

November 30, 2009

Steven Brown  
Executive Director  
American Civil Liberties Union  
128 Dorrance Street, Suite 220  
Providence, RI 02903

Dear Mr. Brown:

Thank you for your letter of November 20<sup>th</sup> about the audio/videotaping requirement at Rhode Island Hospital. This requirement has not been portrayed correctly in the press and it is a misunderstood requirement in the compliance order that the Department of Health issued. Kindly accept this as an attempt at clarification.

The purpose of the audio/video taping is for teaching/learning purposes and not for monitoring to prevent errors directly. It is hoped that errors will be prevented in the future from the learning that occurs through a review of the audio/video recordings in the same way that residency training programs utilize them. The order did not require or contemplate that all surgeries be recorded. The Department of Health does not want any patient to feel pressured into having their surgery recorded. Each surgeon is to have two surgeries recorded per year. Team dynamics and interaction is a contributing factor to nearly all the wrong site surgeries in Rhode Island. Additionally, improving this team dynamic will contribute to overall safety and quality according to national studies. In addition to the widely utilized security benefits, the medical profession has commonly used audio/video recordings of physician- patient encounters as a common tool to improve the quality of medical practice.

The Department of Health has met with Rhode Island Hospital concerning the recordings and has discussed some of the issues you have raised. Hospital leadership is putting a plan together on how the recordings will be accomplished and later utilized. Among the topics of discussion is how consent will be obtained prior to recording a surgery. In the process of reviewing of that plan, the Department of Health will consider your comments.

Again, thank you for your continued advocacy to protect the civil liberties of all Rhode Islanders.

Sincerely,

David R. Gifford, MD, MPH  
Director of Health