

## The Right Door for Hope, Recovery, and Wellness

Chapter Title <b>Recipient Rights</b>	Chapter # <b>RR</b>		Subject # <b>127.1</b>
Subject Title <b>Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass</b>	Adopted 12/31/02	Last Revised 09/19/06	Reviewed 09/05/06; 3/29/10; 1/4/17

### PROCEDURE

#### Application

This procedure shall apply to The Right Door for Hope, Recovery, and Wellness and all services operated by or under contract with it. This procedure shall establish guidelines for the use of fingerprinting, photographing, audio recording, video recording and one way glass in the provision of services to consumers of mental health services.

#### 1.0 Definitions

- A. Consent A written agreement executed by a consumer, empowered guardian, parent of a minor consumer, or a consumer's legal representative with authority to execute a consent.
- B. Informed consent includes the following elements:
  - i. Legal competency: an individual shall be presumed to be legally competent. This presumption may be rebutted only by a court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of the guardianship. An individual shall be presumed legally competent regarding matters that are not within the scope and authority of the guardianship.
  - ii. Knowledge: to consent, a consumer or legal representative must have basic information about the procedure, risks, other related consequences, and other relevant information. The standard governing required disclosure by a doctor is what a reasonable patient needs to know in order to make an informed decision. Other relevant information includes all of the following:
    - a. The purpose of the procedures.

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- b. A description of the attendant discomforts, risks, and benefits that can reasonably be expected.
- c. A disclosure of appropriate alternatives advantageous to the consumer.
- d. An offer to answer further inquiries.
- iii. Comprehension: an individual must be able to understand what the personal implications of providing consent will be based upon.
- iv. Voluntariness: there shall be power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other form of constraint or coercion, including promises or assurances of privileges or freedom. 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 consumer.

C. Photographs: still pictures, motion pictures, and videotapes.

**2.0 Fingerprints, Photographs, or Audio recording, video recording and One-Way Glass**

2.1 Fingerprints, photographs, or audio recording, video recording may be taken and used, and one-way glass may be used, by a service provider for the following purposes:

2.1.1 In order to provide services, including research, to a consumer.

2.1.2 In order to determine the name of the consumer.

2.1.3 For educational or training purposes.

2.2 A service provider may take photographs for social purposes.

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2.2.1 Immediately prior to taking a consumer's picture for social reasons, staff shall give the consumer the opportunity to object.

2.2.2 A photograph of a consumer shall not be taken or used for social reasons if the consumer has objected.

### 3.0 Written, Informed Consent

3.1 Written, informed consent shall be obtained prior to taking or using fingerprints, photographs, audio recording, video recording or one-way glass to provide services, to determine the name of the consumer, or for educational or training purposes, from one of the following:

3.1.1 An adult, competent consumer.

3.1.2 The empowered guardian of a consumer.

3.1.3 The parent of a minor consumer.

3.2 Consent may be withdrawn by the consumer, empowered guardian, or parent of a minor who had previously consented.

3.3 A service provider may take photographs for social purposes, without prior written consent.

### 4.0 Recordkeeping

4.1 Fingerprints, photographs, or audio recording, video recording taken in order to provide services to a consumer, and any copies, shall be kept as part of the record of the consumer.

4.2 Fingerprints, photographs, audio recording, or video recording taken in order to determine the name of a consumer shall be kept as part of the record of the consumer, except when necessary the fingerprints,

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photographs, or audiotapes may be delivered to others for assistance in determining the name of the consumer.

4.2.1 Fingerprints, photographs, audio recording or video recording so delivered shall be returned to the provider, together with copies that were made.

4.2.2 An individual receiving the delivered fingerprints, photographs, audio recordings, or video recordings shall be informed that return of the items to the provider is required.

4.2.3 Upon return, the fingerprints, photographs, audio recordings, video recording and copies shall be kept as part of the record of the consumer.

4.3 Fingerprints, photographs, audio recordings, video recording and copies in the record shall be given to the consumer or destroyed when they are no longer essential in order to provide services or to determine the name of the consumer, or upon discharge, whichever occurs first.

**5.0. References**

PA 258 of 1974, Michigan’s Mental Health Code, as amended

330.1100a--Definitions; A to E

330.1752--Policies and procedures

Administrative Rules

R 330.7003--Informed consent

The Right Door for Hope, Recovery, and Wellness Policy on Informed Consent  
Consent to Treatment and Services (contract providers requirement)

**6.0. Monitoring and Review**

This procedure is reviewed by the Recipient Rights Officer.

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Robert S. Lathers, Chief Executive Officer	Date		