

<b>WCHO PIHP POLICY for the COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN</b>		<i>Policy and Procedure</i> <b>Audio/Video Recording, Photography, Filming, Fingerprinting and Use of One-Way Glass for Observation</b>	
Department: Office of Recipient Rights Author: Shane Ray		Local Policy Number (if used)	
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**I. PURPOSE**

The Purpose of this policy is to establish guidelines regarding the audio/video recording, photographing, filming, and fingerprinting of recipients, and the use of one-way glass to observe recipients.

**II. POLICY**

It is the policy of the Community Mental Health Partnership of Southeastern Michigan (CMHPSM) that informed consent shall be obtained prior to audio/video recording, photographing, filming, or observing recipients through one-way glass. Fingerprinting of recipients is prohibited.

**III. APPLICATION**

All recipients while under the care of any WCHO or Comprehensive Specialty Service Network (CSSN) staff, students, volunteers, and/or contractual agencies within the Community Mental Health Partnership of Southeastern Michigan.

**IV. DEFINITIONS**

Audio Recording - A recording of the voice alone.

Consent - Consent is defined as either of the following:

1. A written agreement signed by a recipient, unless the recipient has a designated legal representative with authority to execute consent. If the recipient has a designated legal representative, the legal representative must provide written agreement.
2. A verbal agreement of a recipient, unless the recipient has a designated legal representative with authority to execute a consent, that is witnessed and documented by an individual other than the individual providing treatment. If the recipient has a designated legal representative, the legal representative must provide verbal agreement.

Additionally, consent must include the elements of competency, comprehension, knowledge, and voluntariness.

Film - See photographing

Fingerprinting - An inked and/or digital impression of the finger used as a means of identification.

Legal Representative - A legal representative is defined as any of the following:

1. A court-appointed guardian,
2. A parent with legal custody of a minor recipient,
3. In the case of a deceased recipient, the executor of the estate or court appointed personal representative,
4. A patient advocate under a durable power of attorney or other advanced directive.

Photographing - A visual image reproduced as a photographic still, film, videotape or digital image on any device.

Recordings - Any reproduction, audio or visual

Video Recording - A recording of the voice and image

## **V. STANDARDS**

- A. Recipients may be audio/video recorded, photographed, filmed and/or observed through one-way glass only when prior written consent has been obtained, and only for the following purposes:
  1. Supervision of staff, students, or volunteers,
  2. Evaluation of the treatment process,
  3. Staff development or training,
  4. Community education,
  5. Research,
  6. Personal or social purposes,
  7. To determine the identification of a recipient.
- B. The consent form must indicate all of the following:
  1. The intended use of the material,
  2. The right to terminate the consent at any time,
  3. That there will be a review at least annually regarding the need to continue to retain the material.
- C. Fingerprinting of recipients is prohibited.
- D. Recordings, photographs, or film of recipients taken during the provision of services, and any copies of them, shall be maintained as part of the clinical record.
- E. Photographs may be taken for personal or social purposes, unless the recipient has indicated objection.
- F. Recordings, photographs or film may not be used by any person, group or organization outside of the CMHPSM unless the following have been obtained:
  1. Consent to release information,
  2. Permission of the local CMH Director or designee.

- G. If it is necessary to send photographs or audio/video recordings to an outside individual or agency for assistance in determining the identification of a recipient, the individual/agency shall be informed that such photographs or audio/video recordings must be returned, along with any copies that were made. Upon their return, the photographs or audio/video recordings, along with any copies, shall be part of the clinical record.
- H. There will be a review at least annually to determine whether there continues to be an essential need to maintain audio/video-recorded, photographic or filmed material. If not, the material will be returned to the recipient or destroyed.
- I. Audio/video-recorded, photographic, or filmed material will be returned to the recipient or destroyed upon the recipient's discharge from services.

**VI. EXHIBITS**

- A. Consent for Photographing, Filming and/or Audio/Video Recording

**VII. REFERENCES**

Reference:	Check if applies:	Standard Numbers:
Michigan Mental Health Code Act 258 of 1974	X	330.1724
DCH Administrative Rules	X	330.7003
MDCH Revised Plan for Procurement of Medicaid Specialty Prepaid Health Plans	X	3.1.1.1
CMHPSM Policy: Consent to Treatment and Services	X	

**VIII. PROCEDURES**

WHO	DOES WHAT
Assigned clinical staff	<ol style="list-style-type: none"> <li>1) Discusses need to record, photograph, film or use one-way glass for observation with supervisor.</li> <li>2) Reviews need to record, photograph, film, or use one-way glass with recipient and/or legal representative, and obtains consent.</li> </ol>
Consenting individual	<ol style="list-style-type: none"> <li>1) Consents or objects to being recorded, photographed, filmed, or viewed through one-way glass.</li> <li>2) May object to being photographed for social purposes.</li> </ol>
Client Services Manager/Supports Coordinator	<ol style="list-style-type: none"> <li>1) Maintains copy of written consent in recipient's record. Affords an opportunity for recipient to ob-</li> </ol>

	<p>ject, immediately prior to the recording, transmission of the recording, photographing or observation through one-way glass. A recipient shall not be observed through one-way glass nor shall a recording or photograph be made or transmitted if the recipient indicates objection even if recipient has previously signed a consent form.</p> <p>2) Securely maintains original and copies of photographs or audio/video recordings in recipient's clinical record.</p> <p>3) In conjunction with annual person centered planning process, determines whether there is an essential need to retain photograph or audio/video recording.</p> <p>4) Returns copies of materials to recipient or destroys when:</p> <ul style="list-style-type: none"> <li>a) It is determined that there is no longer an essential need to maintain materials, or</li> <li>b) Consent is withdrawn, or</li> <li>c) Discharge of the recipient.</li> </ul>
Director or Designee	<p>1) Grants or denies permission before a recording/photograph may be removed from the premises and a recipient's record.</p>