

SANKOFA FAMILY MEDICINE

Medicine That Remembers

Recording Consent Policy

Two-Party Consent Requirements for Washington State

Effective Date: December 20, 2025

1. Purpose

This policy establishes requirements for recording telehealth encounters at Sankofa Family Medicine in compliance with Washington State's two-party consent law (Revised Code of Washington ("RCW") 9.73.030). Washington is one of several states requiring all-party consent before recording private communications.

2. Legal Background

Under RCW 9.73.030, it is unlawful to record or intercept any private communication without the consent of all parties to the communication. Violations may result in:

- Criminal penalties (gross misdemeanor)
- Civil liability (actual damages, costs, and reasonable attorney fees)
- Inadmissibility of any improperly obtained recording

3. General Policy

Default Position: Sankofa Family Medicine does NOT routinely record telehealth encounters. Recording is only performed when there is a legitimate clinical or operational purpose AND explicit consent has been obtained from all parties.

4. When Recording May Be Appropriate

Recording may be considered in limited circumstances:

- **Quality Assurance:** Provider training and peer review (with patient consent)
- **Patient Request:** Patient wishes to record for personal reference
- **Complex Instructions:** To help patient remember detailed care instructions
- **Research:** Approved research protocols with Institutional Review Board ("IRB") authorization

5. Consent Requirements

5.1 Provider-Initiated Recording

Before any provider-initiated recording:

1. Explain the purpose of the recording
2. Explain how the recording will be used, stored, and disposed of
3. Explain who will have access to the recording
4. Obtain verbal consent ON the recording before clinical discussion begins

5. Document consent in the medical record
6. Inform patient they may withdraw consent and request deletion at any time

5.2 Patient-Initiated Recording

When a patient requests to record their telehealth visit:

7. The provider must be informed and must consent
8. Provider may decline to be recorded without adverse impact on patient care
9. Document the patient's request and provider's consent in the medical record
10. Remind patient that recordings contain protected health information ("PHI") and patient is responsible for securing it

6. Consent Script

Use the following script when obtaining recording consent:

"I would like to record this telehealth visit for [state purpose]. The recording will be [state how it will be used, stored, and who will have access]. You have the right to decline recording, and declining will not affect your care. You may also request that we stop recording at any time, or that the recording be deleted. Do you consent to this visit being recorded?"

7. Storage and Retention

- Recordings are stored on Health Insurance Portability and Accountability Act ("HIPAA")-compliant, encrypted systems
- Access is limited to authorized personnel with legitimate need
- Recordings are retained for the minimum period necessary for the stated purpose
- Quality assurance recordings are typically deleted within ninety (90) days
- Recordings that become part of the medical record follow standard retention policies

8. Prohibited Activities

- Recording any encounter without consent of all parties
- Using recordings for purposes not disclosed at time of consent
- Sharing recordings with unauthorized individuals
- Retaining recordings beyond the stated retention period
- Pressuring patients to consent to recording

9. Multi-State Considerations

When providing services to patients in other states, the more restrictive recording consent law applies. Washington's two-party consent requirement applies when either the provider or patient is located in Washington. South Carolina is a one-party consent state, but when a Washington-based provider serves a South Carolina patient, Washington's stricter standard applies.

10. Document Control

Version: 1.0

Effective Date: December 20, 2025

Approved By: Yaw A. Nkrumah, MD, Medical Director

Review Frequency: Annual

Next Review Date: December 20, 2026