



HURON BEHAVIORAL HEALTH
PROCEDURE

Procedure #: RR.2.09
Issue Date: 06/09/00
Rev. Date: 08/07/18
Page: 1 of 2

Title: Recipient Rights – Fingerprinting, Photographing, Audio Taping, and Use of One-way Glass Procedure
Prepared By: Recipient Rights Officer

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Purpose:

To define the policy and practices for the fingerprinting, photographing, audio-taping, and use of one-way glass on consumers.

Scope:

This procedure applies to all employees (including full-time employees, part-time employees, contractual providers, volunteers, students, and/or interns), of Huron Behavioral Health (HBH) programs, both direct and contracted.

Information:

POLICY:

- Consumers shall not be fingerprinted, photographed, audio-taped, or viewed through a one-way glass as a part of any program without the prior written consent ([90-010](#)) of the consumer, guardian or parent except in the circumstances set forth in this policy.

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 purpose of this procedure, this refers to the use of still pictures, motion pictures, and recordings.

Procedure:

1. Fingerprints, photographs or audiotapes taken in order to determine the name of a consumer shall be kept as part of the record. The fingerprints, photographs, or audiotapes may be delivered, if and when necessary, to others for assistance in determining the name of the consumer.
2. For the purpose of determining the name of a consumer, fingerprints, or photographs may be used if conventional methods or inquiries cannot identify the consumer. Whenever possible, fingerprints or photographs from other sources, including government agencies, shall be utilized. Fingerprints, photographs, or audiotapes so delivered shall be returned together with copies that were made. Upon return of fingerprints, photographs, or audiotapes, together with copies, shall be kept as part of the record of the consumer.
3. Fingerprints, photographs, or audiotapes may be taken and used and 1-way glass may be used in order to provide services, including research, to a consumer or in order to determine the name of the consumer, or on behalf of the public news media, only when prior written consent is obtained from one of the following:
 - A consumer is eighteen (18) years of age or older and competent to consent
 - The guardian of the consumer if legally empowered to execute such consent
 - A parent, if the consumer is less than eighteen (18) years of age
4. This consent may be withdrawn at any time by providing verbal or written notice to the provider of service.
5. Fingerprints, photographs, or audiotapes taken in order to provide services to a consumer and any copies of them shall be kept as part of the record of the consumer.
6. Photographs, fingerprints, or audiotapes taken in order to provide services to a consumer, including research, and copies thereof will be kept as part of the record of the consumer until no longer necessary as part of treatment, or at the time of discharge, whichever occurs first. Evaluation of whether a photograph,

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fingerprints, or audiotape remains part of treatment shall occur at least annually at the time of the Person Centered Plan (PCP). At that time photographs, fingerprints, and audiotapes shall be given to the consumer or destroyed.

7. Photographs or audiotapes may be taken for purely personal or social purposes and shall be maintained as the recipient's personal property. A photograph or audiotape of a consumer shall not be taken or used under this subsection if the consumer has indicated his/her objection.
8. Photographs or audiotapes may be taken and 1-way glass may be used for educational or training purposes only when expressed written consent is obtained as described in number 3 (above). (Note: This does not apply to consumers of mental health services referred under Mental Health Code Chapter 10, Criminal Provisions, and Transfer of Prisoners.)

Complaint Process:

A consumer or another individual on behalf of a consumer may file a complaint regarding fingerprinting, photographing, audiotaping, and/or the use of one-way glass. Complaints may be filed with the HBH Recipient Rights Office.

Definitions/Acronyms:

HBH – Huron Behavioral Health
PCP - Person Centered Plan

Forms:

[90-010 Permission to Audiotape, Videotape or Photograph Form](#)

Records:

Records of signed permission forms are retained in the consumer's case record in accordance with the [HBH Record Retention and Storage Policy \(QI.1.23\)](#)

Reference(s) and/or Legal Authority

Mental Health Code 330.1724 and 330.1752
Administrative Rule 330.7003
[QI.1.23 HBH Record Retention and Storage Policy](#)

Change History:

Change Letter	Date of Change(s)	Changes
A	05/23/03	Documentation brought into the new procedure format and numbered for tracking, minimal changes made to content. Complaint Process added, updated definitions, forms added, information section clarified.
B	08/05/03	Added the word "prior" to consent in "Policy" section to comply with DCH Recipient Rights POC
C	03/01/06	Added to "Reference" section "Administrative Rule 330.7003" to comply with Rights System Audit Requirements, in #8 – removed "a through c" after "as described in 3", removed the words "for decisions" in "Complaint Process" section.
D	07/25/11	Procedure #1 made one sentence into two by repositioning a couple of words but not changing the content.
E	02/02/12	Reviewed by HBH Recipient Rights Advisory Committee w/ no content change.
F	05/15/13	Reviewed by the HBH Recipient Rights Advisory Committee w/ no content changes.
G	01/13/15	Reviewed by the HBH Recipient Rights Advisory Committee w/ no content changes.
H	07/27/16	Reviewed by the HBH Recipient Rights Advisory Committee – in "Information" section "Definitions – Photography" removed "and videotape cameras" and added "and recordings" (to match the mental health code language), in "Procedure" section #2 removed "An individual receiving" and added "Upon return of", in #7 added "and shall be maintained as the recipient's personal property", made several additional minor wording/grammatical changes/corrections throughout document without changing sentence content.
I	08/07/18	Reviewed by Recipient Rights Advisory Committee – No content changes.