



# COMPLIANCE E-NEWS

## HIPAA Guidance

Since HIPAA Privacy Rule became effective in 2003, disclosures of protected health information (PHI) have required a patient’s written authorization compliant with HIPAA regulation. Any patient photo that is individually identifiable is considered PHI under HIPAA. Requests for the use of patient photos range in purpose from treatment documentation to educational materials and media publications.

**SLU Authorization Patient Image Form:** The “*SLU Authorization to Use or Disclose Patient Image*” form is specifically used to obtain patient authorization for use of photographs and recorded video images including voice recordings. The form may be obtained by contacting the Privacy Officer, Ron Rawson [rawsonr@slu.edu](mailto:rawsonr@slu.edu) 977-5545 or Health Information Management (HIM) 268-7012.

**When in doubt, obtain an Authorization!**  
**Questions: call the Privacy Officer (977-5545)**

USE/PURPOSE	TYPE OF IMAGE	AUTHORIZATION
Publication, Poster, Website, or Marketing Materials	Identifiable Images	<b>Authorization REQUIRED</b>
Presentation <u>Outside</u> of SLU, Seminar, Conference, or SLU Presentation with an <u>Outside Audience</u> .	Identifiable photos/recordings or images that include identifiable information (PHI).	<b>Authorization REQUIRED</b> or <b>Must De-Identify</b> <i>(If the audience includes non-SLU workforce, Authorization is required.)</i>
SLU Teaching/Training Program	Images that are utilized <u>internally</u> for <u>SLU only</u> healthcare teaching/training programs.	Authorization NOT Required <i>(If there is a chance that the photos may be used for outside presentations or publications in the future and they cannot be de-identified then an Authorization should be obtained.)</i>
General Purpose	Images that are NOT "identifiable" and do NOT include "identifiable" patient information are considered de-identified and are not considered protected health information (PHI) as defined by HIPAA. <i>(These images may NOT include the patient's name, medical record number, patient's face, or any other identifiers.)</i>	Authorization NOT Required for unidentifiable or de-identified images.
Treatment Documentation	Images or recordings that include patient photos (facial photo, tattoos, image with identifiers such as medical record, patient name, or other unique identifier).	Authorization NOT Required, regardless of whether the patient is "identified" in the photograph.

**DHHS Newsflash:** The Department of Health and Human Services announced on April 9, 2012 a proposed rule that would delay, from October 1, 2013 to **October 1, 2014**, the compliance date for the International Classification of Disease, 10<sup>th</sup> Edition diagnosis and procedure codes (ICD-10). The proposed rule, CMS-0040-P, may be viewed at [www.ofr.gov/inspection.aspx](http://www.ofr.gov/inspection.aspx). More information to follow as it is released.

