
Title	Northern Lakes CMHA Policies
Part 106	Supports and Services – NLCMHA Provided and Contract
Subpart J	Mental Health Code Protected Recipient Rights
Policy No.	106.1021
Subject	Photography, Audio-Video Taping, Fingerprinting, or One-Way Glass (RR)

Applicability

Policy applies to all Northern Lakes CMHA activities, operations and sites and to all workforce members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that have elected to adopt and adhere to Northern Lakes CMHA policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Northern Lakes CMHA and its contracted providers shall not photograph, film, audio-video tape, otherwise electronically record, fingerprint, or view a recipient through one-way glass except in the circumstances and under the conditions allowed by the Michigan Mental Health Code (PA 258 of 1974, MCL 330.1724) and this policy.

“Photography” means the use of still, digital, motion picture, and videotape cameras.

STANDARDS:

A: A recipient shall be photographed, audio-video taped, otherwise electronically recorded, or viewed through 1-way glass only in one or more of the following circumstances:

1. When essential to provide services to a recipient;
2. When essential to determine the identity of the recipient;
3. For the purpose of approved research, education, or training.

B: A recipient shall not be fingerprinted except in order to provide supported employment services to the recipient.

C: A recipient shall be photographed, filmed, audio-taped, otherwise electronically recorded, fingerprinted, or viewed through one-way glass only under the following conditions:

1. With the express prior written informed consent is obtained from the recipient, his/her legally empowered guardian, or the parent of a minor recipient documented on an approved form incorporating the above policy content. When used this form shall be kept as part of the permanent record of the recipient;
2. When the rationale has been provided in writing to the recipient or their legally empowered representative consistent with one of the above circumstances;
3. When the consent is time-limited, subject to review every 90 days to determine if the use is still essential;
4. A photograph, film, audio-tape or other electronic recording shall not be taken or used if the recipient indicates any objection;
5. A photograph may be taken and used for purposes that are purely personal or social for the recipient if the recipient assents to be photographed. These photographs are and remain the personal property of the recipient;
6. Public display in a mental health service site of photographs taken of a recipient for personal or social purposes shall require the prior written consent of the recipient or his or her guardian if one has been appointed or the parent of a minor recipient authorized to provide consent.
7. When requests are made by persons or entities other than Northern Lakes CMHA or its contracted providers to photograph recipients, the Northern Lakes CMHA Chief Executive Officer or designee shall be consulted and written consent by the recipient or their legally empowered representative shall be obtained before the request is granted, even if the recipient is not to be identified in that particular media;
8. Photographs, audiotapes, other electronic recordings, and copies thereof will be maintained confidentially and with adequate security precautions in the record of a recipient. These shall be given to the recipient or destroyed when they are no longer essential in order to achieve the objectives of the original consent or upon discharge of the recipient, whichever occurs first;
9. Agreements will be made with third parties to whom photographs, audiotapes, and other electronic recordings are delivered for assistance in determining the name of the recipient for the return of the photographs together with any copies made.

Procedures

None.

Adoption Date: May 23, 2006

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