

Patient Privacy & Outside Observers to the Clinical Encounter

Code of Medical Ethics Opinion 3.1.2

Individuals legitimately present during patient-physician encounters include those directly involved in the patient's care, and can include other members of the health care team or employees of pharmaceutical or medical device companies when they are present to provide technical assistance, in keeping with ethics guidance.

When individuals who are not involved in providing care seek to observe patient-physician encounters, e.g., for educational purposes, physicians should safeguard patient privacy by permitting such observers to be present during a clinical encounter only when:

1. ()The patient has explicitly agreed to the presence of the observer(s). Outside observers should not be permitted when the patient lacks decision-making capacity, except in rare circumstances and with the consent of the parent, legal guardian, or authorized decision maker.
2. ()The presence of the observer will not compromise care.
3. ()The observer understands and has agreed to adhere to standards of medical privacy and confidentiality.

Under no circumstances should physicians accept payment from outside observers to allow those observers to be present during a clinical encounter.

AMA Principles of Medical Ethics: I, IV, VIII

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Code of Medical Ethics: Privacy

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