

Patient Photos in the Medical Record

Policy 5019

Purpose: The purpose of this policy is to clearly define the process for placing a patient photograph into the medical record while still meeting the Health Insurance Portability and Accountability Act (HIPAA) regulations and other legal requirements.

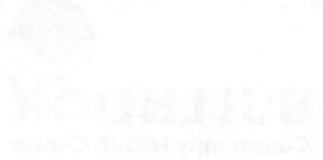
HIPAA Requirements and Risks: The HIPAA Privacy regulation identifies a full-face photograph as Protected Health Information (PHI). Therefore, photographs of patient faces should be protected.

Scope: The scope of this policy is limited to photographs determined to be of clinical significance and for the purposes of identification of the patient, and placement of those photographs in the patient medical record to enhance patient care.

Policy: It is the policy of Bullhook Community Health Center (BCHC) to ensure that patient's photographs that are placed in the patient's medical record are protected from inappropriate disclosure by requiring that those photographs to be taken by a clinic owned device. Personal electronic devices such as smart phones, tablets, or digital cameras (this is not an exhaustive list) are not permitted to be used to take photographs of patients in any manner.

Definitions:

1. PHI (Protected Health Information): any information, whether oral or recorded in any form or medium, that identifies or can readily be used to identify a patient; and directly relates to (1) the physical, mental or behavioral health or condition of the patient; (2) the provision of health care to the patient; or (3) payment for the provision of health care to the patient. PHI includes a full face photograph.
2. HIPAA (Health Insurance Portability and Accountability Act): Regulation requires protection of Protected Health Information (PHI) held by covered entities (hospitals, providers, pharmacies, etc.) and gives patients certain rights with respect that information. HIPAA is governed by the US Department of Health and Human Services (HHS).



3. Patient Health Record: Legal record containing documentation of patient care that is provided by health care professionals to a specific patient over time, including progress notes, photographs, telephone call notes, medications, test results, medical orders and reports.

4. Billing and payment information PHI: These documents and transactions will contain PHI and are protected under HIPAA.

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CHAIR, BOARD OF DIRECTORS

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