



## SHIAWASSEE HEALTH AND WELLNESS POLICY MANUAL

<b>Title:</b>	<b>Fingerprinting, Audio Taping, and Photographing of Recipients, or Use of One Way Glass</b>
<b>Section:</b>	Recipient Rights
<b>Policy Number:</b>	10
<b>Issued By:</b>	Recipient Rights Director
<b>Approved by:</b> Board of Directors	<b>Effective Date:</b> 10/09/95 <b>Last Revision:</b> 03/12/2020
<b>Approved on:</b> 07/27/2020	<b>Last Review:</b> 07/27/2020 <b>Annual Policy Statement Review:</b> 12/28/20

### **POLICY STATEMENT:**

It is the policy of Shiawassee Health and Wellness (SHW) that recipients of mental health services will not be fingerprinted, photographed, audiotaped, or viewed through the use of one way glass, except as allowable by law.

It is also the policy of SHW that no recipient will be fingerprinted or photographed as a precondition to obtaining or participating in a Board-sponsored program, activity, or service.

### **PURPOSE:**

To ensure compliance with the Michigan Mental Health Code and the Michigan Department of Health and Human Services Administrative Rules.

### **APPLICATION:**

All SHW employees, contracted providers and employees, independent contractors, volunteers, Residents, and Interns.

### **DEFINITIONS:**

- **Photograph:** includes the use of still pictures, motion pictures, audio and video recording. Photographs also include the use of pictures or video taken on cell phones or other recording devices.
- **Educational or Training Purposes:** To assist staff in performing their job duties.

### **STANDARDS:**

1. Fingerprints, photographs, or audio recordings may be taken and used and one way glass may be used only in order to provide mental health services to a recipient, including research, or for identifying the name of a recipient when prior written consent has been obtained from the recipient, guardian, or parent with legal and physical custody of a recipient under 18 years of age.

2. A recipient may be photographed, audio-recorded, or viewed through one-way glass after the necessity for such as been established and the manner in which it will occur has been clearly documented.
3. A recipient may be photographed, audio recorded, or viewed through one- way glass for educational or training purposes only after having obtained prior written consent, by:
  - a. The recipient, if 18 years of age or older and competent to consent.
  - b. The guardian, if legally empower to execute the consent.
  - c. The parent with legal and physical custody of a minor recipient under the age of 18.
4. The responsible clinical staff and/or Person-Centered Team will annually complete the Universal Acknowledgement and Consent for Emergency Medical Treatment, Audio/Video, Activities form. This form is completed and made part of the electronic medical record. There may also be times when it is necessary and appropriate to obtain specific consents for photographs, audio/video recordings, or viewing through one- way glass. In such instances, seek guidance from the Program Supervisor or Directors.
5. The responsible clinical staff and/or Person-Centered Team will also review on an annual basis the need to keep any fingerprints, photograph(s), of audio recordings of the recipient.
6. The responsible clinical staff person will inform the Program Directors or their designees of any program, service or activity in which the recipient is enrolled or takes part, and if there are any specific objections or uses of the fingerprints, photographs, video/audio recordings . The fingerprints or photograph(s) and any copies are to be destroyed or given to the recipient when they are no longer essential for meeting the objective for which they were obtained or when the recipient/resident is discharged from or otherwise discontinues Board-sponsored services.
7. Fingerprints, photographs, or audio recordings taken for the purpose of determining the name of a recipient are to be kept as part of the recipient's record, except that when needed the fingerprints, photographs, or audio recordings may be delivered to others for assistance in determining the name of the recipient. Fingerprints, photographs, or audio recordings delivered for such purpose shall be returned together with copies that may have been made. An individual receiving fingerprints, photographs, or audio recordings will be informed of the requirement that return be made. Upon return, the fingerprints, photographs, or audio recordings, and copies made, will be kept as part of the record of the recipient. These too shall be given to the recipient or destroyed when the purpose of such is no longer valid or the recipient is discharged from or otherwise discontinues the Board-sponsored service.

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8. A recipient, a recipient's guardian, or applicable parent of a minor recipient may revoke a consent at any time, with the photographs, fingerprints, and/or video/audio recording being destroyed or erased. If a recipient, a recipient's guardian, or the parent of a minor recipient revokes a consent, the responsible clinical staff person will request that the revocation be in writing. If refused or unable to obtain, the responsible clinical staff person will document the verbal revocation in the recipient's record.
9. Photographs taken for purely personal or social purposes do not necessarily require written consent, i.e., parties, holidays, agency specific events, etc. In such cases, the recipient must first be asked if he or she objects, and the photograph shall not be taken or used if the recipient has indicated an objection. If a recipient does not object to a photograph taken for purely personal or social reasons, the photograph(s) will be maintained as the recipient's personal property.

**ATTACHMENTS:**

10a. Universal Acknowledgement and Consent for Emergency Medical Treatment, Audio/Video, Activities

**Change Log:**

<b>Date of Change</b>	<b>Description of Change</b>	<b>Responsible Party</b>
11/22/10		Becke Browne
05/09/16		Becke Browne
07/03/18	Agency Name Change, Format Change	Jamie Burke, Executive Assistant
3/9/2020	Policy statement changed, format change, attachment added	Andrea Andrykovich