

CHA Video and Photo Guidelines

To protect your privacy and ensure your personal health information remains secure, please review our policy that only allows photography or audio recording of patients in very limited situations. When recordings or photos are necessary, they must be taken using approved, company-owned devices—not personal phones or cameras. Staff must receive prior approval and follow strict security guidelines, including deleting any recordings within 24 hours and never storing them on unencrypted devices. The only exception is when using secure, authorized tools like the EPIC Haiku or Canto applications, which do not store any information on the device itself.

Procedures:

- A. Photographing/Audio Recording Patients and Workforce Members by Patients, Family Members, and/or by the Patient's Visitors:** CHA is not required to obtain consent from the patient when the patient is the subject of the photography/audio recording and such recording is performed by the patient or the patient's family members or the patient's visitors. Patients, family members, and/or visitors are not permitted to take photographs of or audio record other patients or workforce members without consent. To the extent a workforce member is aware of any inappropriate attempt to photograph a patient and/or workforce member, then the workforce member must take reasonable steps to notify their supervisor and to ensure that patients and/or workforce members are not photographed inappropriately. If they run into problems, they should contact Public Safety for assistance.

Labor and Delivery services policy D-DOB-0138 Photography and Videography during Labor and Birth for Patient's Personal Use has specific guidelines and should be a reference before any activity in this service area.

- B. Photographing/Audio Recording Patients by Workforce Members for Treatment Purposes:** CHA's general consent to treat for inpatient/ED/observation/surgical day includes language in which a patient consents to have workforce members to take photographs of a patient for treatment purposes. The workforce member will first inform the patient which area is to be photographed and why, and obtain verbal patient consent to the specific action. Any such photographs will be documented in the patient's medical record. For example, a wound nurse may ask a patient for permission, and obtain such verbal permission, to photograph a skin wound in order to document the same in EPIC.

- C. **Photographing Patients by Workforce Members for Security or Health Care Operations Purposes:** The Conditions of Admission or Consent for Treatment form (or the equivalent form in non-hospital settings) should advise patients that photographs or video recordings may be taken for security or health care operations purposes (e.g., quality assurance and training). This does not apply to general security surveillance of public areas.
- D. **Photographing Patients by Workforce Members to Document abuse and neglect.** Pursuant to MGL ch. 119, §51A(b), hospital personnel may have photographs taken of the areas of trauma visible on the child without the consent of the child's parents or guardians. These photographs or copies thereof shall be sent to DCF in connection with a 51A report of suspected child abuse or neglect. The photographs may not be used for any other purpose beyond submission to the investigating agency unless otherwise permitted by federal or state law (e.g., for treatment purposes).
- E. **Photographing/Audio Recording Patients by Workforce Members for Research:** Any use and/or disclosure of photographs or audio recording for research purposes will be in compliance with state and federal regulations concerning privacy and research. If a photograph or audio recording is determined to be identifiable, an Institutional Review Board overseeing the specific research project will determine if additional authorizations are required based on the criteria set forth in the privacy laws.
- F. **Photographing/Audio Recording Patients by Workforce Members for Publicity Purposes:** CHA staff must reference policy A-MPR-0006 Consent for Filming or Recording Patients and obtain written authorization from the patient prior to photographing/audio recording the patient for publicity purposes. The authorization is only good for the type of photographs/recordings indicated and the timeframe listed in the authorization. Otherwise, a new authorization form must be obtained. When the photography/audio recording is for publicity purposes, the obtain the patient/guardian's specific written consent. Marketing efforts should be coordinated with the CHA Marketing Department.
- G. **Photographing/Audio Recording Patients by the Media or Law Enforcement:** CHA will conform to Massachusetts two party consent, which means both parties have to consent to filming or audio recording. MGL 272, §99. CHA may permit news media or law enforcement agencies to photograph or audio record a patient if the patient's responsible (e.g., attending) physician agrees the patient is medically stable and the patient consents. CHA may also disclose photographs and/or audio recordings to law enforcement when required by state law, such as child abuse and neglect, domestic violence, elder abuse, rape, and similar disclosures required by law.

- H. **Photographing/Audio Recording Patients for Telemedicine or the Internet (i.e., official uses only):** Written patient consent is required prior to transmitting or using patient photographs/audio recordings for telemedicine. Information Security policies and procedures for encryption and other company requirements must be followed.
- I. **Photography/Audio Recording of Patients or the Patient's Visitors within the CHA by Workforce Members for Personal Use:** Workforce members are prohibited from photographing or audio recording patients or the patient's visitors within the facility for personal use. This includes, but is not limited to, taking pictures to share with friends and/or co-workers, to post on the internet using any social media platforms (e.g., Facebook, LinkedIn, Instagram, Twitter), etc.
- J. **Photography/Audio Recording of Patients for publication or for training activities that are not CHA training programs.** Written authorization to disclose protected health information (PHI) is required and must be maintained in the patient's record. Photos that contain no identifying information may not meet the definition of PHI and may potentially be shared. Staff should consult with their manager as necessary to confirm PHI will not be breached prior to any sharing.
- K. **Storage:** Photographs and/or audio recordings done for treatment purposes must be stored in the medical record. Disclosure: Photographs and audio recordings must not be released without specific written authorization from the patient, unless the disclosure is for treatment, payment or health care operations purposes or is otherwise permitted or required by law. Unless prohibited by law, photographs and audio recordings may be released to the patient in accordance with Patients' Right to Access (refer to Privacy Rule 45 CFR 164.524). CHA must retain the originals in accordance with state law and the Records Management Policy and must be retained in accordance with state and federal law.
- L. **Photography, audio, video recordings of the workforce is permitted** for hospital operation purposes including but not limited to training.

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