

CENTRA WELLNESS NETWORK

Board Adopted Procedure		
Procedure	03.18	Policy Title: 03.00 Enrollee Rights
Effective Date:	1/13/2011	Subject: Fingerprinting, Photographs, Audiotape, Telehealth, or Use of 1-Way Glass
Review Cycle:	3 Years	
Approval Validation Record		
Action	Date	Board Sec'y Initials
Full Board Vote:	1/13/2011	AKH
Minutes Approved:	2/10/2011	AKH
Accountability		
Board Committee:	Policy Committee	
Agency Function:	Fingerprinting, Photographs, Audiotape, Telehealth, or Use of 1-Way Glass	
Sunset Review Begins:		
Revised Date:	4.5.2017	AKH
Review Date:	4/24/2014	AKH

**CENTRA WELLNESS NETWORK
PROCEDURE 03.18 FINGERPRINTING, PHOTOGRAPHS, AUDIOTAPE,
TELEHEALTH OR USE OF 1-WAY GLASS**

I. APPLICATION:

Agency Wide.

II. POLICY:

The Centra Wellness Network (CWN) Governing Board shall establish policies with related procedures to ensure clients are offered the rights afforded them pursuant to obligations under the Mental Health Code, Administrative Rules, contractual obligations with the Michigan Department of Health and Human Services (MDHHS), and the Inter-local agreement with Manistee and Benzie Counties, any other state and federal regulations, and pertinent accreditation criteria.

III. DEFINITIONS:

Photography:

Includes the use of still and digital pictures, motion pictures, and videotape cameras.

Public news media:

- a. Publications including but not limited to newspapers, magazines, books, and other printed materials produced by the public press.
- b. Communication systems capable of transmitting photographs or sound via air, WIFI, or cable, e.g. cellular phones, tablets, television or radio.

Agency-related media:

Refers to publications produced by business or industrial firms, non-profit associations, or public agencies.

IV. PROCEDURE:

- A. Photographs or audio-taping by or on behalf of the public news media or agency-related media, including brochures and annual reports, may be taken only when prior written consent is obtained from one of the following, using the consent form for taping/photography.
 1. A recipient, if eighteen years of age or older and competent to consent.
 2. The guardian of the recipient if legally empowered to execute such consent.
 3. A parent, if the recipient is less than eighteen years of age.
- B. Photographs or audiotapes may be taken and 1-way glass may be used for educational or training purposes only when express written consent, using the consent form for taping/photography, is obtained from one of the following:
 1. A recipient, if eighteen years of age or older and competent to consent.
 2. The guardian of the recipient if legally empowered to execute such consent.
 3. A parent, if the recipient is less than eighteen years of age.
- C. A photograph or audiotape of the recipient shall not be taken or used if the recipient has indicated his/her objections, regardless of whether the recipient, parent or guardian has previously given consent.
- D. For identification purposes, specific written consent must be obtained and the photograph will be kept in the recipient record. If a photograph is delivered to an individual who is not an employee of Centra Wellness Network (CWN) for the purpose of identifying a recipient, it is required that:
 1. The photograph is to be returned.
 2. No duplication of the photograph is to be made without the approval from the Program Supervisor.
- E. For personal or social purposes, audiovisual reproductions may be made and used unless the recipient or guardian indicated his/her objection.

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- F. If photographs are required for gathering evidence in an allegation of abuse, consent is not required from the recipient, his/her parent or guardian, but may be taken at the direction of the Executive Director or his/her designee or the Recipient Rights Officer.
- G. All photographs, audiotapes, and videotapes taken for treatment purposes will become part of the clinical record, and as such are protected by confidentiality regulations. All such material will be stored in a locked area, annually assessed for continued need and immediately destroyed or returned to the recipient when not needed, at time of discharge, or when consent is withdrawn.
- H. If provision of services via telehealth is requested or clinically recommended and included in the individual plan of service, specific consent will be obtained that addresses:
 1. Decision making about when to use telehealth versus in person services.
 2. That prior to each telehealth service, all participants are identified (at both originating site and remote site).
 3. The availability of staff and/or crisis services at the originating site for the recipient before, after, and/or during the telehealth service.

V. DISCUSSION OF INTENT:

The intent of this procedure is to ensure that all recipients served by CWN, will only be photographed, videotaped, audio taped, or observed through one-way glass when written consent is obtained. No recipient will be fingerprinted as part of any program.

Authority and Related Directives Trace	
Federal	42 CFR §438.224; 42 CFR Subchapter IV, Mental Health Rights and Advocacy, Section 9501 (O) (2) (B)
State	MHC 330.1724, 330.1752; AR 330.7003
NMRE	
County	Interlocal Agreement of December 1992 Section IX(j)
CARF	CARF 2016 Behavioral Health, Section 1K, IJ
Other	Board By-Laws, Section 7.E.