

Section: Privacy	Number: 18.60.G.v3
Subject: Recording a Telemedicine Session Containing Personal Health Information (PHI)	Associated Document Form Number: 18.60.F
Effective Date: May, 2008	Last Reviewed Date: April 2019
Last Revised Date: April 2019	Next Review Date: April 2021

PURPOSE

There may be circumstances during a telemedicine event when the use of photography, videotaping, and other visual/audio recordings where a patient is present would be deemed beneficial by a health care professional. As such, the health care professional may request that a telemedicine session be recorded. The Health Information Custodian (HIC) proposing the recording is responsible for the decision to record the telemedicine session, as well as for making all associated arrangements.

This guideline was developed to assist Telemedicine Coordinators or other healthcare professionals or personnel facilitating the recording of a telemedicine event containing personal health information (PHI) with:

1. Protecting the personal health information of patients.
2. Protecting the privacy of individuals who are present during a recorded session.
3. Providing direction to consulting health care professionals who require a recorded session and to Member telemedicine and/or health professionals and personnel.
4. Minimizing the risk of a privacy breach.

OTN has an interest in ensuring that personal health information is protected when being used to arrange for and conduct telemedicine events and has developed these guidelines to help Members establish their own practices.

Healthcare organizations and/or providers should always consult their policies and/or privacy and/or legal office when implementing practices to support their videoconferencing services.

GUIDELINE

A telemedicine session involving patients and/or personal health information should only be recorded when the following conditions have been satisfied:

1. The health care professional proposing the recording has made the request to record a session known to the patient and all parties involved in advance of the session.
2. The health care professional proposing the recording has obtained express consent (express consent can be written or verbal and where verbal, dated and documented in the patient's health record) from the patient (or substitute decision-maker) and all other session participants in advance of the session (see page 2 for additional details on the process for obtaining consent).
3. Where a consent form is used for this purpose, the Telemedicine Coordinator or other health professional or personnel where the patient is physically located has securely transmitted the completed consent form back to the consulting site.
4. A copy of the consent form is retained in the patient's health record at the referring/patient host site and/or at the consulting site.
5. Provisions have been made for the secure storage of recordings/photos if they were not generated to provide and/or support patient care and therefore are not being added to the patient health record.

Written consent of the patient and of all parties involved can be obtained using the "Consent to Record a Telemedicine Session" form template (provided to member sites as an example only) or by using the organization's consent form. Express consent should be obtained in advance of the session.

- If the patient (or substitute decision-maker) consents, the consulting health care professional requesting the recording can then complete the "Consent to Record a Telemedicine Session Form" or the organization's consent form, clearly indicating the purpose for the recording and signing the form.
- The "Consent to Record a Telemedicine Session Form", or the organization's consent form indicating a request to record the session, should be forwarded/provided to the Telemedicine Coordinators or other healthcare professionals or personnel at both the referring and the consulting sites.
- The Telemedicine Coordinator or other healthcare professional or personnel at the consulting site signs the form (indicating their consent to the recording) and securely transmits the form to the Telemedicine Coordinator at the referring/patient host site.
- The Telemedicine Coordinator or other healthcare professional or personnel at the referring/patient host site signs the form (indicating their consent to the recording).
- At the time of the session (but before recording begins), the Telemedicine Coordinator or other healthcare professional or personnel at the referring site asks the patient (or substitute decision-maker) to sign the consent form (confirming that the health care professional proposing the recording has obtained consent).
- If there are other individuals who will be present during the session, these individuals should be approached for consent and sign the consent form.
- The Telemedicine Coordinator or other healthcare professional or personnel at the consulting site can then proceed with the recording.
- The recording should be conducted from the consulting site if it is to be used by the consultant.
- If the patient or other individuals participating in the session ask to stop the recording, the recording must be stopped immediately.
- After the session is over, the Telemedicine Coordinator, or other healthcare professional or personnel where the recording took place, should ensure that the tape or digital audio/video file of the recording is dated and labeled or named in accordance with the policies and procedures of the organization that will retain the recording.
- The Telemedicine Coordinator or other healthcare professional or personnel should ensure the recording becomes part of the patient health record at the consulting site (as per their organization's policy), if the recording was produced to provide and/or support patient care.
- If the recording/photo was not generated to provide and/or support patient care and/or should not become part of the patient health record (as per the organization's policy), provisions should be made for the secure storage of the recording. A procedure for signing the recording in and out of storage is recommended.
- Upon completion of the recording, the Telemedicine Coordinator, healthcare professional or personnel who requested the recording should verify that the use of the recording is consistent with the purpose noted on the consent form.
- If the patient requests a copy of the recording of their session, the patient should be directed to submit an access request where the recording is retained via that organization's standard process.

Note: Research Ethics Committees/Boards require that specific consent forms be drawn up/approved and completed where research involving patients (human subjects) is being undertaken. Always consult and adhere to your organizations' policy and procedure with respect to any recordings involving patients and/or personal health information.

RELATED DOCUMENTS

Subject	Number
Consent Form to Record a Telemedicine Session Containing Personal Health Information (PHI)	18.60.F