

Photography is not a new means of visual documentation of patient-care activities; in fact, it is almost commonplace (Hjort, 2001). But, although it is commonplace, there are liability issues that need to be addressed regarding its use, particularly with digital photography and its potential for image alteration and enhancement. The WOCN Society neither mandates nor discourages digital photography, or other forms of photography, but seeks to establish standard guidelines to assist the practitioner when photography is used.

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has published standards that affect the use of photography. Further considerations are generated by the Health Insurance Portability and Accountability Act (HIPAA). First, JCAHO strongly advises that organizations obtain an informed consent form prior to photographing, filming, or videotaping patients (Hjort, 2001). Although informed consent cannot be obtained in certain situations, JCAHO recommends that photographs or video footage taken without informed consent be sequestered or not finalized as part of the documentation until appropriate consent is obtained.

Second, HIPAA guidelines mandate the protection of patient privacy, requiring that patients be adequately informed of the use of photography and that the method used to ensure privacy is protected. HIPAA requires patient authorization for use of photographs taken if used for purposes beyond treatment, payment, or healthcare operations (Hjort, 2001).

In addition, it should be understood that states differ regarding their stance on the admissibility of photographs in court cases. Therefore, practitioners should investigate this issue within their state of practice for specific details of liability.

It is the position of the WOCN Society that photography used in wound care is an adjunct to assessment documentation and serves only to support the written wound documentation. When photography is used, the facility should have specific protocols or policies in place.

Protocols or policies should include:

- Provision to obtain informed consent (it is also important to determine who can obtain the consent and what is included).
- Control timing of photographs (i.e., when or under what circumstances photographs are to be taken and when they should be repeated).
- Criteria about who can take the photographs and the method of validating competency to photograph wounds (as well as the frequency of revalidation of competence).

- The type of camera being used and control any techniques used to ensure consistency in photographing (e.g., distance from the wound, sample measure in the frame such as a measuring guide—with digital photography consider image size and any methods used to ensure photographs are not enhanced or altered).
- Effective patient identification (i.e., determine type of information to include such as initials, medical record number, date and time markings).
- Information about how to maintain photographs effectively (i.e., where they will be stored and who will have access to the photographs).
- An effective method of releasing copies to patients upon request (e.g., authorization form).

The American Health Information Management Association (AHIMA) suggests that, for facilities where patient photography is routinely used, the consent for photographs should be included in the consent for treatment. The following is a recommendation of how this consent statement may be worded:

I understand that photographs, videotapes, digital, or other images may be recorded to document my care, and I consent to this. I understand that (organization name) will retain the ownership rights to these photographs, videotapes, digital, or other images, but that I will be allowed access to view them or obtain copies. I understand that these images will be stored in a secure manner that will protect my privacy and that they will be kept for the time period required by law or outlined in the (organization name)'s policy. Images that identify me will be released and/or used outside the institution only upon written authorization from me or my legal representative (AHIMA, 2001).

References

- American Health Information Management Association. (2001). *Practice Brief: Patient Photography, Videotaping, and Other Imaging (Updated)*. Retrieved from <https://www.ahimanet.org>
- Hjort, B., et al. (2001). Patient photography, videotaping, and other imaging. *Journal of AHIMA*, 72(6), 64M-Q.

Suggested Readings

- Campbell, D., & Sacramento, L. (1995). Use of digital cameras in wound care, *Photodocumentation: Photography. Ostomy/Wound Management*, 41(3), 18-23.
- Demarest, L., & Acoraci L.R., (2004). Choosing and using a digital camera in home care, *Home Healthcare Nurse*, 22(1), 61-63.
- Pallen, M., Loman, N., Nicholl, D., Davies, D., Buxton, P. J., Vasallo, D. J., et al. (1998). Videos, photography, and patient consent. *British Medical Journal*, 316, 1009-1011.

