumstances when written acknowledgement/consent by patient/patient’s designated decision-maker **is required**:

a. Educational Purposes

Imaging initiated for educational purposes, such as use during Continuing Medical Education programs, Grand Rounds, or Nursing In-Services/Fellowships, requires an *Acknowledgement Regarding Photography or Videotaping for Educational Purposes* form to be signed by the patient/patient's designated decision-maker. These images may not contain any patient identifiers.

b. Research

Imaging taken as part of a research protocol must be approved by the Institutional Review Board (IRB). As such, photographs may be considered protected health information (PHI) under certain circumstances and may require patient/patient’s designated decision-maker authorization. Refer to [HIPAA policy #4 - Policy for Research](#).

c. **Release of Images**

Release of any type of image outside of Inova Health System, except in cases required by law (e.g. suspected abuse), requires the patient/patient's designated decision-maker's authorization using the same policy, procedure and guidelines as the release of any other types of protected health information.

When Inova receives an acknowledgement to perform imaging of the patient for educational purposes, such acknowledgement does not include or imply authorization to release the images outside of Inova Health System.

2. Circumstances when written acknowledgement/consent of patient/patient's designated decision-maker **is not required**:

a. **Clinical Purposes**

Imaging initiated for clinical purposes will be stored only in the patient's medical record. This imaging is considered protected health information and will be appropriately safeguarded in accordance with applicable federal and state law and regulations. While not required, an *Acknowledgement Regarding Photography or Videotaping for Educational Purposes* form may be signed by the patient/ patient's designated decision-maker at the discretion of the clinician.

Staff must use an Inova-approved application when using their personally owned imaging/mobile device. Refer to IT policy: Mobile Device Management Policy.

b. **Suspected Child/Adult Abuse.**

In any case of suspected child abuse, images and x-rays of the child may be taken as part of the medical evaluation without consent of the parent or other person responsible for such a child. However, in the case of suspected adult abuse, consent must still be obtained from the patient/ patient's designated decision-maker unless, based on professional judgment, it would place the patient at risk of harm.

Staff cannot use personally owned imaging/mobile devices for this purpose.

c. **Wide Angle Imaging.**

Images taken from a distance or at a wide angle are permitted without the acknowledgement of a patient only when it is impossible to determine an individual's identity in the image and only when no patient identifiers are captured in the image.

d. **Security Cameras.**

This policy does not apply to or prohibit the use of Inova security cameras. Security cameras may capture images without the acknowledgement of a patient.

C. Imaging By Non-Inova Individuals:

1. Family Members / Friends

Imaging of a patient by a patient's family member or friend is permitted unless the patient objects. Staff must inform the family member or friend performing the imaging that such imaging must be limited to the patient and the patient's family members and friends. The images must not capture any other patients, common patient areas, or Inova personnel. Staff is responsible for monitoring compliance with this requirement and patient/patient's designated decision-maker consent for this imaging is not required.

2. Labor & Delivery Births

Imaging of a normal vaginal birth is permitted if approved by the staff/ physician. However, imaging in the operating room during a cesarean section is not permitted until the baby is placed in the warmer and the staff/physician approves of such imaging.

Professional photography of the newborn must be conducted in accordance with the policy [Baby Photos](#).

3. Law Enforcement

Law enforcement agencies, regulatory agencies, and non-Inova legal requests for production of existing photographs/videotapes or requests to perform imaging must follow the process outlined in the [Release of Security Reports and Videos](#) policy.

NOTE: Adult patients who are not under arrest and the legal representatives of minor patients who are not under arrest generally have the right to refuse to be photographed or videotaped by law enforcement officials. *This right does not extend to a patient under arrest.*

4. News Media

Refer all requests from news media to image on Inova premises to Inova Health System's Public Relations Department. Refer to [HIPAA policy # 28 Communications Policy for Responding to News Media](#).

II. Purpose

To provide guidance for patient photographing, videotaping, audio recording, imaging and other recordings during patient care, including that performed by physicians. This includes the use of cameras, cell phones, mobile devices, audio and video equipment, web cams and other optical/digital imaging.

III. Applies to

All facilities

IV. Definition of Terms

Imaging Devices	Cameras, cell phones, audio and video cameras, web cams and any optical/digital recordings. NOTE: Radiological imaging is not included.
Mobile Devices	Laptops, smartphones and tablets.

V. Expected Outcomes

Staff will appropriately respond to requests for patient imaging by Inova and non-Inova individuals.