

PATHWAYS CMH

POLICY TITLE: Photographing, Recording, Fingerprinting Recipient, Use of One-way Glass, and Media Release	CATEGORY: Recipient Rights	
EFFECTIVE DATE: July 6, 2005	BOARD APPROVAL DATE: October 2, 2013	
REVIEW DATE: January 3, 2020	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY: Recipient Rights Supervisor or Designee	CEO APPROVAL: Mary J. Swift, CEO	

APPLIES TO:

Employees, volunteers and contractual providers of Pathways CMH

POLICY:

It is the policy of the Pathways Board that:

1. Fingerprints, photographs, audio or video recordings, may be taken and used and one-way glass may be used in order to provide services, including research, to a recipient, or in order to determine the name of a recipient, when informed consent has been obtained from the recipient, guardian, or the parent with legal and physical custody of a minor.
2. Photographs or audio or video recordings may be taken and 1-way glass may be used for educational or training purposes when express written consent is obtained from the recipient, guardian, or parent with legal and physical custody of a minor.
3. Photographs or audio or video recordings of a recipient may be taken for purely personal or social purposes and shall be maintained as the recipient's personal property. A photograph of a recipient shall not be taken or used if the recipient has indicated his or her objection either verbally or in writing.
4. Photographs used in this policy include still pictures, digital images, motion pictures, and audio recordings.

PURPOSE:

To protect the rights of recipients

DEFINITIONS:

Audio recording

Any reproduction of a recipient's voice by mechanical means.

Educational or training purposes

- A. To assist staff in performing their job responsibilities;
- B. To provide general information to the community.

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.

Primary clinician

The staff member in charge of implementing the recipient's plan of service.

REFERENCES:

Act 258 of the Public Acts of 1974, as amended (Mental Health Code) Section 100a, 724
Department of Community Health Administrative Rules 7003

HISTORY:

Dates Reviewed: May 2008; July 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 19, 2016; April 15, 2017; April 6, 2018; January 3, 2020

Dates Revised: July 11, 2013; April 15, 2017 (procedures); April 6, 2018 (procedures)

Dates Approved: July 6, 2005; October 2, 2013

PROCEDURES:

A. Using Fingerprints, Photographs, Video or Audio Recordings, or 1-Way Glass to Provide Services, Including Research

1. The primary clinician shall:
 - a. Obtain prior written informed consent from one of the following and file it in the recipient's record:
 1. The recipient if 18 years of age or over and competent to consent;
 2. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
 3. 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 if consent is withdrawn;
 - c. Ensure that the fingerprints, photographs, or audio or video recordings and any copies of them, shall be kept as part of the recipient's record and be subject to standards governing confidentiality;
 - d. Periodically review whether the fingerprints, photographs, or audio or video recordings in the record, and any copies of them, are still essential for the original purpose. Either give them to the recipient, or parent of a minor or guardian, or destroy them when they are no longer essential or when the recipient is discharged, whichever occurs first;
 - e. Provide the recipient's home, work program, drop-in center, etc., as necessary, a copy of the signed consent as applicable.
2. The program supervisor is responsible for training staff at each site about individual consents approved or not approved for each recipient.
3. The individual responsible for photographing, video or audio recording, fingerprinting, or using a one-way glass shall afford the recipient an opportunity to object either verbally or in writing at any time.

B. Using Fingerprints, Photographs, or Audio or Video Recordings to Determine the Name of a Recipient

1. The primary clinician shall:
 - a. Obtain prior written informed consent from one of the following and file it in the recipient's record:
 1. The recipient if 18 years of age or over and competent to consent;
 2. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
 3. 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 if consent is withdrawn;
 - c. Ensure that the fingerprints, photographs, or audio or video recordings, 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 or video recordings of the requirement that they be returned;

3. Annually review whether the fingerprints, photographs, or audio or video recordings in the record, and any copies of them, are still essential for the original purpose. Either give them to the recipient, or parent of a minor or guardian, or destroy them when they are no longer essential or when the recipient is discharged, whichever occurs first;
 - a. Provide the recipient's home, day program, work program, drop-in center, etc. a copy of the signed consent as applicable.
 - b. The program supervisor is responsible for training staff at each site about individual consents approved or not approved for each recipient.
 - c. . The individual responsible for photographing, video or audio recording, fingerprinting, or using a one-way glass shall afford the recipient an opportunity to object either verbally or in writing at any time.

