

SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

CLINICAL POLICY

NUMBER: RR003

NAME: FINGERPRINTING, PHOTOGRAPHING, AUDIO-RECORDING AND USE OF ONE-WAY GLASS

INITIAL APPROVAL DATE:	06/12/2002	APPROVED BY: Administrative Committee
STAKEHOLDER REVIEW:	12/12/2023	REVIEWED BY: Recipient Rights Advisory Comm.
(LAST) REVISION DATE:	11/04/2011	APPROVED BY: Recipient Rights Officer
(LAST) REVIEW DATE:	12/14/2023	REVIEWED BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

I. PURPOSE

To establish policy and procedure relative to the fingerprinting, photographing, audio recording and use of one-way glass with an individual of mental health services.

II. APPLICATION

Populations: **ALL**
Programs: **Direct - ALL**
Contracted - ALL

III. POLICY

An individual receiving mental health services shall not be fingerprinted, photographed, audio recorded or viewed through a one-way glass by the providers of services except in the circumstances set forth in this policy.

IV. DEFINITIONS

Education/Training - For the purposes of this policy, education and training includes the use of photographs for the development of treatment approaches, supervision of therapy and staff skill development [in-service training].

Photography - For the purposes of this policy, includes the use of still, motion picture and recordings.

V. STANDARDS

- A. 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 an individual in order to determine the name of the individual only when prior written consent is obtained from one of the following:
1. The individual receiving services, if eighteen [18] years of age or over and competent to consent.
 2. The guardian of the individual receiving services, if the guardian is legally empowered to execute such consent.

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3. The parent with legal and physical custody of the individual receiving services if the individual is less than eighteen [18] years of age.
- B. Fingerprints, photographs or audio recordings taken in order to provide services to an individual receiving services and any copies of them shall be kept as part of the record of the individual receiving services.
- C. Fingerprints, photographs or audio recordings taken in order to determine the name of an individual receiving services shall be kept as part of the record of the individual except that when necessary, the fingerprints, photographs or audio recordings may be delivered to others for assistance in determining the name of the individual receiving services. For the purpose of determining the name of an individual receiving services, fingerprints or photographs may be used if the individual cannot be identified by conventional methods or inquiries. Whenever possible, fingerprints or photographs from other sources, including government agencies, shall be utilized. Individuals receiving fingerprints, photographs or audio recordings shall be notified of the requirement that they be returned together with copies that were made.
- D. Fingerprints, photographs or audio recordings in the record of the individual receiving services and any copies of them shall be given to the individual or destroyed when they are no longer essential in order to achieve one of the objectives set forth in Section A or upon discharge of the individual receiving services, whichever occurs first.
- E. Photographs of an individual receiving services may be taken for purely personal or social purposes and shall be maintained as the individual's personal property. A photograph of an individual shall not be taken or used under this section if the individual has indicated his or her objection.
- F. Photographs or audio recordings may be taken and one-way glass may be used for educational or training purposes only when expressed written consent is obtained from one of the following:
 1. The individual receiving services, if eighteen [18] years of age or over and competent to consent.
 2. The guardian of the individual receiving services if the guardian is legally empowered to execute such consent.
 3. The parent with legal and physical custody of the individual receiving services if the individual is less than eighteen [18] years of age.
 4. This section does not apply to an individual receiving services referred to under Chapter 10.
- G. Photographs, audio recordings, one-way glass used for an individual's treatment approach and for the purpose of developing treatment approaches, supervision of therapy and staff development shall include the appropriate consents. When used in this manner, they will be reviewed in conjunction with the regular, quarterly case review process and shall be discontinued if:
 1. The case has been closed;
 2. The use no longer facilitates treatment;
 3. The use is no longer required for staff training. [A recording, which is especially useful for professional training may be maintained beyond the case closing by

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obtaining formal, written permission from the individual receiving services authorizing the continued use of the recording.]

- H. This consent may be withdrawn at any time by providing verbal or written notice to the provider of service.

VI. ATTACHMENTS

VII. REFERENCES

Michigan Mental Health Code 330.1724.