

The Right Door for Hope, Recovery and Wellness

Chapter Title	Chapter #		Subject #
Clinical	C		
Subject Title	Adopted	Last Revised	Reviewed
Use of Cameras in Recipient-Owned Homes during services	NEW	NEW	NEW

PROCEDURE

1. Application

- 1.1. This procedure shall apply to all employees, contractors, and providers delivering services to Medicaid persons served in their private homes.
- 1.2. It also applies to Home and Community Based Services (HCBS) waiver programs, Community Living Supports (CLS), Home Help, and related services.
- 1.3. This procedure establishes organizational guidelines regarding the use of cameras by persons served and their families in person served-owned or person served-controlled private homes.
- 1.4. This procedure does NOT APPLY to licensed AFC homes in Michigan.

2. Purpose This procedure establishes organizational guidelines regarding the use of cameras by persons served and their families in person served-owned or controlled private homes.

- 2.1. The purpose of this policy is to ensure compliance with:
 - 2.1.1. Michigan’s privacy and eavesdropping laws under **MCL 750.539d**, which regulate recording in *private places*, and
 - 2.1.2. MDHHS and CMS **Home and Community-Based Services (HCBS)** requirements, which protect an individual’s autonomy, dignity, and control over their personal home environment when receiving Medicaid-funded services.

3. Person Served Right to Use Cameras in Their Own Home

- 3.1. In accordance with MDHHS HCBS requirements, individuals receiving Medicaid services retain full rights to privacy, autonomy, and control over their personal home environment, including the right to install and use cameras within their home. Providers may not prohibit or restrict a person served or their family from using cameras in a private residence controlled by the person served. HCBS guidance identifies restrictions on autonomy—such as controlling access, movement, or monitoring devices—as noncompliant with federal requirements, which underscore protection of privacy, dignity, respect, and autonomy.
- 3.2. Michigan law (MCL 750.539d) prohibits installing or using a recording device in a private place without the consent of all people entitled to privacy in that place.

Therefore:

 - 3.2.1. Video recording without audio is generally permissible unless placed in a legally defined private place.
 - 3.2.2. Audio recording requires two-party (all-party) consent from everyone being recorded.

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3.3. Cameras may not be placed in locations considered “private places” under Michigan law, such as (“Private place” is defined as an area where individuals have a reasonable expectation of privacy.):

- 3.3.1. Bathrooms
- 3.3.2. Staff changing areas
- 3.3.3. Bedrooms belonging to others

4. Staff Awareness and Notification

4.1. Staff shall be informed that cameras may be in use in a person served’s home. Persons served and families are encouraged—but not required—to notify staff of camera locations.

4.2. Educating Consumers on Recording Laws

4.2.1. Providers must inform persons served and families that:

- 4.2.1.1. Audio recording requires consent from all recorded parties under MCL 750.539d.
- 4.2.1.2. Staff may legally decline to be audio recorded.

4.3. Addressing Concerns About Camera Use

4.3.1. If camera placement violates privacy laws or interferes with service delivery:

- 4.3.1.1. Staff will report concerns to their supervisor or compliance.
- 4.3.1.2. The provider will consult with the person served/family to resolve unlawful placement.
- 4.3.1.3. Services will not be discontinued unless the camera usage violates Michigan law.

4.4. Providers must continue to provide services when cameras are present, except when:

- 4.4.1. The camera is installed in a prohibited private place, or
- 4.4.2. Recording is occurring in violation of Michigan’s two-party consent law.
- 4.4.3. Providers must not require the removal or deactivation of cameras as a condition of providing services, as doing so would violate HCBS rights to autonomy and control over the home environment.

5. Documentation Requirements

5.1. The provider will document:

- 5.1.1. Any discussions with persons served regarding camera use
- 5.1.2. Any incidents involving refusal of audio recording
- 5.1.3. Any concerns regarding privacy law violations
- 5.1.4. Any steps taken to resolve issues

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6. Staff Privacy and Safety

6.1. While persons served have the right to use cameras, staff also have a right to reasonable privacy as protected under Michigan law governing “private places.” Providers should seek corrective action—not prohibition—when cameras threaten staff privacy, such as cameras aimed into bathrooms, changing areas, or other areas considered private.

7. Enforcement and Noncompliance

7.1. Noncompliance with this policy may result in:

7.1.1. Corrective action plans for staff

7.1.2. Education or remediation discussions with persons served/families

7.1.3. Legal review when camera placement violates state law

References

- **Michigan Compiled Laws 750.539d**, regulating recording devices in private places. [\[michigan.gov\]](http://michigan.gov)
- **MDHHS HCBS Final Rule Training and Guidance**, defining individual rights to autonomy, privacy, and control over the home environment, and highlighting cameras/video monitors as items requiring careful rights-based evaluation.

Kerry Possehn, Chief Executive Officer	Date		