

Health Information Compliance Alert

Privacy: LIGHTS! CAMERA! PRIVACY INFRACTION?

ER patients may have more to worry about than their health.

Some "reality TV" shows might infringe upon patients rights to medical privacy, according to an article in the Journal of the American Medical Association. Dr. **Joel Geidermans** "Commercial Filming of Patient Care Activities in Hospitals" chronicles patients filmed in multiple settings, including emergency departments, clinics, operating rooms, intensive care units, open wards, and private hospital rooms.

While Geiderman maintains that there are some positive results from the live filming of patient care he claims that a demystification of some aspects of health care may make some patients more likely to seek care the adverse aspects of taping patients during medical care may outweigh the good. For instance, Geiderman says filming in an emergency room poses particular problems because patients may either lack capacity to consent or may feel under duress to give consent. "Another vulnerable setting is the operating room, where an unconscious patient undergoing emergency surgery might not have the opportunity to consent to filming in advance," he notes.

Advanced consent for filming is not always possible in an emergency setting, argues Geiderman. "In such situations, some producers and hospitals have taken the approach of filming without consent and not using the film if consent is later withheld by patients or their surrogate." The problem with this approach, he claims, is that by the time consent is sought, the film crew and others that have not been authorized by the patient to be present have already violated the patients privacy.

The abstract for the article is available at: www.jama.ama-assn.org/issues/v288n3/abs/jtv10000.html