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Owner Donna Jennings:  
Hendrick Health  
Director,  
Compliance &  
Integrity -  
Policy Area CI-Compliance  
and Integrity  
Policy Number 1.1651

## Photographing And Audio Recording of Patients, Visitors and Workforce Members

### CI.HH.1.1651

#### Purpose:

To ensure respect for the privacy and confidentiality of Hendrick Health patients and their visitors in accordance with ethical and legal requirements including but not limited to the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA).

To facilitate patients always receiving respectful treatment in accordance with their rights under federal and state regulations and provide treatment without interruption or unnecessary interference.

To facilitate respect for the privacy of Hendrick Health Workforce Members.

To establish guidelines for situations where patients and/or Workforce Members may or may not be Photographed or Audio Recorded or otherwise imaged within Hendrick Health.

When reasonable under the circumstances, to allow Patients to take pictures and otherwise record information to document celebratory occasions or which may be of use to them in their treatment.

#### Scope:

Hendrick Medical Center and all affiliated entities (Hendrick Health), including, but not limited to, hospitals, ambulatory surgery centers, outpatient imaging centers, outpatient ancillary services, hospital outpatient provider-based departments (HOPD), rural health clinics, outpatient clinics and physician

practices, and all facilities, services, and post-acute care services.

This policy applies to employees, contractors, locum tenens, vendors, credentialed providers, referral sources, volunteers, students/instructors, board members and business associates of Hendrick Health, and all patients, patient representatives, and visitors.

## Definitions:

**Audio Recording:** recording an individual's voice using video recording (e.g., video cameras, cellular telephones), tape recorders, or other technologies capable of capturing audio.

**Authorization:** a detailed document that gives Hendrick Health permission to use Protected Health Information (PHI) for specified purposes, which are generally other than treatment, payment, or health care operations, or to disclose protected health information to a third party specified by the individual.

**Consent:** the patient's or patient's legal representative's written acknowledgment and/or agreement of the use and/or disclosure of protected health information for treatment, payment, or health operations purposes or other reasons permitted by the HIPAA Privacy Rule and under Texas law.

- a. If the Audio Recording or Photography is for marketing, education, or fundraising purposes, the individual or his/her representative will complete the Hendrick Health **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials**, which includes the required Consent provisions.
- b. If the Photography or Audio Recording is for treatment purposes, the **General Consent to Treat, Release of Information and Assignment of Benefits** form is the only Consent needed.

**Photography:** recording an individual's likeness (e.g., image, picture) using photography (e.g., cameras, cellular telephones), video recording (e.g., video cameras, cellular telephones), digital imaging (e.g., digital cameras, web cameras), or other technologies capable of capturing an image (e.g., FaceTime).

- a. This does not include medical imaging such as MRIs, CTs, laparoscopy equipment, etc. or images of specimens.

**Procedure:** for the purpose of this policy, defined as any medical or surgical intervention that breaks the skin barrier.

**Workforce Members:** employees, volunteers, trainees, healthcare providers, independent contractors, and other persons whose conduct involves the performance of work at or for Hendrick Health, whether or not they are paid by Hendrick Health.

## Policy Statement:

1. Hendrick Health will take reasonable steps to protect patients, visitors, and Workforce Members from unauthorized Photography or Audio Recordings.
2. Workforce Members are prohibited from Photography or Audio Recordings of Procedures as defined in this policy. Exceptions to this restriction will be made on a case-by-case basis and must be approved by the VP of Compliance, General Counsel and the AVP, Strategic Communication & Digital Experience.

3. Any individual representing a third party or external entity, including media, vendor, service provider, or other entity, must obtain prior approval from a Marketing department representative before conducting Photography or Audio Recording on Hendrick Health property.
4. Workforce Members and third parties are prohibited from producing or disclosing Photography or Audio Recording in violation of this policy. Appropriate sanctions will apply.
5. Hendrick Health will take reasonable steps to encourage patients and visitors to refrain from engaging in Photography or Audio Recording in violation of this policy.
6. This policy does not prohibit Photography or Audio Recording for legitimate purposes as further described in this policy, such as for the facility's security or for law enforcement purposes.
7. This policy does not prohibit a patient or a Workforce Member from Photographing or Audio Recording at a Public Event.
8. Nothing in this policy is meant to prevent patients, visitors, or Workforce Members from taking Photographs and Audio Recording of themselves, their family members, or their visitors.

