Chapter Title	Chapter #		Subject #
Recipient Rights	RR		127.1
Subject Title Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass	Adopted 12/31/02	Last Revised 9/16/26	Reviewed 09/05/06; 3/29/10; 1/4/17; 2/9/21; 3/17/22; 2/20/23; 7/14/23; 3/28/24; 3/17/25; 5/21/26

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 persons served by mental health services.

1. Definitions

1.1. Consent: A written agreement executed by a person served, empowered guardian, parent of a minor person served, or a legal representative of a person served with authority to execute a consent.

1.2. Informed consent includes the following elements:

1.2.1. 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.

1.2.2. Knowledge to consent: A person served 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:

Chapter Title	Chapter #		Subject #
Recipient Rights	RR		127.1
Subject Title Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass	Adopted 12/31/02	Last Revised 9/16/26	Reviewed 09/05/06; 3/29/10; 1/4/17; 2/9/21; 3/17/22; 2/20/23; 7/14/23; 3/28/24; 3/17/25; 5/21/26

1.2.2.1. The purpose of the procedures.

1.2.2.2. A description of the attendant discomforts, risks, and benefits that can reasonably be expected.

1.2.2.3. A disclosure of appropriate alternatives advantageous to the person served.

1.2.2.4. An offer to answer further inquiries.

1.3. Comprehension: An individual must be able to understand what the personal implications of providing consent will be based upon.

1.4. 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 person served.

1.5. Photographs: Still pictures, motion pictures, and videotapes.

2. 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 person served.

2.1.2. In order to determine the name of the person served.

Chapter Title	Chapter #		Subject #
Recipient Rights	RR		127.1
Subject Title Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass	Adopted 12/31/02	Last Revised 9/16/26	Reviewed 09/05/06; 3/29/10; 1/4/17; 2/9/21; 3/17/22; 2/20/23; 7/14/23; 3/28/24; 3/17/25; 5/21/26

2.1.3. For educational or training purposes.

2.2. A service provider may take photographs for social purposes, and will be maintained as the recipient's personal property..

2.2.1. Immediately prior to taking a picture of a person served for social reasons, staff shall give the person served the opportunity to object.

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

2.3. Video surveillance is prohibited.

3. 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 person served, or for educational or training purposes, from one of the following:

3.1.1. An adult, competent person served.

3.1.2. The empowered guardian of a person served.

3.1.3. The parent of a minor person served.

3.2. Consent may be withdrawn by the person served, 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. Recordkeeping

Chapter Title	Chapter #		Subject #
Recipient Rights	RR		127.1
Subject Title Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass	Adopted 12/31/02	Last Revised 9/16/26	Reviewed 09/05/06; 3/29/10; 1/4/17; 2/9/21; 3/17/22; 2/20/23; 7/14/23; 3/28/24; 3/17/25; 5/21/26

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

4.2. Fingerprints, photographs, audio recording, or video recording taken in order to determine the name of a person served shall be kept as part of the record of the person served. Only ?? when necessary, the fingerprints, photographs, or audiotapes may be delivered to others for assistance in determining the name of the person served.

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 person served.

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

5. Monitoring and Review

This procedure is monitored by the Recipient Rights Officer.

Chapter Title	Chapter #		Subject #
Recipient Rights	RR		127.1
Subject Title Fingerprinting, Photographing, Audio recording, Video Recording, and Use of One-Way Glass	Adopted 12/31/02	Last Revised 9/16/26	Reviewed 09/05/06; 3/29/10; 1/4/17; 2/9/21; 3/17/22; 2/20/23; 7/14/23; 3/28/24; 3/17/25; 5/21/26

References

PA 258 of 1974, Michigan's Mental Health Code, as amended
330.1100a--Definitions; A to E
330.1752--Policies and procedures

MHC 1724 (9)
Administrative Rules
R 330.7003--Informed consent

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

Kerry Possehn, Chief Executive Officer	Date		