



<b>Policy Title:</b>	<b>Copyright Compliance - OASIS</b>
<b>Policy #:</b>	<b>08-003-0035</b>
<b>Effective Date:</b>	06/5/2025
<b>Approved by:</b>	Telly Delor, Chief Operating Officer
<b>Functional Area:</b>	Data Management & Quality Improvement
<b>Responsible Leader:</b>	Michelle Measel-Morris
<b>Policy Owner:</b>	Denise Choiniere, Administrative Specialist, Quality Management
<b>Applies to:</b>	Community Agency Contractor, Contracted Network Providers, Directly Operated Programs, Specialized Residential Providers, SCCCMH Staff, SCCCMH Board

**Purpose:** To provide guidance about how to:

- identify copyrighted documents submitted for scan/upload into the electronic health record
- allow or restrict scan/upload of copyright-protected documents based on approval or denial from the individual/agency that owns the copyright
- identify copyright-protected documents on the Scanned Document Guide.

### I. Policy Statement

It is the policy of St. Clair County Community Mental Health (SCCCMH) to ensure its providers fully support federal and international *copyright protection* law to fulfill moral and legal obligations with respect to the use of copyright protected materials.

### II. Standards

- A. SCCCMH acknowledges that copyright infringement is a violation of the law and civil and/or criminal liability may be imposed on the individual infringer, as well as on the infringer's employer. Therefore, every employee is required to comply with copyright law and adhere to this copyright policy. Failure to do so may result in disciplinary action.
- B. Copyright infringement through inappropriate copying or distribution of copyrighted content is a personal as well as a company liability. This would also include altering language, format, or reproduction of modifications made by an individual or

corporation that does not hold the copyright with the intent to use the copyrighted material in its altered format.

- C. Non-digital content that is protected by copyright is also protected in a digital form. Material found on a website may or may not be protected; it is always important to review and understand the terms of use for the site because those terms will indicate if the materials can be used without permission.
- D. Employees may not reproduce any copyrighted work in print, video, or digital form in violation of the law. Works are considered protected even if they are not registered with the U.S. Copyright Office, and employees must assume that most materials used are copyrighted until proven otherwise.
- E. If an employee wants to use material that is not covered by copyright, they should confirm that the material is not protected by any other area of law, such as trademark or trade secret law. If it has been created by an employee of the company, the material can be used subject to the guidelines set forth by SCCCMH.
- F. When a work is copyrighted, written permission must be received from the copyright holder or a license must be obtained to acquire the right to reuse the copyrighted work in order to avoid an infringement of copyright, unless it is determined in consultation with legal counsel that the use would constitute a *Fair Use of Copyright*.
- G. Requesting Permission: Permission to use copyright-protected materials should be obtained prior to using those materials. It is best to obtain permission in writing, which may be by e-mail, and to ensure that the administrator/legal counsel of SCCCMH has a copy of each permission form or letter. The time needed to obtain permission may vary. When possible, it is recommended to start the permission procedure well in advance of the time that the materials are needed. The copyright owner, their representative and/or the licensing intermediary that represents the kind of permission sought, will require certain specific information in order to provide the permission. Each permission request should include the following information:
  - 1. Title of the material
  - 2. Creator/author of the material
  - 3. Description of material
  - 4. ISBN or ISSN, if applicable (standard numbers used on most published text material)
  - 5. Date of publication, if applicable
  - 6. Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
  - 7. How the material is to be reproduced (e.g., photocopied, digitized)

8. Where the reproduced material will appear (including internal vs. external use) and for how long.
- H. SCCCMH has negotiated licenses or obtained written permission for some materials that allows employees to use and share materials. These licenses have restrictions and specific terms of use. As a result, it is critical that an employee investigate what the permitted uses are before copying or sharing any copyrighted materials.
- I. Whenever an employee of SCCCMH creates written or other creative material (such as a web presentation or audiovisual piece), that material is presumptively protected by copyright. Works created within the scope of or related to specific jobs are automatically owned by SCCCMH as “works made for hire” under the U.S. Copyright Act. When works are to be created by contractors or consultants to SCCCMH, the contract with such contractor or consultant should specify that all works created under that contract are deemed to be “works for hire” and that if such works do not become the property of SCCCMH as a matter of law, the contractor or consultant thereby assigns all of their rights in such works to SCCCMH.
- J. When using any company-created copyrighted materials, a proper copyright notice should be posted on any materials that will be distributed outside SCCCMH.
- K. If there is any doubt whether a work is covered by copyright, it is best to be cautious and to follow the procedures established for the use of copyrighted works.
- L. SCCCMH reserves the right to monitor its computer systems (including desktop, laptop and handheld devices) and any content stored on the agencies computer system. SCCCMH also reserves the right to remove, delete, modify, or otherwise disable access to any materials found to be infringing of copyright.
- M. Any shareware or software to be used on SCCCMH’s computers should be licensed if they are to be used by an employee, consultant, or contractor. For the security and safety of network systems, software should only be installed with the permission and assistance of Information Technology staff.
- N. SCCCMH expects its employees to be responsible consumers of copyright-protected materials. Employees are encouraged to educate their peers on copyright compliance. If any employee witnesses a potential copyright infringement, it should be brought to administration’s attention.

