Whereas, The provider-patient relationship is intimate and sacred; and

Whereas, Confidentiality of patient information is protected under the Health Insurance Portability and Accountability Act (HIPAA) of 1996; and

Whereas, HIPAA precludes sharing of patient information without the consent of the patient or their healthcare proxy; and

Whereas, Okla. Stat. Ann. tit. 13, § 176.4 states an individual who is a party to either an in-person conversation or electronic communication, or who has the consent of one of the parties to the communication, can lawfully record it or disclose its contents, unless the person is doing so for the purpose of committing a criminal or tortious act; and

Whereas, Recording in a public part of a doctor’s office could violate other patients’ privacy while making a recording in secret could both lead to a fundamental breach in the trust relationship between the health professional and the patient; and

Whereas, Open communication about the need for the recording will help ensure that recordings will not threaten the privacy of other patients and staff or affect the trust between physician and patient; and

Whereas, Twelve states have adopted laws specifically banning the use of video and still cameras where the subject has an expectation of privacy; therefore be it

RESOLVED, That our American Medical Association draft model state legislation requiring consent of all parties to the recording of a physician-patient conversation. (Directive to Take Action)

Fiscal Note: Not yet determined

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References