

Chapter: **RECIPIENT RIGHTS**
Title: **FINGERPRINTING, PHOTOGRAPHING, AUDIO RECORDING, VIDEO RECORDING, AND ONE-WAY GLASS VIEWING**

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Chief Executive Officer Date

Approved by: Al Lorenzo 05/02/2025
County Executive Office Date

I. ABSTRACT

This policy establishes the standards and procedures of Macomb County Community Mental Health (MCCMH), an official agency of the County of Macomb, regarding fingerprinting, photographing, audio recording, video recording, and one-way glass viewing of recipients serviced by MCCMH providers.

II. APPLICATION

This policy shall apply to the MCCMH Board of Directors, Certified Community Behavioral Health Clinics (CCBHC) in Macomb County, directly-operated provider employees, independent contractors, volunteers; as well as MCCMH contracted network provider employees and volunteers.

III. POLICY

It is the policy of MCCMH that recipients of Macomb County Community Mental Health services shall not be fingerprinted, photographed, audio recorded, video recorded, or viewed through a one-way glass by MCCMH providers except in the circumstances and under the conditions set forth in this policy.

IV. DEFINITIONS

- A. Audio recording
Any recording of the voice of an individual.
- B. Consent
An agreement by or on behalf of the recipient. Written consent is obtained from:
 1. A competent recipient who is more than 18 years of age;
 2. A guardian of a recipient who is legally empowered to execute a consent; or
 3. A parent with legal and physical custody of a recipient who is less than 18 years of age.

* Consent must include legal competency, knowledge, comprehension, and voluntariness.

- C. Fingerprinting
An inked and/or digital impression of the ridges of a finger's surface used as a means of identification.
- D. One-Way Glass Viewing
A sheet of glass used for observation that functions as a mirror when viewed from one side but is translucent on the other side.
- E. Photographing
A visual image reproduced as still pictures, slides, motion pictures, videotape, "live" television, or digital image.
- F. Public News Media
Publications including, but not limited to, newspapers, magazines, books and other digital and printed materials produced by the public press, business or industrial firms, non-profit associations, or public agencies (including mental health agencies); or communication systems capable of transmitting photographs or sound via air or cable, e.g., television, radio, or fax.
- G. Recipient
Individuals receiving MCCMH mental health services.
- H. Recording
Any audio recording or video recording of an individual.
- I. Videorecording
Any recording of the voice and image of an individual.

V. STANDARDS

- A. Recipients of MCCMH provider services shall not be fingerprinted, except as provided below. Fingerprints taken by another source and obtained during the provision of MCCMH services shall not be inserted in MCCMH records.
- B. Recipients may be filmed, recorded, photographed, audio recorded, video recorded, and/or observed through a one-way mirror after prior written consent is obtained for the following purposes only:
 1. Providing services (consenting parents of minor children are permitted to view the provision of all services);
 2. Performing research;
 3. Providing training; and
 4. For an educational or MCCMH sanctioned community event.
- C. All recordings and any copies of them shall be part of the recipient record and returned or destroyed when they are no longer essential to achieve the objectives outlined in V.B. or upon discharge of the recipient.
- D. Fingerprints, photographs, or recordings may be used to determine the name of a recipient,

under the following conditions:

1. Fingerprints, photographs, or recordings taken to determine the name of a recipient shall be part of the recipient record.
 2. Fingerprints, photographs, and recordings may be delivered to others for assistance in determining the name of the recipient, after notification is provided to the receiver that it is mandatory to return all provided items.
 3. The delivered fingerprints, photographs, and recordings must be returned to MCCMH together with any copies that were made.
- E. Providers may photograph or record a recipient for purely personal or social purposes if:
1. The recipient does not communicate a verbal or written objection; and
 2. It is maintained as property of the recipient.
- F. Public news media personnel or non-MCCMH persons shall not photograph or record a recipient engaged in MCCMH activities unless all the following occur:
1. A written request is made to the MCCMH Chief Executive Officer or designee;
 2. Written approval is obtained from MCCMH Chief Executive Officer or designee;
 3. Written consent for each recipient to be photographed or recorded is obtained by an authorized staff member; and
 4. Provider personnel accompany the public news media member at all times to ensure the recipients' participation decision is observed.
- G. If such activities might violate the recipient's rights, the Chief Executive Officer or designee may rescind previously granted approval. Provider personnel shall not interfere in activities or recordings that do not violate the confidentiality and privacy rights of recipients.
- H. Written consent for photographing, recording, or use of such materials by the media shall encompass:
1. Statement of benefit and intended use or purpose of photograph or recording (e.g., treatment, staff training/education, community education, newspapers, television, professional journal, research projects);
 2. Statement of any risk that such consent could generate, including but not limited to, risk to confidentiality and privacy;
 3. Statement approving or not approving the use of the recipient's full name;
 4. Statement indicating recipients can withdraw consent at any time;
 5. Statement indicating recipient has had opportunity to ask and have questions answered;

