


Name of Policy: Protecting the Privacy of Patients During Medical Encounters Policy Number: 3364-100-01-22 Approving Officer: President, The University of Toledo, Chief Executive Officer, Chief of Staff, Chief Medical Officer Responsible Agent: Chief Medical Officer Scope: All University of Toledo Campuses; See section (C)		 Effective date: Original effective date: 11/1/2007	
Key words: Privacy, Medical Encounters, Comfort, Protection, Examination			
<input type="checkbox"/>	New policy proposal	<input checked="" type="checkbox"/>	Minor/technical revision of existing policy
<input type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

(A) Policy Statement

It is the policy of the University of Toledo, inclusive of the UToledo Health, to protect patient privacy as well as to provide as much comfort and dignity as possible during medical encounters.

(B) Purpose of Policy

To establish standards to protect patient privacy, provide comfort during medical encounters, and safeguard both patients and medical professionals are protected from inappropriate conduct.

(C) Scope of Policy

This policy applies to all University faculty, staff, students, student groups, organizations, and affiliated third parties when engaging in activities related to the University or their affiliation with the University. The policy governs medical encounters occurring on university property, or at University sponsored events, this includes instances where medical encounters occur off-campus, but have an effect on-campus, on University property, or at a University-sponsored event.

(D) Definitions

1. **Medical encounters:** any evaluation, treatment, therapy, rehabilitation session, procedure, or medical professional examination
2. **Sensitive examination:** any examinations, procedures, or therapies where patient is partially or fully disrobed and involves and/or there is exposure of the patient's genitalia, anorectum and/or breast tissue

3. **Medical professional:** physician, physical therapist, advanced practice provider (physician assistant, nurse practitioner, certified nurse midwife, certified nurse anesthetist), nurse, medical assistant, or graduate assistant
4. **Chaperone:** trained and/or authorized medical professional or a staff member
5. **Guardian:** Under Ohio law, a guardian is defined in Section 2111.01(A) of the Ohio Revised Code as:

“Any person, association, or corporation appointed by the probate court to have the care and management of the person, the estate, or both of an incompetent or minor.”

This includes, but is not limited to, limited guardians, interim guardians, emergency guardians, and standby guardians, depending on the circumstances and needs of the individual

(E) Procedure

1. Generally.
 - a. The medical professional will explain the scope and nature of any examination or procedure prior to the medical encounter.
 - b. The medical professional will obtain informed consent before initiating sensitive examinations. Informed consent must be documented. If the patient lacks decision making capacity or declines to participate in making decisions, the medical professional will secure informed consent from the patient’s guardian.
 - c. During a medical encounter that involves exposing the patient in any way, a medical professional will provide the patient with:
 - i. An explanation of the required examination, procedure, or therapy.
 - ii. An appropriate gown and/or sheet to cover up.
 - iii. Privacy for undressing and dressing.
 - d. All staff are required to comfort the patient and provide as much privacy as possible.
2. Chaperones.
 - a. Patients are free to request a chaperone to be present during any medical encounter. All patient requests for a chaperone must be honored. Requests will be documented in the patient’s medical record. The patient’s wishes and comfort should determine the sex of the chaperone. To the extent practicable, requests for a same-sex chaperone will be honored.
 - b. If a patient wishes to have a specific individual present during an examination, and that person is not disruptive, the individual may stay in the room.

- c. A medical professional may request a chaperone for any reason during a medical encounter. If the patient declines to have a chaperone present after requested by a medical professional, the medical professional may decline to continue with the medical encounter. This decision, along with the rationale and the patient's response, must be clearly documented in the patient's medical record.
- d. A chaperone must be offered to patients for sensitive examinations. The offer and the patient's response must be documented in the patient's medical record. A patient's request of an individual's presence during sensitive examinations, including but not limited to a parent, relative, or friend, will be honored.
- e. For patients with intellectual disabilities, a chaperone must be present during any medical encounter.
- f. The medical professional should minimize inquiries or discussion of personal health history during a chaperoned encounter. The medical professional should provide an opportunity for private conversation with the patient without the chaperone present.
- g. Patients under the age of 18:
 - i. For patients under the age of 11, a parent or guardian should be present for all medical encounters. If a parent or guardian is unavailable or the parent's presence will interfere with the medical encounter, such as in a possible case of abuse or parental mental health issues, a chaperone must be present. Additionally, if the medical encounter involves a sensitive examination a chaperone must be present.
 - ii. For patients 11 to 17 years of age, it is a shared decision beginning with the patient, as to whether a parent or guardian remains in the room during any medical encounter. However, if the encounter involves a sensitive examination, a chaperone must be present.
 - iii. Some treatments or services do not require consent from a parent or guardian as enumerated in the Ohio Revised Code. No parent or guardian is required to be present in the event a minor is seeking treatment or services as described and listed below:
 - (a) A minor, any age, seeking an abortion¹
 - (b) A person seventeen (17) years of age seeking to donate blood²
 - (c) A minor, any age, seeking or giving consent to a HIV test³

¹ ORC § 2151.85

² ORC § 2108.31

³ ORC § 3701.242

- (d) A minor, any age, giving consent for diagnosis or treatment of condition caused by drug or alcohol abuse⁴
 - (e) A minor, any age, may consent to diagnosis or treatment of conditions resulting from a sexual offense⁵
 - (f) A minor, any age, giving consent for diagnosis or treatment of venereal disease⁶
 - (g) A person fourteen (14) years of age seeking outpatient mental health services⁷
- h. All requests for a chaperone must be documented in the patient's medical record.
- i. If a chaperone is present during a medical encounter, the name of the chaperone and their title, if applicable, must be documented by the medical professional in the patient's medical record.
- j. A patient or medical professional may stop a medical encounter at any time.
- k. To anonymously report a violation of this policy, please contact campus police at 419-530-2600, call 9-1-1 or use the form located at:
https://www.utoledo.edu/depts/police/Anonymous_Reporting.asp
- l. The Chief Medical Officer (CMO) is responsible for establishing guidelines to ensure patients are informed of their rights to request a chaperone.

⁴ ORC § 3719.012

⁵ ORC § 2907.29

⁶ ORC § 3709.241

⁷ ORC § 5122.04

<div>Approved by:</div> <div><div>Matthew Schroeder</div><div>Interim President, The University of Toledo</div><div>Date</div></div> <div><div>Michael Ellis, MD</div><div>Chief Medical Officer</div><div>Date</div></div> <div><div>Puneet Sindhwani, MD</div><div>Chief of Staff</div><div>Date</div></div> <div><div>Daniel Barbee, RN, BSN, MBA</div><div>Chief Executive Officer, UTM</div><div>Date</div></div> <div><div>Review/Revision Completed by:</div><div>Office of Legal Affairs, Risk Management, Chief Medical Officer</div></div>	<div><div>Policies Superseded by This Policy:</div><div>• None</div><div>Initial effective date: 11/1/2007</div><div>Review/Revision Date:</div><div>10/10</div><div>6/7/2011</div><div>5/20/2014</div><div>5/1/2017</div><div>7/1/2017</div><div>9/1/2018</div><div>2/1/2020</div><div>Next review date:</div></div>
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