

HIAWATHA BEHAVIORAL HEALTH
Administrative Policy

CHAPTER: Recipient Rights	SECTION: Fingerprinting, Photographing, Video and Audio recording, Use of One Way Glass – 6.6
EFFECTIVE DATE: 2/21/05	APPROVAL /REVISED DATE: 6/28/2021
REVIEW DATE: 5/27/2025	REVIEW COMMITTEE: Recipient Rights Advisory Committee CHANGES: Yes: X No:

I. Purpose

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

II. Policy

It is the policy of Hiawatha Behavioral Health 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. Informed consent shall be obtained prior to utilizing one-way glass, photographing, video or audio recording a recipient.

III. Definitions

- A. Audio recording: Any reproduction of a recipient's voice by mechanical or digital means
- B. Consent: A written agreement executed by a recipient, a minor recipient's parent, or a recipient's legal representative with authority to execute consent, or a verbal agreement of a recipient that is witnessed and documented by an individual other than the individual providing treatment.
- C. Photography: Includes still pictures, and digital productions of such.
- D. Video Recording: Includes motion pictures and digital productions of such.

IV. Procedure

- A. Photographs, video, or audio recordings may be obtained and one-way glass may be used for the provision of services, educational, research, and/or training purposes only when written consent is obtained prior to the actual event and shall be effective until rescinded.
- B. 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. The guardian of the recipient, if the guardian is legally empowered to execute such consent.
 - 3. The parent with legal custody of the recipient, if the recipient is a minor.
- C. Photographs, audio or video recordings, and the use of one-way glass may be used in order to provide services to include research of a recipient or in order to determine the name of the recipient.
- D. Photographs audio and/or video recordings taken in order to determine the name of a

recipient shall be kept as part of the recipient's electronic medical record. The photographs or audiotapes may be delivered to others for assistance in determining the name of the recipient. Photos, audio and/or video recordings 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, audio and/or video recordings along with the copies, shall be kept as part of the recipient's electronic medical record.

- E. Any photographs, audio and/or video recordings, to include all copies, shall be subject to the standards governing confidentiality.
- F. Photographs, audio and/or video recordings in the electronic medical 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.
- G. The consent must state the intended use of the photograph, video recording, audio recording, 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 electronic medical record.
- H. Written consent must be obtained prior to every situation that involves the intended use of photograph, video recording, audio recording, or transmission of image / voice.
- I. Annual review of the photographs, audio recordings or video recordings 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.
- J. Photographs may be taken for personal or social purposes if the recipient consents.
- K. 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.
- L. The individual responsible for photographing, audio recording, video recording, 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, audio recording, video recording, or the utilization of a one-way glass.
- M. Video surveillance is prohibited at all HBH provider sites owned and/or under contract with HBH; with exception of Licensed psychiatric hospitals who are permitted by law to surveil for the purpose of safety and quality improvement.

V. Application

All programs directly operated by and under contract with Hiawatha Behavioral Health

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 Health and Human Services Administrative Rules - R - 330.7003