

**SECTION - THERAPY SERVICES  
ADMINISTRATIVE DIRECTIVE NO. 418  
(Replaces A.D. No. 418 dated 12/7/06)**

Effective Date: July 2, 2007

**SUBJECT: AUDIO OR VISUAL RECORDING PROCEDURES**

**I. PURPOSE**

It is the purpose of this hospital to assure reasonable safeguarding of Individual's rights to privacy in the use of visual and audio recordings.

**II. AUTHORITY**

Department of Mental Health (DMH) Special Order No. 236.01; California Code of Regulations, Title 22 Section 71561; and California Welfare & Institutions Code Sections 5325.1 and 5328.

**III. POLICY**

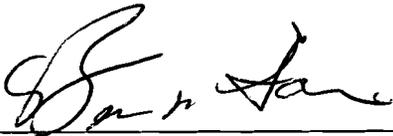
- A. It is the policy of this hospital to assure compliance with each Individual in regards to, their rights to privacy and confidentiality when audio or visual recording equipment is utilized. This includes:
1. Video-recording
  2. Audio-recording
  3. Photography
  4. Filming
- B. Written informed consent must be obtained from an Individual or his legal guardian when he is exposed to any audio or visual recording procedure for any purpose other than the Individual's identification photograph. This consent will be obtained for each instance in which an audio or visual recording is used.
- C. Written consent from an Individual is not required under the following circumstances:
1. When audio or visual recordings assist with a prescribed treatment activity and are documented in the Individual's Wellness and Recovery Plan. These types of recordings are destroyed within a reasonable and predetermined period.

2. When the audio or visual recordings are ordered by the court of jurisdiction.
3. Audio or visual recordings for investigative purposes must have the approval of the Chief of Protective Services or designee.

#### IV. METHOD

- A. The following information shall be given to the Individual or his guardian in language that he or she can fully understand prior to obtaining this informed consent for audio or visual recording procedures:
  1. A full explanation of the technique or procedure to be used;
  2. A description of the purpose for using the procedures;
  3. A disclosure of any possible alternative procedures;
  4. An identification of who will have access to the audio or visual recordings, and possible future use of the recorded information;
  5. A description of the benefits to be expected from using the procedures;
  6. A description of any potential discomforts or risks that may accompany the use of the procedures;
  7. The manner in which confidentiality of the materials or the documentation will be maintained;
  8. Except when recording is an established component of the DMH treatment program, an indication that consent is voluntary and refusal will not jeopardize the privileges, rights, or treatment from the DMH to which the Individual is entitled; and
  9. An explanation that the Individual's consent may be withdrawn at any time and the mechanism for withdrawing such consent.
- B. A written informed consent shall be documented and filed in the Clinical Record and shall contain:
  1. An indication of the Individual's willingness to consent;
  2. The information contained in Section III. B. above;
  3. The signature of a clinician to the informed consent procedure who has determined his competence to provide informed consent; and
  4. A statement of the Individual's right to privacy and confidentiality.

- C. An Individual or his guardian may withdraw his informed consent for participating in an audio or visual recording procedure at any time, either orally or in writing, by notifying the Executive Director, a member of his Wellness and Recovery Team, or the Individual using the audio or visual recording equipment procedure. However, in the case that video or audio recording is an established component of the DMH treatment program; withdrawal may indicate the Individual refuses Sex Offender Commitment Program (SOCP) treatment.
- D. The Wellness and Recovery Team is responsible for reviewing and assuring that the components and intent of this directive are followed.
- E. All requests for filming/photography inside and outside the hospital are coordinated and approved by the manager of the External Affairs Unit with the following exceptions:
  - 1. The Chief of Plant Operations may authorize photography or filming for the purpose of conducting essential physical plant related business.
  - 2. The Chief of Protective Services/designee may authorize photography or filming for investigative reasons.
  - 3. Approval is not required for individuals taking pictures of the main entrance, main road area, hospital sign, or picnic area.



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BEN MCLAIN  
Executive Director (Acting)