C. Using Photographs, Audio or Video Recordings, or 1-Way Glass for Educational or Training Purposes

1. The primary clinician shall:
 - a. Obtain prior informed consent from one of the following and file it in the recipient's record:
 1. The recipient if 18 years of age or over and competent to consent;
 2. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
 3. 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 if consent is withdrawn;
 - c. Inform the individual signing the consent whether or not the photographs, or audio or video recordings, and any copies of them, shall be kept as part of the recipient's record and be subject to standards governing confidentiality.
 - d. If the photographs, or audio or video recordings will be kept confidential, review periodically, at least annually, whether they are still essential for the original purpose. Either give them to the recipient, or parent of a minor or guardian, or destroy them when they are no longer essential or when the recipient is discharged, whichever occurs first;
 - e. Provide, as necessary, the recipient's home, work program, drop-in center, etc. a copy of the signed consent as applicable.
2. The program supervisor is responsible for training staff at each site about individual consents approved or not approved for each recipient.
3. The individual responsible for photographing, video or audio recording, or using a one-way glass shall afford the recipient an opportunity to object either verbally or in writing at any time.
4. Photographs, or audio or video recordings may not be used by any person, group, or organization outside of Pathways unless the following have been obtained:
 1. Consent to release information,
 2. Permission of the Pathways CEO or designee.

D. Media Release

1. The primary clinician shall:
 - a. Obtain prior written permission from the Customer Services/Member Services;
 - b. Obtain prior written informed consent from one of the following and file it in the recipient's record:
 1. The recipient if 18 years of age or over and competent to consent;

2. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
 3. The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age;
- c. Inform the individual signing the consent that the information, photographs, or audio or video recordings will become the property of the media entity to whom they are released and therefore the consent cannot be withdrawn;
 - d. Forward a copy of the consent to the Customer Services/Member Services.
 - e. Provide the recipient's home, work program, drop-in center, etc. a copy of the signed consent as necessary.
2. The program supervisor is responsible for training staff at each site about individual consents approved or not approved for each recipient.

E. Taking Photographs, including Still Pictures, Motion Pictures, or Audio Recordings, For Personal or Social Purposes

1. The primary clinician shall:
 - a. Obtain prior informed consent from one of the following and file it in the recipient's record:
 1. The recipient is 18 years of age or over and competent to consent;
 2. The guardian of the recipient if the guardian is legally empowered to execute such a consent;
 3. 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 if consent is withdrawn;
 - c. Ensure that photographs taken of an individual for personal or social purposes become the recipient's personal property. The recipient may display or play the photographs or audio recordings as he or she desires.
2. The individual responsible for taking the photograph shall afford the recipient an opportunity to object either verbally or in writing at any time.
3. Audio recordings of a recipient taken during prolonged exposure treatment are for the personal use of the recipient and become the recipient's personal property.

F. Digital Images

Digital images taken of a recipient will be transferred to the recipient's clinical chart. The images will be erased after being transferred to a different format. Digital images of a recipient taken for purely personal or social purposes will be deleted at the discretion of the recipient.

G. Video Surveillance in Psychiatric Hospitals

Video surveillance may be conducted in psychiatric hospitals for purposes of safety, security, and quality improvement. The Pathways Office of Recipient Rights shall review the written recipient rights policies and procedures of each psychiatric hospital or unit under contract with Pathways to evaluate compliance with the Michigan Mental Health Code Section 330.1724(9).



