

HEALTHWEST
Policy and Procedure
No. 04-007

Prepared by:
The Office of Recipient Rights

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Approved by:

Subject: Fingerprints, Photographs, Audio
Recording or Use of One-Way Glass

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I. POLICY

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: The recipient if 18 years of age or over and competent to consent. The guardian of the recipient if the guardian is legally empowered to execute such a consent. The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age.

II. PURPOSE

To provide for the fingerprinting, photographing, audio recording or viewing through one-way glass of recipients of mental health services.

III. APPLICATION

All programs, services and facilities operated by HealthWest, and contracted facilities where adherence to this policy is specified in the contract.

IV. DEFINITIONS

- A. **Fingerprints:** The personal identifiable markings on a person's fingers or feet.
- B. **Photographs:** Includes still pictures, motion pictures, video and digital records.
- C. **Audio recording:** Any sound recording.
- D. **One-Way Glass:** Any means of unobtrusive observation.
- E. **Informed Consent:** A written agreement signed by the recipient, parent of a minor, or empowered guardian, to give consent. Refer to HealthWest Policy No. 04-003.

- F. **Education and Training:** Photographing, audio recording or viewing through one-way glass of recipients for the purpose of reaching treatment goals and/or aiding staff through demonstration.
- G. **Public News Media:** Publications including but not limited to newspapers, magazines, and books and other printed or electronic materials produced by the public press, business or industrial firms, non-profit associations or public agencies (including mental health agencies); communications systems capable of transmitting photographs or sound via air or cable, e.g., television, radio, internet.

V. PROCEDURES

- A. 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. Fingerprints, photographs, or audio recordings so delivered shall be returned together with copies that were made. An individual receiving fingerprints, photographs, or audio recordings shall be informed of the requirement that return be made. Upon return, the fingerprints, photographs, or audio recordings, together with copies, shall be kept as part of the record of the recipient.
- B. Fingerprinting, photographing, audio recording or viewing through a one-way glass of recipients for training, educational, or public news media purposes is permitted only when informed consent has been obtained in writing and signed by the:
 - 1. Recipient, if 18 years of age or older and competent to consent.
 - 2. Guardian, if legally empowered.
 - 3. Parent if the recipient is less than 18 years of age.
- C. There shall be an instruction that an individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient. The recipient must be advised immediately prior to the fingerprinting, photographing, audio taping or viewing through a one-way glass, and must be afforded an opportunity to object. If the recipient expresses verbal or gestural objection, such objections shall be honored whether or not the recipient (guardian or parent) has previously signed consent for such procedures.
- D. 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 under this subsection if the recipient has indicated his or her objection.
- E. Fingerprints, photographs, or audio recordings in the record of a recipient, and any copies of them, 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 B, or upon discharge of the resident, whichever occurs first.
- F. There will be an annual review by the recipient's primary worker to determine if fingerprints, photographs, or audio recordings are still essential to provide services, including research or to determine the name of the recipient.

- G. Any photographs or audio recordings of recipients used for education or training, will be stored in a space that ensures confidentiality.
- H. The public news media may be permitted to take and use pictures of mental health facilities that do not include photographs of recipients of services or in which recipients are not identifiable.

VI. REFERENCES

MCL 330.1724

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