



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 52.15, **Consent and Release to Use Image or Information**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSCEP OP) is to establish a standard in obtaining faculty, staff, student, visitor or patient consent and release for TTUHSC EP to use the image(s) and/or information.

REVIEW: This HSCEP OP will be reviewed in September of each even-numbered year by the Asst. Vice President of Student Services, the Registrar, Vice President for Human Resources, the Institutional Privacy Officer, and the Institutional Compliance Officer, with recommendations for revisions submitted to the HIPAA Privacy and Security Committee.

POLICY/PROCEDURE:

1. **General.** This policy applies to all TTUHSC EP Schools, educational and other activities, and areas owned, operated and/or provided by TTUHSC EP. It does not apply to uses of Image(s) or information for patient treatment or payment purposes (as defined under HIPAA).
2. **Definitions.**
 - a. Consent – means a written document signed by a faculty, staff, student, or patient (or by an authorized legal representative) agreeing to allow Image(s) and/or information to be taken and/or used as outlined in Attachment A, “Consent and Release to Use Image or Information”. Signed Consent forms shall be maintained in Human Resources, school-level Student Affairs offices, Student Services, Communications and Marketing, Medical Records or Classroom Support.
 - b. Images – means likeness or image(s) including, but not limited to, photographs, videotaped images, audio recordings, and digital or other images of any kind or nature.
3. **Consent Process.** As required under this Policy, **before** taking images of faculty, staff, students, visitors or patients, for purposes other than patient treatment or payment, a signed consent shall be obtained from the individual (or authorized legal representative) of the person who is the subject of the information, using Attachment A. This Consent only allows TTUHSC EP to take and/or use images or information for the purposes approved on the Consent form.
 - a. Obtaining Consent. A TTUHSC EP employee, or appropriately delegated person, is responsible to discuss the Consent with the individual (or authorized legal representative) to include the:
 - purpose of obtaining images or information, and
 - Proposed use(s) of the images or information (examples include: commercial, marketing, educational, or promotional purposes).
 - b. Revocation of Consent: Individual (or authorized legal representative) may revoke consent as outlined in the form. Revocation or withdrawal can happen at any time but must be in writing and sent to the TTUHSC EP Institutional Privacy Officer. Any revocation or withdrawal of consent does not affect any information used or disclosed before receipt of written notice of revocation or withdrawal. No further use or disclosure shall be made of the images and/or information after a written revocation is received from the individual (or

authorized legal representative).

- c. The Institutional Privacy Officer will forward any revocation to the appropriate department to assure that the department ceases the use of the data or images.
4. **Documentation of Abuse and Neglect of Patient(s).** Reportable cases of actual or suspected abuse and neglect do not require written consent from a patient (or authorized legal representative) before obtaining images of and/or information about the patient for required reporting purposes. The images and/or information must be treated as sensitive and secured as stated below, and may be submitted to an investigating agency pursuant to appropriate authorization, court order or compelling statute.
5. **Security and Storage.** All images or information shall be stored in a secure manner that protects the individual's privacy in accordance with federal and state laws. Respective areas will be responsible for the security and storage of images or information in accordance with the Texas state retention schedule.
 - a. Images and/or information of a sensitive nature shall be stored in a secure location within the medical record or elsewhere such as secure locations including, but not limited to, secured envelope, locked file, or restricted access file within an electronic medical record or other electronic file within TTUHSC EP network.
6. **Equipment Used to Obtain TTUHSC EP Images or Information.** Only equipment owned, leased, or controlled by TTUHSC EP or its affiliated schools or hospitals shall be used to obtain images and/or information under this policy. TTUHSC EP employees, representatives or agents, including Business Associates, shall not use personal recording devices including, but not limited to, cell phones, cameras, flash drives, video recorders, etc. to take or store images and/or information for or on behalf of TTUHSC EP.
7. **Right to Change Policy.** TTUHSC EP reserves the right to interpret, change, modify, amend or rescind this policy in whole, or in part, at any time without the consent of employees.