

The UCLA logo consists of the letters "UCLA" in white, bold, sans-serif font, centered within a solid blue rectangular box.The word "Health" is written in a large, black, serif font, positioned to the right of the UCLA logo.

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Owner: *Shari Faris: Counsel Sr*
Policy Area: *Administration*
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Applicability: *Ronald Reagan & Ambulatory Care*

Photography and Filming and Audio Recording, 0308

PURPOSE

The purpose of this policy is to specify the conditions and requirements for photography or filming of patients and staff in the Ronald Reagan UCLA Medical Center.

POLICY

It is the policy of the Ronald Reagan UCLA Medical Center that no photography or filming or any type of video or other recording by any means (referred to collectively as "Photography") of patients or staff is allowed unless such Photography meets the requirements set forth in this Policy, which is intended to protect the confidentiality and privacy of patients and staff while allowing Photography under appropriate circumstances.

PROCEDURE

I. Definition

For the purpose of this policy, Photography means any photographic reproduction, in any media, still or moving, including videotape, audiotape, live television, filming, and digital images, including but not limited to the use of mobile devices such as mobile phones, laptops, tablet computers, and personal digital assistants (PDA).

II. Types of Photography

- a. **Photography for Clinical Purposes:** Photography by a licensed health care provider for clinical care, diagnosis and treatment of the patient, is permitted. Such Photography is protected under state and federal patient privacy laws and is used and stored in accordance with UCLA policy.
- b. **Photography for Educational Purposes:** Photography of patients or staff used exclusively for teaching or research activities is permitted if authorizations and consents are obtained as detailed in Section III below.
- c. **Photography for News Reporting, Documentary Films or Other Media:** Requests for photography by traditional news media organizations, as well as digital and online news media, documentary filmmakers, and other media are subject to initial evaluation and approval by the UCLA Health Media Relations Office. Requests perceived to have limited news or institutional value may be declined and referred to the Campus Events Office, which issues commercial filming permits. Third parties undertaking the Photography may be asked to sign Confidentiality Statements to protect the

patient's identity and confidential information, and all film crews must be accompanied by UCLA Health Media Relations or Campus Events Office staff. Such Photography must comply with the Health System Policy on "Permissible Disclosures of Protected Health Information ("PHI") to the Media and the Public" (Policy No.9472) to protect patient privacy. Appropriate notice must be given if filming occurs in Health System facilities, such as posting signs in public areas. News crews must wear proper media credentials. Any Photography of patients or staff for such News Reporting, Documentary Films, or other media requires the authorizations and consents detailed in Section III below.

- d. **Commercial Photography:** Commercial Photography means Photography by any non-UCLA person or entity for any commercial or other business purpose. Commercial Photography requires a permit and execution of a filming agreement through UCLA Campus Events.
- e. **Patient Personal Photography:** Photography that is undertaken for the patient or at the request of the patient by the patient's family or visitors for personal, non-commercial purposes is permitted provided (i) the Photography is limited to images of the patient, the patient's family or visitors, (ii) such Photography is taken in the patient's room or other non-public location; and provided (iii) such Photography does not interfere with patient care or hospital operations, as determined by the attending physician or other member of the clinical team, in his or her sole discretion. Photography of other patients, of Hospital visitors (other than those visiting the patient), or of UCLA staff, who have not provided authorization or consent for such Photography as detailed in Section III below, is prohibited under this Policy.
- f. **UCLA Health Marketing Photography.** Photography by UCLA Health Marketing for marketing or other purposes is permitted provided the authorizations and consents are obtained as detailed in Section III below.

III. Authorization and Consent

Photography by news media organizations, documentary filmmakers and other media deemed to have significant news or institutional value require approval and oversight by the UCLA Health Media Relations Office. Marketing photography requires approval and oversight of the UCLA Health Marketing office. Photography involving a commercial filming permit requires oversight and approval by the Campus Events Office.

- a. Photography of patients (other than Photography in Section II.a or II.e) requires a signed HIPAA Authorization in advance of such Photography (HS Form #30910 and Form #10844 for News Stories or Promotional Materials, and Form # 10069 for use by UCLA for Educational Purposes). Authorizations must be placed in the patient's medical record.
- b. Photography of staff for commercial purposes or by UCLA Health Marketing requires a written consent executed by the staff in advance of such Photography.
- c. Photography of staff by patients for Personal Photography in Section II.e requires the verbal consent of the staff in advance of such Photography.

IV. Abuse Reporting and Law Enforcement

- a. Photographs for purposes of diagnosing or reporting possible abuse, including child abuse, do not require authorization or consent. (See Policies on Abuse for further instructions).
- b. If the patient's ability to authorize Photography is impaired, and if the attending physician or law enforcement officer determines that photographs are necessary to preserve evidence of the patient's physical condition for purposes of possible law enforcement, the attending physician may authorize the Photographs. The Privacy Office should be contacted as appropriate in these situations for

further guidance.

The physician should document this determination in a dated and timed note in the patient's medical record.

If a law enforcement officer requested the Photographs, the officer's name and badge number shall be documented in the medical record.

FORMS

Terms and Conditions of Service

Authorization for Release of PHI (UCLA Form #30910)

Patient Permission to Use Images and Medical Information in New Stories or Promotional Materials (UCLA Form # 10844)

Consent and Authorization for Release of Photographs, Films, Medical Images, and Other Multimedia for Educational Purposes (UCLA Form #10069)

REFERENCES

California Civil Code, Section 3344

California Code of Regulations, Title 22, Sections 70763 and 70707(b)(8)

Joint Commission Standards: Information Management, I.M.02.01.03 and Rights and Responsibilities of the Individual, RI.01.03.03

UCLA Healthcare Privacy Policy HS 9472 – Permissible Disclosures of Protected Health Information (PHI) to the Media and the Public

UCLA Healthcare Privacy Policy HS 9401 – Protection of Confidential Patient Information (Protected Health Information (PHI))

UCLA Hospital System Policy HS1346 – Consent - Obtaining and Documenting

UCLA Hospital System Policy HS 1347 – Consent – Who May Give

UCLA Healthcare Privacy Policy HS 6420 – Legal Medical Record Standards

UCLA APP 863: Filming and Photography on Campus

CONTACT

Hospital Legal Counsel, UCLA Medical Center

REVISION HISTORY (Pre-PolicyStat)

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Date:

APPROVAL

Johnese Spisso, RN, MPA
President UCLA Health
CEO UCLA Hospital System

Christopher Tarnay, M.D.
Chief of Staff
Ronald Reagan UCLA Medical Center

Attachments

No Attachments

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