



## **NDMA 2025 Policy Forum**

**October 3, 2025**

### **Policy No. 2**

**Submitted By:** Erik Heitkamp, MD

**Subject:** Patient Recording Encounters

**Summary:**

NDMA physicians have experienced patients recording their clinic visits, including some on Facebook Live. North Dakota is a single-party recording state, meaning only one party needs to consent to the recording. AMA has a model bill to ensure that the patient/physician relationship is maintained in these encounters.

**Relevant Information:**

The practice of medicine, particularly as it unfolds in the clinical encounter between a patient and a physician, is fundamentally a moral endeavor rooted in the responsibility to care for patients and alleviate their suffering. This relationship is built on trust and is both intimate and sacred. According to the AMA Code of Medical Ethics, physicians are ethically required to inform patients of any audio or visual recordings and must obtain their consent beforehand. In contrast, patients are not held to the same obligation and are not required to seek consent from physicians before recording. Consequently, secret recordings by patients risk undermining the foundational trust within the physician-patient relationship. To maintain and protect this trust, open communication about the intent to record any part

of the clinical interaction is essential. The American Medical Association has a model bill outlining the rights of patients and physicians in these situations, ensuring the sanctity of the physician-patient relationship.

**Proposed Action:**

NDMA should seek legislation based on the AMA model bill to be introduced in the 2027 session, which would prohibit patient recording without the physician's consent.

Adopted November 25, 2025

Joan M. Connell, MD

Policy Forum Chair