



MARICOPA
HEALTH SYSTEM

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Maricopa Integrated Health System
Office of the Chief Compliance Officer

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DATE: June 15, 2006

TO: All MIHS Personnel

FROM: Darrell Contreras, MIHS Chief Compliance Officer

SUBJECT: Use of Cell Phones with Camera capabilities

According to one report, almost 50% of all cell phones shipped by 2007 will have picture-taking capability. Because these phones are for personal use, *i.e.*, MIHS does not supply them, this creates specific privacy concerns under HIPAA for our patients. Therefore, the Compliance Office will be drafting a policy to address the use of camera phones. Until the policy is drafted and approved, the Compliance Office has prepared guidelines for all personnel.

Please inform your staff and others who may be affected of the following guidelines:

1. It is the responsibility of all MIHS personnel to safeguard patient information in accordance with the HIPAA Privacy regulations.
2. **A signed “Consent to Photograph” must be obtained from the patient or the patient’s personal representative whenever possible!**
3. When a signed “Consent to Photograph” form cannot be obtained, photographs of patients or injuries may be taken for **INTERNAL EDUCATION, QUALITY IMPROVEMENT** use, or **CONTINUING PATIENT CARE** only. This includes resident education, internal medical conferences, quality improvement initiatives, and other treatment or health care operations.
4. Until the policy is finalized, **ONLY** attending physicians may authorize the photographing of patients or their injuries when a consent form **cannot** be obtained.
5. When taking and sending photographs of patients or their injuries, care must be taken to ensure that the image is only provided or transmitted to the authorized party.
6. Every effort must be taken to limit the information, images or markings that can be used to identify a patient.
7. Pictures taken with a camera phone must be transmitted for an approved purpose and then **deleted**.

Thank you for your assistance with this. If you have any questions, please contact the Compliance Office.