

NORTHEAST MICHIGAN COMMUNITY MENTAL HEALTH AUTHORITY

POLICY & PROCEDURE MANUAL

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PERSONNEL
(Manual Section)

RECIPIENT RIGHTS: PHOTOGRAPHING, FINGERPRINTING, AUDIOTAPING & USE OF 1-WAY GLASS – POLICY 3832

Approval of Policy

Dated:

Original Policy Inception Date:

May 7, 1998

Policy Last Reviewed:

June 17, 2024

Last Revision of Policy Approved:

July 6, 2021

•1 POLICY:

It is the policy of the Agency to protect and promote the basic human dignity and privacy of individuals receiving services in regard to audiovisual reproduction. Individuals shall not be photographed, audiotaped, or viewed through a 1-way glass as a part of any program without written consent by the individual, guardian, or parent of a minor child with legal and physical custody. Further, it is the policy of the Agency that no individual receiving services shall be fingerprinted by or as a part of any program, or video surveillance conducted.

•2 APPLICATION:

All programs

•3 DEFINITIONS:

AUDIOVISUAL REPRODUCTION: Any reproduction of a person's likeness or voice by still or motion picture photography, audiotape or videotape. Not included in this definition: x-ray, infrared or microscopic photography.

EXPRESSED WRITTEN CONSENT: Written permission to make and use audiovisual reproductions of an individual receiving services which may be viewed by the public, including the proposed use of material, e.g., accompanying newspaper articles, inclusion in brochures, training materials, etc., which is signed by the individual, parent of a minor, or guardian.

PHOTOGRAPH(ING): Includes still pictures, motion pictures or videotape reproductions.

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PUBLIC NEWS MEDIA: Publications including but not limited to newspapers, magazines, books and other printed materials produced by the public press, business or industrial firms, non-profit associations or public agencies (including mental health agencies) and communication systems capable of transmitting photographs or sound via air or cable, e.g., television and radio.

EDUCATION/TRAINING: Includes the use of photographs for the development of treatment approaches, supervision of therapy, and staff skill development (inservice training).

•4 CROSS-/REFERENCES:

•5 FORMS AND EXHIBITS:

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Administrative Approval of Procedure per:

Dated:

June 17, 2024

•6 PROCEDURE:

Audiovisual Reproduction

•6.1 APPLICATION:

All programs, all individuals receiving services

•6.2 OUTLINE / NARRATIVE:

- I. Audiovisual reproduction may be made for such purposes and under the conditions set forth below.
 - A. For identification purposes, expressed written consent must be obtained and the photograph will be kept in the individual's electronic health record.
 1. If a photograph is delivered to an individual who is not an employee of the Agency for the purpose of identifying the individual, it is required that:
 - a. the photograph be returned;
 - b. no duplication of the photograph be made without approval from the Executive Director.
 - B. To provide services including therapy to the individual, education, and staff development services or presentation to professional groups outside the agency, expressed written consent must be obtained.
 - C. For personal or social purposes, audiovisual reproductions may be made and used unless the individual receiving services or guardian has indicated their objection. Expressed written consent is not required.
 - D. For information purposes, e.g., brochures, news releases, television, etc., expressed written consent is required.
 1. Use of audiovisual reproductions by the public news media must also be approved by the Executive Director or their designee.
 2. If the Executive Director denies approval despite the affirmative wishes of the individual receiving services, guardian or parent, their decision may be appealed by written or verbal notification to the Rights Office.

**Subject: PHOTOGRAPHING, FINGERPRINTING, AUDIOTAPING &
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- E. If photographs are required for gathering evidence in an allegation of abuse, consent is not required from the individual, their parent or guardian, but may be taken at the direction of the Executive Director or their designee or the Recipient Rights Officer.
- II. Expressed written consent must be obtained and placed in the individual's file before the audiovisual reproduction is made.
 - A. The consent must include an expiration date and cannot be valid for more than a 12-month period, and is part of the regular consent process. The exception are photographs for identification purposes which are kept in the individual's file.
 - B. The consent must state the intended use of the photograph, videotape, audiotape, or transmission of image/voice.
 - C. The person from whom consent is requested shall be informed, prior to giving consent, that consent may be revoked at any time. This statement must appear on the consent form.
 - D. A consent granted on behalf of a minor is no longer valid when the individual reaches 18 years of age.
 - E. An individual must be advised immediately prior to the time a picture or videotape is to be taken, or voice recorded or transmitted, and the intended purpose. An individual must be afforded an opportunity to object. If the individual expresses verbal objection to being photographed or to having their image/voice recorded or transmitted, such objection shall be honored whether or not the individual, parent, or guardian has previously signed the consent.
 - F. Oral objection to making or use of audiovisual reproduction, or oral termination of consent for audiovisual reproductions, shall be noted in the individual's record.
- III. The individual receiving services, parent or guardian shall be fully informed of the current and future use of the photographs, videotapes or audiotapes.
 - A. Photographs or audiorecordings taken in order to determine the name of an individual receiving services shall be kept as part of the record of the individual, except that when necessary the photographs or audiorecordings may be delivered to others for assistance in determining the name of the individual. Photographs or audiorecordings so delivered shall be returned together with copies that were made. An individual receiving photographs or audiorecordings shall be informed of the requirement that return be made. Upon return, the photographs or audiorecordings, together with copies, shall be kept as part of the record of the recipient.

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- B. Audiovisual reproductions taken in order to provide services to the individual receiving services, including research, and copies thereof will be kept as part of the record of the individual until no longer necessary as part of treatment, or at the time of discharge, whichever occurs first. At that time audiovisual reproductions shall be given to the individual or destroyed.

The supports coordinator shall review the need for photographs/audiotaping at the time of the annual consent process and will process accordingly.

•6•3 CLARIFICATIONS:

•6•4 CROSS-/REFERENCES:

Mental Health Code, Section 330.0724

•6•5 FORMS AND EXHIBITS:

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Administrative Approval of Procedure per:

Dated:

November 5, 2018

•7 PROCEDURE:

Fingerprinting

•7.1 APPLICATION

All programs, all individuals receiving services

•7.2 OUTLINE/NARRATIVE•

Individuals receiving services shall not be fingerprinted by or as a part of any program of the Agency.

•7.3 CLARIFICATIONS:

•7.4 CROSS-/REFERENCES:

•7.5 FORMS AND EXHIBITS:

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Administrative Approval of Procedure per:

Dated:

November 5, 2018

•8 PROCEDURE:

Use of 1-Way Glass

•8.1 APPLICATION:

All programs, all individuals receiving services

•8.2 OUTLINE / NARRATIVE:

1-way glass may be used in order to provide services, including research, to a individual receiving services or in order to determine the name of the individual only when prior written consent is obtained from one of the following:

1. The individual is 18 years of age or over and competent to consent.
2. The guardian of the individual receiving services if the guardian is legally empowered to execute such a consent.
3. The parent with legal and physical custody of the individual receiving services if the individual is less than 18 years of age.

The primary clinician shall review the need for the use of 1-way glass at the time of the annual consent process and will process accordingly.

•8.3 CLARIFICATIONS:

•8.4 CROSS-/REFERENCES:

Mental Health Code 330.1724

Administrative Rules 7003(1)(c & d)

•8.5 FORMS AND EXHIBITS: