

Section: Privacy & Risk Management	Number: 18.60.G.v2
Subject: Recording a Telemedicine Session Containing Personal Health Information (PHI)	Associated Document Form Number: 18.60.F
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PURPOSE

There may be circumstances during a telemedicine event when the use of patient photography, videotaping, and other visual and/or audio recordings would be deemed beneficial by a consulting health care professional and for which s/he may request that a telemedicine session be recorded.

The responsibility for making the determination and arranging for this rests with the Health Information Custodian proposing the recording. This guideline was developed to assist Telemedicine Coordinators facilitating a telemedicine event containing personal health information with:

1. Protecting the likeness and personal health information of patients.
2. Protecting the privacy of individuals who are present during a recorded session.
3. Providing direction to the consulting health care professionals who require a recorded session and to the member site telehealth 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 Member sites establish their own practices.

GUIDELINE

A telemedicine session involving patients and/or personal health information¹ may be recorded when the following conditions have been satisfied and met:

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 scheduled session.
2. The health care professional proposing the recording has obtained written consent from the patient (or substitute decision-maker) in advance of the scheduled session.
3. The Telemedicine Coordinator at the referring site has faxed 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 site and at the consulting site.
5. Provisions have been made at the consulting site to ensure the recording/photos become part of the patient health record at the site (as per that organization's policy).
6. Provisions have been made for the secure storage of recordings/photos if they were not generated to provide for 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 and should be obtained in advance of the scheduled 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 at both the referring and the consulting sites.
- The Telemedicine Coordinator at the consulting site signs the form (indicating their consent to the recording) and faxes the form to the Telemedicine Coordinator at the referring site.
- The Telemedicine Coordinator at the referring site signs the form (indicating their consent to the recording).
- At the time of the scheduled session, the Telemedicine Coordinator 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 at the consulting site can then proceed with the recording.
- The recording should be conducted from the consulting site since it is to be used by the consultant.
- If the patient or the other individuals participating in the session ask to stop the recording, the Telemedicine Coordinator at the consulting site should stop the recording immediately.
- After the session is over, the Telemedicine Coordinator at the consulting site should ensure that the tape is labeled with the date and time of the session as well as the patient’s name (and any patient identifying information as per the facility policy).
- The Telemedicine Coordinator should ensure the recording becomes part of the patient health record at the consulting site (as per their organization’s policy)
- If the recording/photos was not generated to provide for 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 A procedure for signing in and out the recording out of storage is recommended.
- Upon completion of the recording, the person who requested the recording should verify that the recording is consistent with the purpose noted on the consent form.
- If the patient requests a recording of their session and/or requests a copy of the recording requested by the health care professional, the patient should be directed to the health care professional who requested and executed the recording.

Note: Research Ethics Committees/Boards require that specific consent forms are 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