

# More Than Just Reducing Falls: Legal Guidelines and Patient Video Monitoring

Audio and video monitoring of patients, also known as telesitting, is an effective tool to improve patient safety. It is often used in rehabilitation and long-term care facilities, emergency rooms, intensive care units, and medical-surgical floors to reduce falls and self-harm behaviors.

Remote monitoring offers other benefits in addition to safety and security improvements. Because it minimizes the need for a constant assigned presence in a room, remote monitoring reduces wage costs; it eases the stress on personal protective equipment (PPE) resources because it decreases traffic within care areas; and it improves patient and family satisfaction rates because it allows patients to assert some independence with the comfort that assistance is nearby if needed.

## HIPAA

There are federal and state regulations that must be considered when this form of telehealth is used in a patient care environment. The Health Insurance Portability and Accountability Act (HIPAA), for example, provides strong federal protections for the privacy of individuals' health care information. This protected health information (PHI) includes audio and visual files recorded during care monitoring. Therefore, monitoring systems should be configured with HIPAA compliance in mind, such as limited internal and external access, and holding image storage to the same HIPAA-compliant security standards as radiology films and medical records, or not recording at all.

Patient consent is mandatory. Many health care organizations include necessary consent language in documents signed upon admission to clearly note monitoring and/or recording could occur for clinical and security purposes.

## Virginia's Wiretapping Law (Va. Code § 19.2-62)

In Virginia, monitoring without notice and/or consent is illegal. Notices and signs should be visibly posted in clinical and common areas that video monitoring may be in use. Combined with consent, the notices are important in the event that monitoring inadvertently captures conversations that do not involve the consenting patient, such as between family members or health care providers. In the absence of appropriate consent and signage, this could be deemed an illegal invasion of privacy.

## Other Considerations

In addition to posted notices, health care providers should have written policies to document how patient rights to privacy and control in monitored environments will be communicated. Privacy screens should also be considered both within the care areas and at the central monitoring station to limit viewing angles. Also, supplying central monitoring station staff with earphones can help keep patient requests and comments private.

Abiding by federal and state regulations, careful preparation, and attention to detail are key. Retaining knowledgeable counsel can also help providers maintain a compliant service.

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