

HIAWATHA BEHAVIORAL HEALTH BOARD

Administrative Policy

Chapter: Recipient Rights

Section: Fingerprinting, Photographing, Audio-taping, Use of One Way Glass (6.6)

Approved: 5/24/10
Rescinds: 6.6 - Dated 5/21/07

Review Committee: Recipient Rights Advisory Committee
Review Date: 4/29/10

I. Purpose

To develop procedure for photographing, fingerprinting, audio-taping, use of one-way glass and videotaping mental health services and recipients.

II. Policy

It is the policy of the Hiawatha Behavioral Health Authority to protect and promote the basic human dignity and right to privacy of individuals receiving services. No recipient shall be fingerprinted as part of any program of this clinic. Informed consent shall be obtained prior to utilizing one-way glass, photographing, or audio-taping a recipient.

III. Definitions

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

Consent: An agreement in writing executed by the recipient or the legal representative of the recipient, if legally empowered to execute a consent. The consent will include the basic elements for which the consent will accomplish.

Photography: Includes still pictures, video or digital reproductions.

IV. Procedure

1. Photographs or audiotapes may be taken and 1-way glass may be used for the provision of services, and/or educational, research, and training purposes only when written consent is obtained prior to the actual event.

A. The primary clinician shall obtain prior written consent from one of the following:

1. The recipient, if 18 years of age or over, and competent to consent.
2. Written consent from the guardian of the recipient, if the guardian is legally empowered to execute such a consent.
3. Written consent from the parent with legal and physical custody of the recipient, if the recipient is a minor.

B. Photographs, audiotapes and the use of one-way glass may be used in order to provide services to include research to a recipient or in order to determine the name of the recipient.

C. Photographs and/or audiotapes taken in order to determine the name of a recipient shall be kept as part of the recipient's case record. The photographs or audiotapes may be delivered to others for assistance in determining the name of the recipient. Photos and/or audiotapes so delivered shall be returned together with copies that were made. Anyone receiving photos and/or audiotapes shall be informed of the requirement that return be made. Upon return the photos and/or audiotapes, along with the copies, shall be kept as part of the recipient's clinical case record.

D. Any photographs and/or audiotapes, to include all copies, shall be subject to the standards governing confidentiality except as stated in Subsection B.

E. Photographs and/or audiotapes in the clinical case record of the recipient, to include all copies, shall be given to the recipient or destroyed when they are no longer essential in order to achieve one of the objectives set forth in Subsection A or upon closure of the case whichever occurs first.

F. The consent must state the intended use of the photograph, videotape, audiotape, or transmission of image / voice and is only valid through the specific and time limited circumstance for which it is intended. The only exception is identification photographs which are secured in the recipient's clinical case record.

G. Written consent must be obtained prior to every situation that involves the intended use of photograph, videotape, audiotape, or transmission of image / voice.

H. Annual review of the photographs, or audiotapes in the record, to include all copies, is required to determine whether they are still necessary for the original purpose. At the time of review, it shall be determined if they are necessary; if not, the recipient may wish to keep them or they can be destroyed.

I. Photographs may be taken for personal or social purposes if the recipient consents.

J. There shall be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges or freedom. The recipient shall be informed that he/she is free to withdraw his/her consent and to discontinue participation or activity at any time without prejudice to the recipient.

K. The individual responsible for photographing, audiotaping, or using a one-way glass shall afford the recipient an opportunity to object either verbally or in writing at any time prior to and during the photographing, audiotaping, or the utilization of a one-way glass.

V. Application

All Programs Operated By and Under Contract With Hiawatha Behavioral Health Authority

VI. Cross References And Legal Authority

A. Act 258 of the Public Acts of 1974 as amended, - Mental Health Code Sections 330.1100a, 330.1724, 330.1748

B. Department of Community Health Administrative Rules - R - 330.7003