

**Applicability:** UW Medicine

**Policy Title:** Audio Recordings in the UW Medicine Clinical Setting for Research, Education or Quality Improvement Purposes

**Policy Number:** COMP.304

**Superseded Policy(ies) or Entity Policy:** N/A

**Date Established:** May 19, 2023

**Date Effective:** May 19, 2023

**Next Review Date:** May 19, 2026

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## **PURPOSE**

The use of audio recordings, with or without video (collectively “recordings”), may be beneficial for research, education, and quality assurance/quality improvement (QA/QI) purposes, but it has the potential to infringe on a person’s privacy rights under federal and state law. This policy applies to audio recordings undertaken in a UW Medicine clinical setting for research, education and QA/QI purposes. For the purposes of this policy, UW Medicine clinical settings are limited to UW Medicine clinical entities where direct patient care is provided, such as UW Medical Center, Harborview Medical Center, Valley Medical Center, and UW Primary Care. This policy also does not apply to recordings captured in the ordinary course of patient care to treat patients, routine UW Medicine non-QA/QI business functions (e.g., call center operations) or recording for media relations purposes.

The purpose of this policy is to ensure that audio recording in the UW Medicine clinical setting for research, education, or QA/QI purposes is performed in accordance with state and federal privacy laws and proactively considers how it may impact labor relations, medical record documentation requirements and Washington public records laws. This policy and the attached Frequently Asked Questions (FAQs) describe UW Medicine’s requirements for workforce members who create recordings in the UW Medicine clinical setting.

Audio recordings undertaken by UW Medicine workforce members in UW Medicine non-clinical settings are encouraged to consider ***this policy and the corresponding FAQs*** with their department leadership and the external facility’s operational leadership to ensure their audio recording activities are performed in accordance with applicable law and the external facility’s institutional policies and practices.

## **DEFINITIONS**

**Workforce Member:** Employees, staff, healthcare professionals including those credentialed through the entity medical staff offices (physicians and non-physician providers), faculty, residents, fellows, students, trainees, observers, visiting scholars, volunteers, researchers, and all constituents of UW Medicine entities or who perform assigned duties for UW Medicine, including those who are temporary, whether or not they are paid by UW Medicine.

## **POLICY**

### **General**

The applicable UW Medicine entity's Chief Executive Officer (CEO) or Executive Director must approve any proposed activity involving audio recording, including video if it includes recording voice(s), prior to creating the recordings in that entity's clinical setting for research, education or QA/QI purposes. When the proposed audio recording activity will capture "private communications or conversations" as defined by RCW 9.73, UW Medicine workforce members must also obtain the consent of all individuals whose voices will be captured in the recording, including other workforce members (see FAQs for more information).

The CEO or Executive Director (or delegate) will consult with clinical and administrative leadership (e.g., Medical Director, Department Chair or designee, Chief Nursing Officer, Human Resources and Labor Relations) as necessary to review and approve the proposed project. The use, disclosure and/or storage of audio recordings created in the clinical setting must follow applicable record retention and secure data storage requirements.

The creation or use of images that do not contain an audio component (e.g., photography, digital images, and video recording), or the use of recordings that have been de-identified pursuant to Section IV.B. of COMP.103 Use and Disclosure of Protected Health Information (PHI), may be approved through routine operational processes.

### **Education Activities**

De-identified audio recordings of patients may be used for educational activities without the written authorization of the patient or their legally authorized representative. See FAQs for additional information regarding de-identification of recordings.

### **Quality Assurance/Improvement Activities**

For activities utilizing audio recordings for QA/QI purposes, workforce members must discuss their project in advance with the applicable entity's quality improvement administrative leader to determine whether the project would be part of their hospital or UW Medicine's Coordinated Quality Improvement Program (and thus subject to special protections under Washington law). The approval of the entity quality improvement administrative leader must be obtained before an audio recording project is submitted to entity executives for approval.

### **Research Activities**

Activities that utilize audio recordings and that meet the definition of research with human subjects must be submitted to the UW Human Subjects Division (HSD), or an external Institutional Review Board authorized by HSD, for review in addition to the facility approvals described above. Note that some QA/QI activities may also meet the definition of research with human subjects.

## **FORM**

The attached form 304.F1 "Request for Approval for Use of Audio Recordings for Research, Education or Quality Improvement Purposes" must be used for any project in which audio recordings will be made in the UW Medicine clinical setting for research, education, or QA/QI purposes.

**REGULATORY/LEGISLATION/REFERENCES**

- Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. §§164.506; 164.514
- Privacy, Violating Right of, Revised Code of Washington 9.73
- Washington State Public Records Act, Revised Code of Washington 42.56
- The Joint Commission RI.01.03.01

**GUIDANCE/LINKS**

- Guidance 304.G1 Frequently Asked Questions: Photography and Audiovisual Recording in the Clinical Setting
- Research Guidance:  
<https://www.washington.edu/research/policies/guidance-data-security-protections/>
- Record Retention:  
UW Medicine: <https://www.uwmedicine.org/sites/steve/files/2019-10/UW%20Medicine%20Records%20Retention%20Schedule%20v1.9.pdf>  
Washington State Agencies: [https://www.uwmedicine.org/sites/steve/files/2018-12/Records\\_Management\\_WA-General-Records-Retention-Schedule-v6.0.pdf](https://www.uwmedicine.org/sites/steve/files/2018-12/Records_Management_WA-General-Records-Retention-Schedule-v6.0.pdf)

**APPROVALS**

/s/ Beth DeLair

6/12/2023

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Date