6. A specific date of expiration; and
 7. Dated signature of the recipient, if 18 years of age or older, the parent(s) of a minor recipient, or recipient's legal guardian, and a witness.
- I. Consent may be terminated by the recipient or parent/guardian prior to the expiration date. All recipients shall be informed that they may object and withdraw their consent at any time without penalty.
 - J. A recipient shall be informed that withdrawal of consent after recording or photographing for training or education purposes, or for public relations materials, may not result in erasure or destruction of photographs, recordings or other materials produced, or in the process of being produced from materials recorded while consent was in effect. Withdrawal of consent will result in the discontinuation of further recording or photographing
 - K. Consent given on behalf of a minor is effective only during his/her minority. Once a minor recipient reaches 18 years of age, any prior parental consent is void and the consent of the now adult recipient or his/her legal guardian is required to continue photographing or recording the recipient.
 - L. Consent(s) obtained for photographs, recordings, and one-way mirror observation utilized for treatment shall be time-limited to the specified purpose and essential to provide ongoing services, including research, shall automatically expire after a twelve-month period, when a minor reaches 18 years of age, or when guardianship status changes.
 - M. Photographs, fingerprints, and recordings used for treatment, identification or research purposes shall be given to the recipient or destroyed when the first of the following conditions occurs:
 1. The specified purpose has been accomplished;
 2. Upon discharge; or
 3. Consent is withdrawn.

In the interim, they shall be stored in a locked administrative file to maintain confidentiality.

- N. The completed consent form shall be placed in the recipient's clinical record.
- O. Photographing or recording for commercial purposes (e.g., a drug company flier, provider websites, advertisements) is prohibited unless consent is obtained according to the standards herein.
- P. Permission to Allow Audio/Videotaping or Photographing (Exhibit A) shall be used to obtain the recipient's consent.
- Q. This policy shall not be construed to interfere with the rights of recipients who wish to visit with persons of the public media. Rather, these procedures shall be carried out with the singular purpose of protecting each MCCMH recipient's right to confidentiality.

- R. Video recording or surveillance for the purposes of safety, security, or quality improvement may only be conducted in a licensed psychiatric hospital or unit.

VI. PROCEDURES

- A. Applicable Clinical Staff/Case Managers shall:
 - 1. Discuss the need to record, photograph, or use one-way glass viewing with their supervisor.
 - 2. Review the need to record, photograph, or use one-way glass with recipient and/or legal representative, and obtain consent.
 - 3. Maintain written consent in the recipient's record.
 - 4. Provide the recipient the opportunity to object immediately preceding recording, photographing, or one-way glass viewing. Comply with the recipient's decision in favor of or objecting to recording, photographing, or one-way glass viewing.
 - 5. Maintain original and copies of any recordings and photographs in the recipient's record, at a secure location.
 - 6. Keep the time limited consent forms updated.
 - 7. Determine whether photographs and recordings must continue to be stored, returned to the recipient, or destroyed.
 - 8. Return original and all copies to recipient or destroy them when the specified purpose has been accomplished, the recipient is discharged, or consent is withdrawn.
 - 9. Coordinate provider personnel to accompany public news media who photograph or record a recipient to ensure that the recipient's rights are not violated and recipient consent has not been withdrawn.
- B. Consenting individuals shall:
 - 1. Consent or object to being recorded, photographed, or viewed through one-way glass.
 - 2. Consent or object to being photographed or recorded for personal or social purposes.
- C. A director or designee shall grant or deny permission to public news media to photograph or record a recipient engaged in MCCMH activities.

VII. REFERENCES/ LEGAL AUTHORITY

- A. Michigan Mental Health Code, MCL 330.1724
- B. Michigan Administrative Rules, Department of Health and Human Services, R330.7003

VIII. EXHIBIT

Permission to Allow Fingerprinting, Audio Recording, Video Recording, Photographing, or One-Way Glass Viewing