



## HIPAA Requirements for Consent to Take and Use Photos and/or Videos

A Covered Entity/Business Associate cannot use or disclose PHI without resident/patient authorization in writing unless it is for any of the following purposes or situations:

- Use or disclosure to the patient
- Use or disclosure for treatment, payment, or general healthcare operations
- Use or disclosure if the individual has the opportunity to agree or object to a disclosure such as a patient bringing a family with them when discussing care with a physician

Resident/Patient photographs and videos are considered Protected Health Information (PHI) and therefore require authorization to take and use. Some key elements of the authorization documentation are:

- The purpose such as for newsletter, website, etc.
- The time frame the consent applies
- Explanation of resident/patient's right to revoke at any time with instructions on the procedure to revoke
- Resident/Patient/Representation signature

Reliant Rehabilitation's policy can be found on the Employee Portal – Policy 7.4 Authorization For Resident Photo(s), Video(s), and/or Success Story.