


CHAPTER: 1	SECTION: 13	SUBJECT: RECIPIENT RIGHTS
TITLE: FINGERPRINTING, PHOTOGRAPHS, AUDIOTAPES, OR USE OF ONE-WAY GLASS		
EFFECTIVE DATE: 12/31/86	REVISED DATE: 9/9/99, 3/13/02, 6/20/05, 5/9/08, 6/27/11, 9/20/12, 6/24/13, 3/17/14, 3/23/15, 3/28/16, 3/20/17, 6/25/18, 6/24/19, 06/22/20, 07/26/21	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

I. PURPOSE:

To define procedures by which consumers may be fingerprinted, photographed, videotaped, audio taped, or observed through one-way glass.

II. APPLICATION:

All Community Mental Health of Ottawa County (CMHOC) staff, volunteers/inters, and contract agency staff as specified by contract.

III. DEFINITIONS:

Photography: the art, process, or job of taking pictures with a camera.

Public news media: 1. publications including but not limited to newspapers, magazines, books and other printed materials produced by the public press. 2. communication systems capable of transmitting photographs or sound via air or cable, e.g., television or radio.

Agency-related media: refers to publications produced by business or industrial firms, nonprofit associations, or public agencies.

IV. POLICY:

It is the policy of CMHOC that a consumer will only be photographed, video taped, audio taped, or observed through one-way glass when written consent is obtained from the recipient or parent/guardian.

It is also the policy that no consumer will be fingerprinted as a part of any program or for purpose of identification.

V. PROCEDURE:

A. Photographs or audio taping by or on behalf of the public news media or agency-related media, including brochures and annual reports, may be taken only when prior written consent is obtained from one of the following, using the consent form for taping/photography:

1. A consumer, if eighteen years of age or older and competent to consent.
2. The guardian of the consumer if legally empowered to execute such consent.
3. A parent/legal guardian if the consumer is less than eighteen years of age.

- B. A photograph or audio tape of the consumer shall not be taken or used if the consumer has indicated his/her objections, regardless of whether or not the consumer, parent or guardian has previously given written consent.
- C. For identification purposes, specific written consent must be obtained and the photograph, or audiotape will be kept as part of the consumer's clinical record. If a photograph is delivered to an individual who is not an employee of Community Mental Health of Ottawa County (CMHOC) for the purpose of identifying a consumer, it is required that:
 - 1. the photograph be returned;
 - 2. no duplication of the photograph be made without approval from the Program Supervisor.

No consumer will be fingerprinted as a part of any program or for purpose of identification.

- D. To provide services, including therapy assessments, to the consumer, education, and staff development services or presentation to professional groups outside the agency, expressed written consent must be obtained.
- E. For personal or social purposes, audiovisual reproductions (i.e. photographs, videotapes, etc.) may be made and used unless the consumer or parent/legal guardian indicated his/her objection. Specific written consent or objection is required.
- F. If photographs are required for gathering evidence in an allegation of abuse, consent is not required from the consumer, his/her parent or guardian, but may be taken at the direction of the Executive Director or his designee or the Office of Recipient Rights.
- G. All photographs, audio tapes, and videotapes taken for treatment purposes will become part of the clinical record, and as such are protected by confidentiality regulations. All such materials will be stored in a locked area and annually assessed for continued need.

Fingerprints, photographs, or audiotapes in the record of a recipient, and any copies of them, shall be given to the recipient or immediately destroyed when they are no longer needed/essential to achieve one of the following objectives set forth in subsection (2), or at the time of discharge or when consent is withdrawn, whichever comes first.

- H. Consent may be withdrawn at any time, verbally or in writing.
- I. Periodic review of the current need for audio taping, photographing, fingerprinting, or use of one way glass will be implemented.

VI. ATTACHMENT:

None Applicable

VII. REFERENCE:

Michigan Mental Health Code
MDHHS-ORR Attachment B
Merriam-Webster Dictionary