network180

ADMINISTRATIVE DIRECTIVE

SECTION:	Recipient Rights	**SUBJECT:**	Fingerprinting, Photographing, Audio-taping, and Use of One-way Glass
ORIGINAL POLICY DATE:	12/16/91	**REVISIONS:**	6/8/98, 7/1/01, 2/1/04, 3/1/05, 10/1/05
APPROVED DATE:	6/1/08		

EXECUTIVE DIRECTOR

POLICY:

To ensure that recipients of mental health services shall not be fingerprinted, photographed, electronically recorded, audio-taped, or viewed through a one-way glass except with appropriate prior written consent. Consent is time limited and may be withdrawn at any time.

LEGAL REFERENCE:

Mental Health Code 330.1724

- Sec. 724 (1) A recipient of mental health services shall not be fingerprinted, photographed, audio-taped, or viewed through one-way glass except in the circumstances and under the conditions set forth in this section. As used in this section, photographs include still pictures, motion pictures, and videotapes.

DEFINITIONS:

A. **Fingerprints:** The personal identifiable markings on a person's fingers or feet.
B. **Photographs:** Includes still pictures, motion pictures, videotapes and digital records.
C. **Audiotape:** Any sound recording.

IMPLEMENTATION:

1. Fingerprints, photographs, or audiotapes may be taken and used and one-way glass may be used for educational or training purposes or in order to provide services, including research, to a recipient or in order to determine the name of the recipient only when prior written consent is obtained from one of the following:
   a. The recipient if 18 years of age or over and competent to consent.
   b. Anyone who is legally empowered to execute such consent.
   c. The parent who is legally empowered to execute consent for the recipient if less than 18 years of age.

2. Fingerprints, photographs, or audiotapes taken in order to determine the name of a recipient shall be kept as part of the record of the recipient, except that when necessary the fingerprints, photographs, or audiotapes may be delivered to others for assistance in

determining the name of the recipient. Fingerprints, photographs, or audiotapes so delivered shall be returned together with copies that were made. An individual receiving fingerprints, photographs, or audiotapes shall be informed of the requirement that return be made. Upon return, the fingerprints, photographs, or audiotapes, together with copies, shall be kept as part of the record of the recipient.

3. Fingerprints, photographs, or audiotapes in the record of a recipient, and any copies of them, shall be give to the recipient or destroyed when they are no longer essential in order to achieve one of the objectives set forth in subsection (1), or upon discharge of the resident, whichever occurs first.

4. Photographs may not be taken for purely personal or social purposes. A photograph of a recipient shall not be taken or used if the recipient, or the recipient's guardian has indicated his or her objection.

5. If consent is granted for photographs, fingerprints, audiotapes, and/or one-way glass, then the continuing need for these actions shall be reviewed no less than annually with the recipient and guardian, if appropriate.