### III. Procedures, Definitions, and Other Resources

#### A. Procedures

##### Actions

Action Number	Responsible Stakeholder	Details
1.0	Quality Improvement Staff	<ol style="list-style-type: none"> <li>1. Begin and document the process of collecting permission and if permission is not granted, indicate reason, date of refusal and specific material that cannot be copied, scanned, or otherwise reproduced on the Scanned Document Guide – Copyrights tab.</li> <li>2. Save written permission documentation and store as an electronic version in the policy file and as a hardcopy under the discretion of the administrative director.</li> <li>3. Document copyrighted material for which written permission is granted, or a license is obtained, and when assessment or material can be scanned or otherwise reproduced – see Reference A.</li> </ol>
2.0	Records Staff	<ol style="list-style-type: none"> <li>4. Verify if written permission has been granted by checking the Scanned Document Guide – Copyrights tab.</li> <li>5. Scan the document, form, protocol, or score sheet into electronic health record (OASIS).</li> <li>6. Prepare for filing, if the document, form, protocol, or score sheet is NOT granted permission to be scanned/uploaded into the EHR. The copyrighted item will be filed (alphabetical order) in a designated location within the applicable program. These assessment originals are to be kept for a period of 7 years. See <a href="#">Administrative Policy #03-002-0060, Record Retention and Disposal – Administrative and Case Records</a>.</li> </ol>
3.0	Clinical Staff	<ol style="list-style-type: none"> <li>7. Incorporate assessments and/or results that are not able to be scanned due to copyright infringement, into other clinical documentation as appropriate (Biopsychosocial, Clinical Assessment, etc.) so the scores and other relevant information is analyzed and accessible to staff that need information related to specific cases. Send original assessment (if necessary) to records staff for filing in designated location.</li> <li>8. Notify “Assigned Staff” of the intent to use a specific assessment tool, so that permission to scan can be obtained in advance, otherwise the assessment will need to be stored as a hard copy and information/scores from the assessment tool(s) will need to be documented appropriately.</li> </ol>

Action Number	Responsible Stakeholder	Details
		9. Refer to list of assessments tools that can be scanned into EHR, which will be updated as permissions are granted or denied. Questions should be directed to quality improvement staff.

## B. Related Policies

[Administrative Policy #03-002-0060, Record Retention and Disposal – Administrative and Case Records](#)

## C. Definitions

1. *Copyright:* The purpose of copyright law is to provide authors and other creators (and those who obtain rights through such persons) with an incentive to create and share creative works by granting them exclusive rights to control how their works may be used. Among the exclusive rights granted to those authors are the rights to reproduce, distribute, publicly perform, and publicly display a work. These rights provide copyright holders control over the use of their creations, and an ability to benefit, monetarily and otherwise, from the exploitation of their works. Copyright also protects the right to “make a derivative work,” such as publishing an article in a book or journal. For non-copyright holders, permission must be obtained prior to re-using or reproducing someone else’s copyrighted work. A Copyright remains in effect for a defined term called the *Duration of Copyright*.
2. *Copyright Protection:* The rights granted under the U.S. Copyright Act (embodied in Title 17 of the U.S. Code) are intended to benefit “authors” of “original works of authorship,” including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. This means that virtually any creative work in readable or viewable format, including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials; unpublished materials, such as analysts’ reports and consultants’ advice; and non-print materials, including Web sites, computer programs and other software, databases, sound recordings, motion pictures, video files, sculptures and other artistic works are almost certainly protected by copyright. However, not everything is protected by copyright. Some things may, be protected under other areas of law, such as patent or trademark law, or by contract. It is important to be sure that no other form of protection restricts the use of such materials before using them.
3. *Duration of Copyright:* In the U.S., a work created on or after January 1, 1978, is ordinarily protected for a term equal to the author’s life plus 70 years after the

author's death. This is called the “life-plus-70” rule. Works created by companies or other types of organizations have a copyright term of 95 years. For works created before 1978, the duration of protection depends on a number of factors and will vary.

4. *Fair Use of Copyright*: Fair use is a defense under U.S. law that may be raised by the defendant in a copyright infringement case. Fair use recognizes that certain types of use of other people's copyright protected works do not require the copyright holder's authorization. The fair use doctrine is codified in Section 107 of the U.S. Copyright Act. See: <https://www.copyright.gov/title17/>. Fair use may be applicable for a few purposes: criticism, comment, news reporting, teaching, scholarship, or academic research. Fair use requires an appropriate risk assessment as to whether re-use under certain circumstances may be considered fair use.

**D. Forms**

N/A

**E. Other Resources** (i.e., training, secondary contact information, exhibits, etc.)

N/A

**F. References**

1. Scanned Document Guide – Copyrights tab
2. U.S. Copyright Act
3. Copyright Clearance Center
4. Black's Law Dictionary

## IV. History

- Initial Approval Date: 05/2014
- Last Revision Date: BY:
- Last Reviewed Date: 04/2025 BY: Denise Choiniere
- Non-Substantive Revisions:
- Key Words: Copyright, Electronic Health Record, OASIS