

# Advice on the Use of Patient Images



Dentists may wish to use photographs, digital and print images or videos to document a patient's dental condition and treatment, for educational purposes or as part of a scientific article.

A patient's image is considered personal health information and requires the same consent and confidentiality safeguards as other parts of the record.

Consent is required to disclose an individual's personal health information, unless the *Personal Health Information and Privacy Act* permits disclosure without consent. Dentists must follow these steps regarding patient images:

- Discuss with patients and provide detailed information about how the images will be used. Describe all possible uses of the image, especially in electronic publications that may reach a wider audience than standard print materials.
- Obtain the patient's consent in advance and re-confirm the consent in writing after the patient has seen and approved the image(s). Consent is required even when images do not identify the patient. Consent may be given by parents or guardians for minors or for those who are incapable of providing consent.
- Document the consent in the patient's record and include the date and the patient's signature.
- Consider using a written consent form which describes the type of images and purpose for which they will be used. Protect the patient's identity by removing all personal identifiers from the images.

- Avoid using personal devices such as cell phones when taking patient images.
- Consent may be withdrawn at any time, in which case images must be removed from any of their uses. Patients must be reassured that refusal to consent will not impact their dental care.
- The patient must understand that:
  - If an image enters the public domain, it likely cannot be removed at a future date.
  - If an image is downloaded from an internet site, the dentist cannot be responsible for further use of the image.

## Discuss these items when taking photos or video:

- > the reasons for taking the photographs or videos.
- > what will be photographed or recorded.
- > whether the patient will be identifiable.
- > who may be authorized to access the photographs or video.
- > where the images will be used (e.g., a dental journal or social media).
- > the patient's right to refuse, withdraw, or modify consent.