



Pharmacy Quality Assurance Commission Directive

<i>Title:</i>	Use of Camera/Video in Pharmacy Inspections and Investigations
<i>References:</i>	RCW 18.64.005, Chapter 34.05 RCW, Chapter 18.130 RCW, WAC 246-869-040 and -190
<i>Contact:</i>	Dr. Lauren Lyles-Stolz, Executive Director, Pharmacy Quality Assurance Commission
<i>Phone:</i>	360-236-4946
<i>Email:</i>	WSPQAC@doh.wa.gov
<i>Effective Date:</i>	August 28, 2020
<i>Supersedes:</i>	June 8, 2018 version
<i>Approved By:</i>	Tim Lynch, PharmD, MS, FABC, FASHP, Pharmacy Quality Assurance Commission Chair

This directive establishes the approach of the Pharmacy Quality Assurance Commission (Commission) as it relates to the use of photographs and videos during routine pharmacy inspections and investigations.

The Commission understands the importance of documenting evidence in investigations and supportive information for deficiencies that will or could result in an investigation found during routine pharmacy inspections. The Commission, however has determined the use of photographs and videos during routine pharmacy inspections should be rare, and only used to document extraordinary deficiencies, e.g. mold on walls, or at the request of the licensee.

Pharmacist investigators must use the following directive from the Commission when taking photographs and videos.

1. Pharmacist investigators must only use State issued devices for work purposes.
2. Pharmacist investigators must comply with state law pertaining to two-party consent if the pharmacist investigator is documenting evidence via a video recording that might capture voices. [RCW 9.73.030](#) governs the recording of voices and the exceptions that allow for voice recording. Pharmacist investigators will not record someone's voice unless consent by all parties is expressly given on the audio recording.
3. Prior to taking photographs or videos, pharmacist investigators will communicate the purpose of taking photographs or videos to licensees.
4. Pharmacist investigators will maintain a log of each photograph or video taken. All photos/video taken will be transferred to storage devices used by the Department of Health's Office of Investigation and Inspection (OII), and must be included in the inspection or investigation file. Pharmacist investigators will document the reason when, where, why, and by whom the photographs/video is taken. This information, and the photographs or videos, must be a part of the inspection or investigation file and report.

5. Pharmacist investigators should avoid photographing or videoing patients, especially their faces, if the photograph/video of a patient is not the purpose of the documentation. This is not meant to prohibit patients from being photographed, but it should be avoided if not necessary to the inspection or investigation.
6. Consistent with OII processes, if the photo/video documentation is of an individual's genitals, rectal, or a female's breast area, a witness must be present with the pharmacist investigator for the entire time of the documentation process. The name of the witness must be contained in the inspection or investigation file.
7. Pharmacist investigators must consult with the supervising pharmacist investigator prior to taking photographs or videos in areas that are considered or labeled as sterile. The decision to introduce photographic tools into an environment labeled as sterile should be carefully considered and include alternative methods of documentation. The supervising pharmacist investigator must consider the infection control risk versus the evidentiary benefit, and the risk of mitigation if the decision to introduce the photographic tools in the sterile area.