INTRODUCTION

There may be circumstances during a telemedicine event when the use of patient photography, videotaping, 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.

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.

GUIDELINE

A telemedicine session involving patients and/or personal health information\(^1\) 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.

\(^1\) The Personal Health Information Protection Act, 2004 s.4(1)
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.

PROCEDURE

- 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)

Guideline

- 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.

(Example only)

Information for patients about the use of recordings during a telemedicine session

Taking photographs of specimens, forensic evidence and/or recording interviews, patient care or a procedure is common practice in health care settings. Sometimes a health care professional will want to record a telemedicine session. There can be several purposes for recording a telemedicine session; for example monitoring therapeutic change over time, for teaching medical students, training health care professionals, and research.

Video recording, photographs or audio recording can sometimes make patients feel uncomfortable. However it can be so useful that the possibility of recording a telemedicine session may be discussed with some patients. This discussion with your health care provider/consultant requesting the recording should happen before your scheduled telemedicine appointment.

Although recording a telemedicine session can help health care professionals improve your care or the care of others, everyone has the right to refuse permission to record the session. No one will record the session unless they have your permission. Even if you agree to the recording, you have the right at any time to ask that the recording stop and that all information recorded be erased.

The health care professional who is proposing the recording will explain the purpose for the recording and will obtain your permission to do so. Once the health care professional has obtained your consent you will receive a consent form from the Telemedicine Coordinator. You will be asked to sign the form before your telemedicine appointment begins.
Recordings of telemedicine sessions are treated as confidential information. A recording for the purpose of patient care will be kept as part of your health record.

END OF GUIDELINE