

|   |   |
|---|---|
| <b>Title: HIPAA: Patient Photography, Videotaping, and Other Visual Imaging in the Clinical Setting for Treatment or Training</b>   |   |
| <b>Number: 367, Version: 9</b>  | <b>Original Date: 08/31/2011</b>  |
| <b>Effective: 01/06/2023</b>  | <b>Last Review/Revision Date: 01/06/2023</b>  |
| <b>Next Review Date: 01/06/2026</b>   | <b>Author: Kristen Eversole</b>   |
| <b>Approved by: Administrative Policy Committee, Chief Financial Officer, Clinical Leadership Team, PolicyTech Administrators 01/06/2023</b>  |   |
| <b>Discrete Operating Unit/Facility:</b><br>Banner Baywood Medical Center<br>Banner Behavioral Health<br>Banner Boswell Medical Center<br>Banner Casa Grande Medical Center<br>Banner Churchill Community Hospital<br>Banner Del E Webb Medical Center<br>Banner Desert Medical Center<br>Banner Estrella Medical Center<br>Banner Fort Collins Medical Center<br>Banner Gateway Medical Center<br>Banner Goldfield Medical Center<br>Banner Heart Hospital<br>Banner Ironwood Medical Center<br>Banner Lassen Medical Center<br>Banner Ocotillo Medical Center<br>Banner Payson Medical Center<br>Banner Thunderbird Medical Center<br>Banner—University Medical Center Phoenix<br>Banner—University Medical Center South<br>Banner—University Medical Center Tucson<br>East Morgan County Hospital<br>McKee Medical Center<br>North Colorado Medical Center<br>Ogallala Community Hospital<br>Page Hospital<br>Platte County Memorial Hospital<br>Sterling Regional MedCenter<br>Torrington Community Hospital<br>Washakie Medical Center<br>Wyoming Medical Center | <b>Banner Corporate</b><br><br><b>Ambulatory Services</b><br>Banner Health Clinics<br>Banner Imaging Services<br>Banner MD Anderson Cancer Center<br>Banner Surgery Centers<br>Banner Urgent Care Centers<br>Occupational Health/Employee Services<br>Rural Health Clinics<br><br><b>Banner Home Care and Hospice</b><br><br><b>Insurance</b><br>Banner Health Network<br>Banner Plan Administration<br>University Physicians Health Plans<br><br><b>Banner Pharmacy Services</b><br><br><b>Post-Acute Care Services</b><br><br><b>Research</b> |

## I. Purpose/Population:

### A. Purpose:

1. To protect the privacy of patients and provide guidance to staff when obtaining a patient photograph for treatment or internal education/training.
2. To provide photo documentation when appropriate of a patient's care during initial assessment and at scheduled intervals to monitor progress in response to treatment.

### B. Population: All Employees.

## II. Definitions:

A. **CAMM:** Care Aware Multi Media, the application used to store clinical media.

B. **Medical Record:** Documentation maintained by Banner Health, which may be electronic or paper, of the health-related services provided to an individual in any aspect of healthcare delivery or healthcare status of such individual. (See Policy #354, [Content of the Legal Medical Record](#))

C. **Patient Photograph:** An image of the patient recorded through one of a variety of visual means including still photography, videotaping, digital imaging, scans of photographs, etc.

D. **Protected Health Information (PHI):** Any oral, written, or electronic individually identifiable health information. PHI may relate to the past, present, or future physical or mental health or condition of an individual; or the payment for the provision of health care to an individual. The Health Insurance Portability and Accountability Act (HIPAA) further defines PHI as information that identifies the individual by one or more (depending on context) of the following 18 identifiers:

1. Names
2. Geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code, and their equivalent geocodes except for the initial three digits of a zip code in certain situations
3. All elements of a date (except the year) directly related to an individual, including birth date, discharge date, date of death; and all ages over 89 and all elements of dates indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older
4. Telephone numbers
5. Fax numbers
6. Electronic mail addresses
7. Social Security Numbers (SSNs)
8. Medical record numbers
9. Health plan beneficiary numbers
10. Account numbers
11. Certificate/license numbers
12. Vehicle identifiers and serial numbers
13. Medical device identifiers
14. Web Universal Resource Locators (URLs)
15. Internet Protocol (IP) addresses
16. Biometric identifiers, including finger and voice prints
17. Full-face photographic images and any comparable image
18. Any other unique identifying number, characteristic, or code

E. **Workforce:** Workforce means employees, volunteers, trainees, students, physicians, contracted staff or other persons who perform work for Banner Health.