Serving our Neighbors with the Greatest Need

Alger County 906.387.3611 201 West Superior Munising, MI 49862 Fax: 906.387.4212	Delta County 906.786.6441 2500 7 th Ave. South Suite 100 Escanaba, MI 49829 Fax: 906.786.5859	Luce County 906.293.3284 P.O. Box 448 14126 County Road 428 West Newberry, MI 49868 Fax: 906.293.3850	Marquette County 906.225.1181 200 West Spring St. Marquette, MI 49855 Fax: 906.225.7203
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CONSENT FOR PHOTOGRAPHING, VIDEO RECORDING, AUDIO RECORDING OR USE OF A ONE-WAY MIRROR

Photographing, or video or audio recording of a recipient may be used for clinical treatment, professional training, or for personal or social use. Prior to a recipient being photographed or recorded, Pathways requires that written informed consent be obtained from one of the following: the recipient if he or she is 18 or older and competent to consent, the guardian of the recipient if legally empowered to execute such a consent; or the parent with legal custody if the recipient is less than 18 years of age.

The person signing this consent is free to withdraw consent and discontinue participation at any time without prejudice.

Recipient's Name: _____ Case #: _____

Purpose for the use of photography, audio recording, video recording or use of one-way mirror (please initial):

- _____ **Professional training and education (PMTO, Clinical supervision, etc.)**
- _____ **Personal or social purposes (including prolonged exposure treatment)**
- _____ **Providing clinical services / treatment ***

AUTHORIZING CONSENT

Please initial:

_____ The undersigned hereby **grants** consent for the identified recipient to be photographed, video or audio recorded.

REVOKING CONSENT

Please initial:

_____ The undersigned hereby **revokes** the consent for the identified recipient to be photographed, video or audio recorded.

 Recipient Signature

 Date of Consent

 Guardian/Parent (If Applicable)

 Date of Consent

 Witness Signature (Pathways staff)

 Date Witnessed



Serving our Neighbors with the Greatest Need

Alger County	Delta County	Luce County	Marquette County
906.387.3611	906.786.6441	906.293.3284	906.225.1181
601 West Superior Munising, MI 49862 Fax: 906.387.4212	2500 7 th Ave. South Suite 100 Escanaba, MI 49829 Fax: 906.786.5859	P.O. Box 448 14126 County Road 428 West Newberry, MI 49868 Fax: 906.293.3850	200 West Spring St. Marquette, MI 49855 Fax: 906.225.7203

Pathways staff must follow required steps for obtaining informed consent, including determining legal competency, providing knowledge, evaluating comprehension, and ensuring that consent is voluntary.

*** Video and audio recording for clinical services / treatment is rarely used in the delivery of clinical services. Permission shall be granted by a clinical supervisor prior to the signing of this consent.**

Safeguarding procedures for photographs and recordings:

Personal or social purposes:

The photographs and/or recordings become the recipient's personal property. The recipient may display or show these as he or she desires. Audio recordings taken of a recipient during prolonged exposure treatment are for the personal use of the recipient and become the recipient's personal property.

Professional training and education:

When photographs and/or recordings are to be taken for the purpose of professional training and education, staff will inform the individual signing the consent whether or not the photographs, or audio or video recordings, and any copies of them, will be kept as part of the recipient's record and be subject to standards governing confidentiality. If the photographs, or audio or video recordings are to be kept confidential, staff will review periodically, at least annually, whether they are still essential for the original purpose. They will either be given to the recipient, or parent of a minor or guardian, or destroyed when they are no longer essential or when the recipient is discharged from Pathways services, whichever occurs first.

Clinical services / treatment:

The photographs and/or recordings will be kept as part of the recipient's record and will be reviewed periodically, at least annually, to determine whether they are still essential for the original purpose. They will either be given to the recipient, guardian, or parent of a minor, or destroyed when they are no longer essential or when the recipient is discharged from Pathways services, whichever occurs first.