



**POLICY TITLE:** 202.20 Photographs and Videos of Patients & Employees by Non-BHSF Employees

**Responsible Department:** Corporate Privacy Office

**Creation Date:** 12/03/2013

**Review Date:** 2021/12/09

**Revision Date:** 2021/12/09

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**PUBLISHED (Released):** 2021/12/13

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## **SUMMARY & PURPOSE:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. The HIPAA Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule sets out how and with whom PHI may be shared.

It is the philosophy of Baptist Health South Florida (BHSF) to provide patient and family centered care while respecting the rights of all patients. Photography or other electronic recordings of the patient by family members and those involved the patient's care is permitted based on this policy and the discretion of the professional healthcare team.

## **POLICY:**

It is the policy of Baptist Health South Florida, Inc. ("BHSF" or "Baptist Health") to comply with applicable state and federal laws, including those protecting the confidentiality of patient health information and safeguarding of patient information. It is our policy to implement these laws in a way that supports our primary mission to the community regarding the delivery of quality health care in an efficient manner.

To ensure the privacy of our patients and employees, visitors and patients are not allowed to take photographs or other electronic recordings of other patients, visitors, staff members or medical staff without that individual's permission. This policy provides guidelines for photographs or other electronic recordings of a patient which are permitted to be taken by family and friends.

## **SCOPE/APPLICABILITY:**

This policy applies to all areas of Baptist Health South Florida.

**PROCEDURES TO ENSURE COMPLIANCE:**

Baptist Health recognizes the importance of the patient experience and embraces a culture that incorporates the insights and perspectives of patients and families into facility design, program development, policy development, health education, and care delivery. This type of philosophy is an established national movement called Patient and Family-Centered Care. Family-Centered Care involves truly partnering with patients and families. Not only does it involve them in decisions about their care, but also adds the benefit of their help and insight as a way to better plan, deliver and evaluate their care.

1. Photographs for Patient/Family/Visitor Use
  - a. Hospital consent is not required for a family member or visitor who wishes to take photographs of the patient, family or visitor for personal use.
    - i. The patient or properly designated representative must agree to such a photograph being taken.
    - ii. For those departments that have security sensitive areas, department-specific visitor photography policies will outline the additional security measures that may be required.
  - b. Visitors, patients and families are not allowed to take photographs which may include photographs of other patients.
  - c. Visitors, patients and families are not allowed to take photographs which may include PHI about of other patients, such as white boards or schedules.
  - d. Photographs of physicians, staff members, volunteers, other patients, or visitors may only be taken with that individual's permission.
  - e. Questions about providing consent or permission for photographs should be consulted with the Corporate Privacy Office, Risk Management, Nursing Supervisor or designee.
2. In the event a patient or visitor takes a photograph in violation of this policy, the following steps should be taken:
  - a. Notify the department leader, supervisor or designee and campus security.
  - b. Staff should instruct the individual to immediately stop taking the photograph.
  - c. The department leader, supervisor or designee or will inform the individual that hospital staff will need to view the photograph and determine whether appropriate permission was obtained.
  - d. If proper permission was not obtained, the individual will be asked to destroy the photograph.
  - e. If the individual refuses to cooperate and it appears patient privacy has been compromised, the Corporate Privacy Office, designated House Supervisor and Security will be notified to determine whether local law enforcement should be notified.
3. Photographs of Patients as Required by Law:
  - a. In some limited cases, law enforcement or other agencies such as the Department of Children & Families may need to photograph the patient for purposes related to an ongoing investigation.
  - b. These individuals are permitted to photograph the patient as required by law.

**SUPPORTING/REFERENCE DOCUMENTATION:**

- Health Insurance Portability and Accountability Act of 1996 as amended from time to time and including any regulations promulgated thereunder (collectively, "HIPAA")
- Applicable Florida State Laws

**RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:**

- Corporate HIPAA Privacy Policies
- 10000-74220-311.00 Marketing – Use and Disclosure of Patient Information Including Demographic Information
- Attachment - 10000-74220-6038 Authorization for Use or Disclosure of Health Information for Filming, Photo, Video or Publication
- Brochure – Partners in Your Care - A Guide for Patients and their Families
- Informed Consent for Invasive or Other Procedures Form – Entity Based Forms

**ENFORCEMENT & SANCTIONS:**

All references to Policies must go to the BHSF Master Copy on the BHSF Intranet; do not rely on other versions / copies of the Policy.

1. Reference: Corporate HIPAA Privacy Policy 10000-74220-605.20 Sanctions for Privacy Violations
2. Violations of this policy will be determined by the Chief Privacy Officer in consultation with the appropriate levels of department leadership and appropriate Human Resources management level. Reference: HR policies 5250 Employee Conduct and 5300 Corrective Action.
3. Violations of this policy may lead to disciplinary action up to and including termination.
4. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.