

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
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Review Date:	4/24/2014	AKH

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

I. PURPOSE STATEMENT:

Centra Wellness Network's (CWN) Governing Body establishes and evaluates policies and related procedures as required by statutory and contractual obligations.

CWN reserves the right in its sole discretion to adopt and implement policies and procedures that ensure a safe, functional and professional workplace that operates with integrity using person-centered focus and planning, trauma informed practices and respect of others, cultural sensitivity and transparency in communication and practice. Organizationally and in practice, CWN is responsive to the needs of clients, community and staff.

Any statements and procedures are subject to review and/or unilateral change, modification, suspension or cancelation in whole or in part of any published/unpublished policies or procedures without notice and without having to give cause, justification, or consideration to any employee. Recognition of these rights and prerogatives of CWN is a term and condition of and maintaining employment.

Policies and Procedures are approved by the Board and/or upon recommendation by the Executive Director or his/her designee.

II. APPLICATION:

Agency Wide.

III. DEFINITIONS:

Photography:

Includes the use of still and digital pictures, motion pictures, recordings 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. POLICY STATEMENT:

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.

V. PROCEDURES:

- 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, including motion pictures and recordings, and 1-way glass may be taken, and used in home or community-based service settings only when all criteria below are met
 1. Prior and expressed written consent is obtained from one of the following:
 - (a) The recipient if 18 years of age or over and competent to consent.
 - (b) The guardian of the recipient if the guardian is legally empowered to

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

execute such a consent.

- (c) The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age.
- 2. Is used to provide services, including research, education, or training.
- 3. Is done in order to provide services to a recipient, while assuring their health and welfare, in accordance with their individualized plan of services (IPOS) developed through the person-centered planning 330.1700 (g) process.
- (a) The person-centered plan is reviewed and revised upon reassessment of functional need as required under 42 CFR §441.720, at least every 12 months, when the individual's circumstances or needs change significantly, and at the request of the individual.
- (b) The person-centered plan 330.1712 must be finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation. A copy of the IPOS is distributed to the individual and with all the providers responsible for its implementation.
- 4. Is kept confidential and maintained in the recipient's record until discharge
- 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.
- 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.
- I. Revocation of Consent
 - 1. If a recipient/legal representative revokes the consent, the responsible case holder shall request that it be in writing. If the recipient/legal representative refuses to put the revocation in writing the responsible staff person shall document such.

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

2. A recipient/legal representative is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient and/or legal representative.

VI. EXHIBITS:

N/A

VII. REFERENCES:

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	2020 Behavioral Health Standards
Other	Board By-Laws, Section 7.E.