LAPEER COUNTY COMMUNITY MENTAL HEALTH **Date Issued** 10/06/2009
Date Revised 01/19/12; 03/18/15 12/12/17;09/16/20

CHAPTER Recipient Rights	**CHAPTER** 04	**SECTION** 003	**SUBJECT** 05
SECTION Individual Rights	**DESCRIPTION** Fingerprinting, Photographing, Audio and Videotaping of Persons Served, and One-Way Glass		
WRITTEN BY Lisa K. Jolly, B.S. Recipient Rights Officer	**REVISED BY** Lisa Jolly, B.S. Recipient Rights Officer	**AUTHORIZED BY** Lauren Emmons, ACSW CEO	

APPLICATION:

☒CMH Staff	☐Board Members	☒Provider Network	☒Employment Services Providers
☐Employment Services Provider Agencies	☒Independent Contractors	☒Students	☒Interns
☒Volunteers	☒Persons Served		

POLICY:

This policy identifies circumstances by which fingerprints, photographs, audiotapes, or one-way glass may be taken and used in accordance with the Michigan Mental Health Code to provide services and for research.

STANDARDS:

A. Persons served may be fingerprinted, photographed, videotaped, or observed through one-way glass only after the necessity for the same has been established and the manner in which they will be used has been clearly documented.

B. Photographs, fingerprints, audiotapes and one-way glass used for research must be prior approved by the Chief Executive Officer.

C. Persons served may be photographed, fingerprinted, audio taped, or observed through one-way glass only with express prior written consent by:

a. The person served, if 18 or over, and competent to consent;

b. The guardian, if legally empowered to execute consent;

c. The parent with legal and physical custody of the person served, if the person served is under age 18.

D. The written consent must be made part of the clinical record of the person served.

E. Consent for the same may be withdrawn without prejudice at any time, with photographs, fingerprints, or tapes being destroyed or erased.

F. All reasonable steps to ensure confidentiality of the identity of the person served must be taken.

G. Persons served may be photographed, fingerprinted, and / or audio taped for purposes of identification if:

a. The person served cannot be identified by conventional methods or inquiries;

b. Attempts at identifying the person served through other agencies, including governmental, have been exhausted.

H. Written consent is not necessary when photographs are taken by persons served strictly for social purposes, i.e., parties, holidays, etc. In such case, persons served or guardian will be first asked if they object and verbal objection to such photographs or recording must be honored.

I. Photographs may be taken by persons served for purely personal or social purposes unless the person served or applicable parent or guardian has indicated an objection, either verbally or in writing.

PROCEDURES:

A. There must be documented periodic reviews to determine if the intent and purposes of the fingerprinting, photographing, or audio taping of the person served are valid.

B. The fingerprints, photographs, audio tapes, made in order to provide services to a person served, and any copies of them, will be kept as part of the record of the person served.

C. Fingerprints, photographs, or audio tapes taken in order to determine the identity of a person served will be kept as part of the record of the person served. When necessary, the fingerprints, photographs, or audio tapes may be delivered to others for assistance in determining the identity of the recipient and will be returned, along with any copies made, and kept as part of the record of the person served. An individual receiving fingerprints, photographs, or audio tapes will be informed of the requirement that these documents will be returned to the individual.

D. When the purpose for the fingerprints, photographs, or audio tapes is no longer valid or when the person served leaves the program, the fingerprints, photographs, or audio tapes will be given to the person served or destroyed.

E. Any audiotapes, photos, fingerprints, motion pictures or videotapes will be safeguarded and handled with steps to ensure confidentiality. This will include locking these items up in a secured location.

F. Agency equipment must be used in the instances of photographs, audio taping, or videotaping of persons served. **Staff must not use his/her own personal phones, camera, or video equipment to take pictures or videotapes of the people served by LCCMH.**

G. Social Media Issues: Staff will not post pictures of persons served to their own personal social media site. If pictures or videos are being posted to the agency social media sites or website the person served or their guardian must provide written consent.

H. Staff will NOT take photos in an area where there are persons served or confidential documentation and post to a social media site.

DEFINITIONS:

Audio taping: Any reproduction of a voice of the person served by mechanical means.

Consent: A written agreement executed by a person served, a parent of a minor person served, or a legal representative for the person served with authority to executive a consent, in compliance with the agency's procedure for consent.

Education or Training Purposes: To assist in performing their job responsibilities OR to provide general information to the community.

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

Social Media: Website and Applications, such as Facebook, Instagram, Twitter, Snap Chat, enabling users to create and share content or to participate in Social Networking.

REFERENCES:

Mental Health Code 330.1724
Mental Health Administrative Rules 330.7003

LKJ

- -
This policy supersedes
#10/09035 dated 01/21/2009.
- -