COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **Recipient Rights**	**Chapter** **05**	**Section** **01**	**Subject** **04**
Subject **Photographing, Taping, Fingerprinting Recipients**	**Authorization**		**Approved: 08/31/99** **Replaces: 03/25/97**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: To safeguard the rights of recipients.

II. APPLICATION: All programs under the governance of or under contract with the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

A. Audio taping: Any reproduction of a recipient's voice by mechanical means.

B. Educational or training purposes:

1. To assist staff in performing their job responsibilities.
2. To provide general information to the community.

C. Consent: A written agreement executed by a recipient, a minor recipient's parent, or a recipient's legal representative with authority to execute a consent that is in compliance with the agency's procedure for consent. Consent for viewing through one-way glass shall specifically identify by name or by title, those individuals who will be privileged to be present to observe and/or record the person or persons being viewed.

D. Photography: Includes still pictures, motion pictures, and videotapes.

E. Primary Clinician: The staff member in charge of implementing the recipient's plan of service.

F. Video Surveillance: The use of cameras for the purpose of viewing or recording moving visual images made digitally or on video tape for the purposes of safety, security, and quality improvement.

IV. POLICY:

A. Fingerprints, photographs, or audio tapes, may be taken and used and one-way glass may be used in order to provide services, including research, to a recipient; for educational or training purposes; or to determine the name of a recipient, when prior written informed consent has been obtained from the recipient or applicable parent or guardian.

B. Photographs may be taken for purely personal or social purposes unless the recipient or applicable parent or guardian has indicated an objection, either verbally or in writing. The photographs must be treated as the recipient’s personal property.

V. PROCEDURE:

A. Whenever fingerprints, photographs, audio taping, videotaping, or one-way glass is used with regard to recipients in Board operated programs:

1. The Office of Recipient Rights shall approve the form of consent to be used by staff.

2. The primary clinician shall, in all cases:
   a. Obtain prior written informed consent *from* one of the following and file it in the recipient's record:
      i. The recipient if 18 years of age or over and competent to consent;
      ii. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
      iii. The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age.
   b. Inform the individual signing the consent that he or she is free to withdraw consent at any time without prejudice, and document on the form and in progress notes if consent is withdrawn; however, the clinician should also explain that once consent is granted and the photographs etc. are distributed, there may be limits to what can be done to retrieve the photographs etc. (i.e., once a photograph is published GCMHA may not be able to revoke or retrieve photographs already distributed).
   c. Ensure that the fingerprints, photographs, or audio tapes, and any copies of them, shall be kept as part of the recipient's record and be subject to standards governing confidentiality.
   d. Annually review whether the fingerprints, photographs, or audio tapes in the record, and any copies of them, are still essential for the original purpose. As indicated on the consent form, either give them to the recipient or destroy them when they are no longer essential or when the recipient is discharged, whichever occurs first.

3. The staff taking the fingerprints, photographs, or audio tapes, or using the one-way glass shall afford the recipient an opportunity to object, verbally or in writing, immediately prior to the time the fingerprinting, photographing, taping, or use of one-way glass occurs.

B. Using Fingerprints, Photographs, or Audio Tapes to Determine the Name of a Recipient or to Provide Services, Including Research:

1. Ensure that the fingerprints, photographs, or audio tapes, and any copies of them, shall be kept as part of the recipient's record and be subject to standards governing confidentiality, except that when necessary, they may be delivered to others for assistance in determining the name of the recipient, and shall be returned together with copies that were made;

2. Inform an individual who receives the fingerprints, photographs, or audio tapes of the requirement that they be returned;

C. Using Photographs, Audio Tapes, or One-Way Glass for Educational or Training Purposes:

1. The primary clinician shall inform the individual signing the consent whether or not the photographs or audio tapes will be kept confidential. If they will be kept confidential, ensure that the photographs or audio tapes, and any copies of them, shall be kept as part of the recipient's record and be subject to standards governing confidentiality.

2. If the photographs or audio tapes will be kept confidential, annually review whether they are still essential for the original purpose. Either give them to the recipient or destroy them when they are no longer essential or when the recipient is discharged, whichever occurs first.

D. Taking Photographs, Videotaping For Personal or Social Purposes: The primary clinician shall inform the recipient, parent of a minor and/or guardian that photographs are being taken for personal or social purposes, and explain to the extent possible how and where the photographs and/or videotapes will be used. The photographs or videos must be treated as the recipient's personal property.

E. Taking of Photographs and/or Videotaping by the Media in GCMHA Programs: The primary clinician and/or program supervisor shall ensure that prior written informed consent is obtained prior to allowing the media to photograph and or videotape recipients within GCMHA operated programs.

F. Video Surveillance shall not be used for treatment or therapeutic purposes and is prohibited outside of a psychiatric hospital setting.

VI. REFERENCES AND LEGAL AUTHORITY: Act 258 of the Public Acts of 1974, as amended (Mental Health Code) Section 100a; 724 MDHHS Administrative Rules 7003, 7032

VII. EXHIBITS: Authorization to Photograph, Videotape, Audiotape and/or use One-way Glass