

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
Columbia, South Carolina

OFFICE OF THE STATE DIRECTOR OF MENTAL HEALTH DIRECTIVE NO. 858-06
(5-100)

TO: All Employees, Visitors and Patients

SUBJECT: Privacy and the Use of Visual or Audio Recording and Transmitting Devices

I. Purpose

The purpose of this directive is to protect patients from any invasion of their privacy and to further safeguard the disclosure of confidential patient information by restricting the use of visual or audio transmitting devices at inpatient or outpatient facilities of the South Carolina Department of Mental Health (Premises). (Refer to SCDMH Directive 837-03 entitled *Privacy Practices* for policies and procedures regarding protected health information.)

II. Prohibited Devices

Unless otherwise authorized, no visual or audio recording device (camera, cell phone camera, tape recorder, etc.) of any type shall be used on any South Carolina Department of Mental Health Premises.

III. Exceptions

- A. Proper authorization is obtained from the facility or center director or the State Director of Mental Health.
- B. Use by employees of the Department of Mental Health for Department of Mental Health purposes when such occurs in the usual course of their employment.
- C. In addition, any required individual consents or authorizations by a patient/consumer must be obtained.

IV. Enforcement

If any person is found with such device in use the following procedures will be followed.

A. Visitors: The visitor will be informed that such devices may not be used on Department of Mental Health Premises. The device shall be placed in the visitor's vehicle or otherwise removed from the Premises, or held by proper authorities by written receipt to the visitor identifying the device and its general operating condition, until the visitor upon leaving the Premises, surrenders the receipt, and acknowledges in writing return of the device.

B. Patients/Consumers: The patient/consumer will be informed that the device shall be placed in the patient's/consumer's vehicle or otherwise removed from the Premises, or held by proper authorities by written receipt to the patient/consumer identifying the device and its general operating condition, until the patient/consumer upon leaving the Premises, surrenders the receipt, and acknowledges in writing return of the device.

C. Employees: The employee will be informed that such devices may not be used on Department of Mental Health Premises. The employee's supervisor will be contacted for appropriate action.

D. When appropriate Department of Mental Health authorities believe that unauthorized images or recordings have been made, action will be taken to retrieve the unauthorized material to the extent possible. The material will be returned to the extent it contains no unauthorized material. If there is reason to believe that Department of Mental Health Privacy Practices have been violated, the local Privacy Officer will be notified for appropriate action, and if applicable the Department of Mental Health Office of Public Safety.

This directive rescinds and replaces SCDMH Directive 367-75 entitled *Protection of Patient's Right to Privacy*.



JOHN J. CONNERY, M.A.
INTERIM STATE DIRECTOR

January 26, 2006