

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

Date Issued: 11/21

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I. APPLICATION:

- ☐ SCCCMHA Board
- ☒ SCCCMHA Providers & Subcontractors
- ☒ Direct-Operated Programs
- ☒ Community Agency Contractors
- ☒ Residential Programs
- ☒ Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health Authority (SCCCMHA) shall ensure that recipients of mental health services are not fingerprinted, photographed, audio recorded, or viewed through one-way glass except as permissible by law.

III. DEFINITIONS:

- A. Photograph: For the purposes of this administrative procedure, photographs include still pictures, motion pictures, and recordings.
- B. Recipient: Means an individual who receives mental health services from the Michigan Department of Health and Human Services (MDHHS), a community mental health services program, or a facility or from a provider that is under contract with the MDHHS or a community mental health services program.

IV. STANDARDS:

- A. A recipient of mental health services shall not be fingerprinted, photographed, audio recorded, or viewed through one-way glass except in the circumstances and under the conditions set forth in this administrative procedures.
- B. Fingerprints, photographs, or audio 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 the recipient only when prior written consent is obtained from one of the following:
 - 1. The recipient, if 18 years of age or older and competent to consent.
 - 2. The guardian of the recipient, if the guardian is legally empowered to execute such a consent.

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3. The parent with legal and physical custody of the recipient, if the recipient is less than 18 years of age.
- C. Fingerprints, photographs, or audio recordings taken in order to provide services to a recipient, and any copies of them, shall be kept as part of the record of the recipient.
 - D. Fingerprints, photographs, or audio recordings taken in order to determine the name of a recipient shall be kept as part of the record of the recipient, except that when necessary the fingerprints, photographs, or audio recordings may be delivered to others for assistance in determining the name of the recipient. The assisting party must be informed of the requirement that they must return the fingerprints, photographs, or audio recordings along with any copies that were made. Upon return, all fingerprints, photographs, or audio recordings, together with copies, shall be kept as part of the record of the recipient.
 - E. A review of the current need for fingerprints, photographs, or audio recordings will be done periodically. Fingerprints, photographs, or audio recordings in the record of the recipient, and any copies of them, shall be given to the recipient or destroyed when they are no longer essential in order to achieve the objectives set forth in Standards B, C, or D or upon discharge of the recipient, whichever comes first.
 - F. Photographs 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/her objection.
 - G. Fingerprints, photographs, and audio recordings may be taken and a recipient may be viewed through one-way glass after written consent is obtained from one of the following:
 1. The recipient, if 18 years of age or older 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.
 - H. Family or Couple Audio Recording or One-Way Mirror Observation: One adult parent can give authorization for the family to be photographed or audiorecorded, if all others present are in agreement. In couple or marital counseling, both adults must sign to indicate agreement. Indication that the family or couple can be photographed or audio recorded shall appear on the consent form. All adult individuals 18 years of age or older must sign a separate consent form. A copy of the consent form must be maintained in the recipient's record.
 - I. Group Counseling: Each member of a group or their court-appointed guardian must complete a separate Consent Form prior to being photographed, audio recorded, or observed through one-way glass. A copy of the consent form must be maintained in the recipient's record.

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- J. Exchange of Photographs or Audio Recordings Outside Agency: The exchange of a recipient's fingerprints, photographs, or audio recordings obtained in order to determine the name of a recipient may be shared outside the agency/provider after the agency/provider obtains the approval of the SCCCMHA Executive Director.
- K. Public Materials: Newsletters, Annual Reports, and other publications may include a recipient's photograph with a description of the recipient as long as the recipient, or, if a guardian has been appointed by the Court, their guardian has completed the Authorization/Consent Form for Newsletters, Annual Reports, Public Relations, and Related Uses (Form #382). A copy of the consent form must be maintained in the recipient's record.
- L. A recipient is free to withdraw consent and discontinue participation in an activity at any time without prejudice to the recipient.
- M. In all instances, an agency/provider owned device must be used by employees/volunteers when capturing photographs of and/or audio recording recipients of services.
- N. Photographs and audio recordings shall not be captured on employees'/volunteers' personal devices.
- O. Video surveillance, capturing and/or recording images of recipients, is prohibited outside of a hospital/unit per MCL 330.1724.