## Procedures:

1. Before Photography or Audio Recording of patients is allowed on Hendrick Health premises for the purpose of marketing, education, or promotion of Hendrick Health or Hendrick Health services, the Hendrick Health Marketing Department must be notified and approve the Photography or Audio Recording.
  - a. A Hendrick Health Marketing Department representative is required to sign all patient Authorizations related to Photography and/or Audio Recording for the purpose of marketing, education, or promotion of Hendrick Health or Hendrick Health services before Photography or Audio Recording begins.
  - b. All Authorizations related to Photography and Audio Recording for the purposes of marketing, education, or promotion of Hendrick Health or Hendrick Health services will be maintained by the Hendrick Health Marketing Department. Authorizations required to be included in the patient's medical record will be sent to the Health Information Management Department to scan into the patient's record.
  - c. A Hendrick Health Marketing Department representative is required to be present during all Photography and/or Audio Recording of patients for the purposes of marketing, education, or promotion of Hendrick Health or Hendrick Health services that happens on Hendrick Health premises, whether or not patients are involved.
2. **PATIENT LIKENESS OR VOICE:** The following limited circumstances may be used to capture or record a patient's likeness or voice using Photography and/or Audio Recording:
  - a. Hendrick Health Workforce Members may use only designated Hendrick Health-owned devices to Photograph or Audio Record a patient.
  - b. Photographs should not be stored on the device (e.g., camera) or on unencrypted memory cards and must be deleted timely (e.g., within two business days or as soon as reasonably possible to delete) from the device.
  - c. Personal cellular telephones, cameras, and other mobile devices may not be used

unless a Hendrick Health approved and HIPAA compliant application is being used on the personal device.

**3. TREATMENT PURPOSES:**

- a. Written patient informed Consent is required before Workforce Members may Photograph or Audio Record a patient for treatment and care purposes.
- b. *General* patient Consent is obtained upon registration of a patient as part of the **General Consent to Treat, Release of Information and Assignment of Benefits** form (or the equivalent form in non-hospital settings).
- c. These Photographs and Audio Recordings are to be added to and remain a part of the patient's permanent medical record.
- d. The patient must execute an **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials** form if the images or recordings that were produced for treatment purposes are used or disclosed for marketing or promotional activities, for public use, or for personal use by Hendrick Health Workforce Members.

**4. SECURITY OR HEALTH CARE OPERATIONS:**

- a. The **General Consent to Treat, Release of Information and Assignment of Benefits** form advises patients that Photographs or Audio Recordings may be taken for security or health care operations purposes (e.g., patient safety, quality assurance, tele-sitter monitoring, telehealth, etc.).
- b. The patient must execute **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials** form if the Photographs or Audio Recordings that were produced for security or healthcare operations purposes are used or disclosed for promotional activities, for public use, or for personal use by Hendrick Health Workforce Members.

**5. DOCUMENT ABUSE OR NEGLECT:**

- a. Patient Consent is not required to document abuse or neglect; however, the Photographs and/or Audio Recordings may not be used for any other purpose beyond submission to the investigating agency unless otherwise permitted by federal or state law (e.g., for treatment purposes).

**6. MARKETING, EDUCATION or PROMOTIONAL PURPOSES:**

- a. **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials** form must be obtained prior to Photography or Audio Recording of a patient for marketing, education, or promotional purposes.
- b. **Release of Images, Voice and/or Written Testimonials** form must be obtained prior to Photography or Audio Recordings of individual who are not patients and/or whose information does not meet the definition of protected health information under the HIPAA Privacy Rule when Photographs or Audio Recordings are to be used for marketing, education, or promotional purposes.
- c. This includes the use or disclosure of an image or recording on any Hendrick Health

or other associated website or through social media platforms.

- d. If patient or individual refuses to complete the respective Consent form, all Photography and Audio Recording must cease immediately, and all images and recordings must be removed from use.

**7. RESEARCH:**

- a. Any use and/or disclosure of Photographs or Audio Recording for research purposes will compliance with state and federal regulations concerning privacy and research.
- b. If a Photograph or Audio Recording is determined to be identifiable, the Hendrick Health external Institutional Review Board overseeing the specific research project will determine if additional Authorizations are required based on the criteria set forth in the privacy laws.

**8. LAW ENFORCEMENT:**

- a. Hendrick Health may permit law enforcement agencies to Photograph or Audio Record a patient if the patient's responsible (e.g., attending) physician agrees the patient is medically stable and the patient Consents by signing the **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials** form.
- b. Hendrick Health may also disclose Photographs and/or Audio Recordings to law enforcement when required by state law, such as child abuse and neglect, domestic violence, elder abuse, rape, and similar disclosures required by law.

**9. GIFTS OR COMMEMORATIVE PURPOSES:**

- a. Written Consent must be obtained prior to Photographing a patient when the Photograph will be given as a gift or sold to the patient or patient's family, or any other individual or entity.
- b. When an external vendor is used to provide these services, written Authorization from the patient must be obtained, or the patient must be the one to initiate contact with the vendor.
- c. This requirement does not apply when the patient has separately contracted with a photographer or other vendor that is not affiliated with Hendrick Health to produce a Photograph or Audio recording while the patient is on Hendrick Health premises.

