

**Brody School of Medicine at East Carolina University  
ECU Physicians**

Topic: Obtaining Consent for Medical Photography of Patients for Diagnosis, Treatment, Professional Education and/or Professional Publication - #A37	
Section: 1	Section Name: Administrative
Approval Date: October 28, 2008	Approval: Paul R. G. Cunningham, MD, Dean

I. Purpose

This policy sets forth the guidelines that ECU Physicians' physicians and employees must use with respect to medical photography of patients in the ECU Physicians' clinical sites whether for the purpose of diagnosis, treatment, professional education or professional publication.

This policy does not govern photography for the purpose of illustration, promotion, art, editorial or advertising.

This policy does not govern medical photography of patients in any other healthcare facility where care is being rendered by an ECU Physicians' physician or provider.

II. Policy

Medical photography of patients may be appropriate and necessary for the diagnosis and treatment of medical conditions as well as for professional education. Medical photography of the patient or body part may be patient-identifiable and, therefore, release of the photograph may constitute release of protected health information.

No medical photography will be done without a separate, written consent of the patient or responsible party.

No medical photography will be released without the prior written authority of the patient or responsible party.

Photography for the purpose of illustration, promotion, art, editorial, or advertising is coordinated through News and Information.

III. Definitions

Photograph or photography – any videotaping, filming, still photography or other means of recording and reproducing images.

Publication – any method of displaying or distributing photographs, including simply showing the photographs to a limited number of individuals.

IV. Procedures

A. Consent for Medical Photography

Recommending Body	Signature	Date:
BSOM Executive Committee		
ECU Physicians Board of Directors	(original signed by Dr. Rotondo)	October 23, 2008
Original Effective Date: October 28, 2008	Contact Person/Reference Source: Director, Risk Management	Extension: 744-1857
Revision/Review Date:	Revision/Review Person/ Source:	Page 1 of 4

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1. The consent for photography is separate from the general consent for treatment and consent for surgical or other invasive procedures. However, obtaining the consent for photography can be done during the informed consent discussion for surgical or other invasive procedures/
2. The patient or responsible party must be informed of the recommendation to use photography and the purposes for which the photography will be used.
3. The patient or responsible party has the right to refuse to be photographed and be confident that the decision will be honored by BSOM.
  - a. Failure to comply with these wishes could give rise to allegations that the patient's rights were breached.
4. The Consent to Photograph and Publish must include why photography is being recommended and the intended use(s) and:
  - a. signed and dated by the patient or responsible party,
  - b. signed and dated by the witness,
  - c. the patient or responsible party is given a copy, and
  - d. the original is placed in the patient's medical record.
5. At any time, the patient or responsible party may withdraw consent to photograph.

**B. Authority to Release Photography**

1. If after the photographs have been taken, the physician or other providers wish to use the photograph for other than was originally intended, an additional written authorization for release of the photograph must be obtained stating the specific intended use of the photograph.
2. Medical photography becomes part of the patient's medical record.
3. If the photography is patient-identifiable, a written authorization to release the photograph will be required prior to the release of the photography.
4. Patients or their responsible party may request copies of the medical photographs in the same manner as requesting copies of medical records.

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ATTACHMENTS:

Sample Consent

REFERENCES:

Joint Commission on Accreditation of Healthcare Organizations

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