V. **PROCEDURES:**

Employee/Volunteer

1. Obtains the approval of their supervisor to fingerprint, photograph, audio record, or observe a recipient through one-way glass.
2. Informs each recipient, or, if a guardian has been appointed, the recipient's guardian of the need to fingerprint the recipient, photograph the recipient, audio record the recipient, or use one-way glass to observe the recipient.
3. Obtains the written consent of the recipient, or, if a guardian has been appointed by the Court, the guardian, prior to fingerprinting, photographing, audio recording, or using one-way glass for observation. For photographs used in public materials, an "Authorization/Consent for Newsletters, Annual Reports, Public Relations, and Related Uses" form must be explained to and signed by the recipient, or, if a guardian has been appointed, the recipient's guardian. A copy of the consent form must be maintained in the recipient's record.
4. Distributes "Introduction to the Use of Sound Recording, Videotaping, and Observation for Psychotherapy" form (Exhibit A) to all recipients and guardians.
5. Ensures every effort is made to maintain the recipient's anonymity by not referring to the recipient's last name or using other identifying descriptors during an audio recorded interview or within a written description of the recipient.

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6. Stores fingerprints, photographs, and audio recordings in a secure manner to ensure confidentiality.
7. Destroys fingerprints, photographs, and audio recordings after their stated purposes have been accomplished or by the expiration date on the consent form.
8. Photographs taken for purely personal or social purposes must be captured on an agency/provider owned device and must be given to the recipient, but only after consent has been obtained from the recipient/guardian. Photographs taken for these purposes become the property of the recipient.

VI. REFERENCES:

- A. Michigan Mental Health Code, Section 330.1724
- B. Michigan Department of Health and Human Services Administrative Manual on "Photographing, Audio Recording, or Transmitting Images/Voices of Recipients of Public News Media"

VII. EXHIBITS:

- A. Introduction to the Use of Sound Recording, Videotaping, and Observation for Psychotherapy

VIII. REVISION HISTORY:

Dates issued 06/82; 07/84; 12/85; 06/89; 07/91; 10/93; 09/97; 08/99; 09/01; 09/03; 08/05; 08/07; 08/09; 03/12; 09/12; 09/13; 09/14; 01/16; 05/16; 05/17; 09/17; 09/18; 09/19; 9/20.

Introduction To

The Use of Sound Recording, Videotaping & Observation for Psychotherapy

The use of sound recording, videotaping, and/or one-way mirror observation of individual, group, and family therapies is a major investment on the part of St. Clair County Community Mental Health to continually provide the highest quality of services to our individuals.

The use of these sophisticated methods sometimes causes anxiety in individuals. This is expected. Please, discuss your feelings with your therapist.

Although you do have the right to refuse such taping or observation of your therapy sessions we ask you to consider these important factors:

- 1.) Your consent can be revoked at any time.
- 2.) Only Community Mental Health therapeutic staff will tape/observe sessions.
- 3.) This sophisticated method is widely used at universities to train therapists and provide ongoing training to practicing professionals. All staff are being trained in its use.
- 4.) All recordings are entirely confidential. The Michigan Mental Health Code and the Michigan Department of Health and Human Services' Administrative Rules protect your right to confidentiality. Once they are no longer needed, all recordings will be erased/destroyed in a timely manner.
- 5.) Recordings provide feedback to your therapist/your therapist's peers, helping to enhance your therapist's skills. Recordings may also be used as a vehicle to provide you with important therapeutic discoveries about your mental/emotional well-being.
- 6.) Therapy observation by other mental health staff will provide the therapist with rapid, helpful feedback about his/her techniques and the process of therapy, and assist you, the individual, by fostering the most effective intervention techniques to improve your mental/emotional health.