## III. Policy:

- A. BH workforce must have appropriate authority and approval and follow proper protocol in regard to photography and/or recording (video/tape/digital or other) of patients in order to prevent the wrongful disclosure of individually identifiable health information. (Also, see Policy #410 [Workforce Confidentiality](#) )
- B. Original Patient Photographs taken for diagnostic monitoring and/or treatment purposes are included in the patient's Medical Record and stored in Cerner Care Aware Multi Media (CAMM) application and are considered PHI. If the Patient Photograph taken for diagnostic monitoring and/or treatment purposes cannot be stored within the Medical Record, a reference to its storage location will be noted in the Medical Record and appropriate access will be enabled when applicable.
- C. Banner Health equipment/devices will be used, when available, for photographing patients for diagnostic monitoring and/or treatment.
  - 1. Banner Health equipment/devices such as digital cameras or tablets used solely for photography/videography must be stored securely in a locked cabinet or drawer in a locked office or suite. Banner Health Workforce members using such devices are responsible for ensuring the device is secured appropriately following use.
  - 2. The photograph must be downloaded into the medical record promptly and deleted from the equipment/device immediately thereafter.
- D. If Banner Health equipment/devices are not available, a personal mobile device can be used to take clinical photographs for diagnostic monitoring and/or treatment purposes. However, an approved application (e.g. Cerner Camera Capture) must be used to transmit the clinical photographs directly into the medical record.
- E. For all mobile devices such as laptops, tablets, iPads, smart phones, external hard drives, flash drives/memory sticks, and CD/DVDs that may be used to record, store or access images, encryption and security safeguards are required and must be approved and in accordance with Banner Health policies. Personal devices can only be used when an approved application is being used. Cloud storage, if applicable, on the mobile device must be turned off for photo/media storage and further transmission. Texting, emailing, etc. of the photograph is not allowed. (See also Policy #504, Information Security Acceptable Use Policy)
- F. When applicable, images taken for diagnostic monitoring and/or treatment purposes from all approved mobile devices that store photos/videos must be promptly uploaded from the device to the patient's medical record or a secure folder on the network drive and then wiped from the device as soon as possible and *in no case more than 24 hours* from the time the image was taken. Each location where these devices are used should have designated individuals who are responsible for removing the images from the device.
- G. Patient Photographs, videotapes and other images taken for diagnostic monitoring and/or treatment purposes should be clearly identified with the patient's name, medical record number (MRN), location of body part photographed, date and time and the name and title of the person taking the photo.
- H. Patient Photographs, videotapes and other images used for internal education/training may not include patient's name, medical record number, date of birth, full face, or other unique features that could potentially re-identify the patient.
- I. When a Banner Health Workforce member requires a patient photograph to be taken for internal education/training purposes the image/photo must be de-identified and equipment/device used must be approved and in accordance with Banner Health policy regarding device encryption and security safeguards.
- J. Practitioners will determine whether patients are permitted to take Patient Photographs or videos during treatment (also see Policy #785, [Photography and Recording by Patients, Visitors and Non-Banner Staff](#))

- K. Banner Health's Medical Treatment Agreement (Conditions of Admission) documents the patient's consent to take and use photographs or videotaping of diagnostic and surgical procedures for treatment and internal education/training purposes.
- L. When parts of the body require photography, drapes and other material may be used to limit photography to a specific area of the body.
- M. Photographs taken for diagnostic monitoring and/or treatment purposes must be maintained according to the [Records Retention and Destruction](#) , #739.
- N. Photographs may not be used instead of required documentation, including documentation of medication lists, prescriptions, and surgical history.

**IV. Procedure/Interventions:**

- A. If there are questions or concerns about appropriateness of and/or methods for taking photos/videos please contact the Privacy Office and/or Information Security.

**V. Procedural Documentation:**

- A. Forms:
  - 1. Conditions of Admission (COA)
  - 2. Medical Treatment Agreement (MTA)

**VI. Additional Information:**

- A. N/A

**VII. References:**

- A. CAMM Tip Sheet

**VIII. Other Related Policies/Procedures:**

- A. [Workforce Confidentiality](#) (Policy #410)
- B. [HIPAA: Identifying and De-Identifying Protected Health Information \(PHI\) and Creation of a Limited Data Set](#) (Policy #391)
- C. [HIPAA: Use and Disclosure of Protected Health Information \(PHI\) for Treatment Payment and Health Care Operations \(TPO\)](#) (Policy #406)
- D. [IT Acceptable Use Policy](#) (Policy #504)
- E. [Records Retention and Destruction](#) (Policy #739)
- F. [Content of the Legal Medical Record](#) (Policy #354)
- G. [Photography and Recording by Patients, Visitors and Non-Banner Staff](#) (Policy #785)

**IX. Keywords and Keyword Phrases:**

- A. Photo(s)
- B. Photograph(s)
- C. Photography
- D. Video(s)
- E. Videography

**X. Appendix:**

- A. N/A