**10. TELEMEDICINE or the INTERNET:** (official healthcare related uses only):

- a. Written patient Consent in the form of **General Consent to Treat, Release of Information and Assignment of Benefits** is required prior to transmitting or using patient Photographs or Audio Recordings for telemedicine or on the internet.
- b. Information Security policies and procedures for encryption and other company requirements must be followed.

**11. PERSONAL USE:**

- a. Workforce Members are strictly prohibited from Photographing or Audio Recording patients or the patient's visitors within Hendrick Health for personal use, including, but not limited to, taking pictures to share with friends and/or co-workers, to post on

the internet using social media (e.g., Facebook, Twitter), etc.

- b. A physician or advanced practice provider (employed or independent) may not Photograph or Audio Record a patient for personal use without first obtaining patient written Consent using the **Authorization for Use and Disclosure of Protected Health Information in the Form of Images, Voice and/or Written Testimonials** form.

#### 12. PATIENTS AND VISITORS:

- a. A patient or the patient's visitor(s) may produce an image or recording of themselves and each other.
- b. A patient or the patient's visitor(s) are not permitted to produce images or recordings of other patients or visitors, except as expressly permitted by the other patient or visitor.
- c. Patients and visitors are not permitted to take Photographs or Audio Recordings of Hendrick Health Workforce Members without the Workforce Member's expressed permission. This includes during episodes of treatment and patient care.
- d. In the event a patient or the patient's visitor(s) are taking Photographs or Audio Recordings or others without expressed permission, Hendrick Health Workforce Members may take reasonable steps to stop the behavior, including notifying security as necessary.
- e. This provision is not intended to prohibit a patient or his/her visitor from exercising any patient right, such as the right to fair treatment.

#### 13. STORAGE:

- a. Refer to the Hendrick Health Legal Health Record policy to determine which Photographs and/or Audio Recordings must be stored in the medical record.
- b. Hendrick Health will designate a secure area(s) to store Photographs and Audio Recordings that contain protected health information and will not be housed in the patient's record.
- c. Photographs and Audio Recordings will be clearly identified and securely stored and readily accessible for retrieval.

#### 14. DISCLOSURE:

1. A Workforce Member may not release Photographs and Audio Recordings without specific written Authorization from the patient, unless the disclosure is for treatment, payment or health care operations purposes or is otherwise permitted or required by law.
2. Unless prohibited by law, Photographs and Audio Recordings may be released to the patient in accordance with **Privacy Policy - Access to Inspect and Copy Records**.
3. Hendrick Health will retain the originals of all Photographs and Audio Recordings. Original copies will never be released.

## References:

Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually

Identifiable Health Information 45 CFR Part 164.

American Recovery and Reinvestment Act of 2009, Title XIII, Subtitle D.

Rights and Responsibilities of the Individual, The Joint Commission Standards, 2010.

Rights and Responsibilities of the Individual, Standard RI.01.03.03, The Joint Commission Standards, 2010.

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## Attachments

- [!\[\]\(e662c6fdc679f154c0e75d901761d894\_img.jpg\) Attachment A - Consent to Photographs for Marketing](#)
- [!\[\]\(e0657301a840725a62b5d9c03de7d165\_img.jpg\) Attachment B - Authorization to Use and Disclose PHI including Physician Authorization](#)
- [!\[\]\(c84b30d7d5311af020af6bce6a2c548f\_img.jpg\) Attachment C - Photographing and Audio Recording Release Not PHI](#)
- [!\[\]\(a9333260d8ffbbfeaa1095df6db7bccd\_img.jpg\) Attachment D - Patient Visitor Instructional Brochure.pdf](#)
- [!\[\]\(7910f03a1b4fed5edeef128d22723166\_img.jpg\) Attachment E - Staff Escalation Guidance](#)
- [!\[\]\(b2e06ff94cfb845aac4c9a6fbd66627f\_img.jpg\) Attachment F - Photographs and Audio Recordings Tip Sheet](#)

## Approval Signatures

Step Description	Approver	Date
System Leadership Corporate Compliance Committee	Lisa Herota: Hendrick Health VP, Compliance - Administration -	2/23/2026
Compliance Task Force	Donna Jennings: Hendrick Health Director, Compliance & Integrity -	1/22/2026
VP, Compliance and Integrity	Donna Jennings: Hendrick Health Director, Compliance & Integrity -	1/22/2026
VP, Compliance and Integrity	Lisa Herota: Hendrick Health VP, Compliance - Administration -	1/22/2026