

FILMED OR TAPED - - CONSENT REQUIRED

THE LAW

Each patient shall..."Except as otherwise provided, have a right **not to be filmed or taped**, unless the patient signs an **informed and voluntary consent** which specifically authorizes a named individual or group to film or tape the patient for a **particular purpose** or project during a **specified time period**. The patient may specify in such consent periods during which, or situations in which, the patient may not be filmed or taped. If a patient is legally incompetent, such consent shall be granted on behalf of the patient by the patient's **guardian**. A patient in **Goodland hall** at the Mendota mental health institute **may be filmed or taped for security purposes** without the patient's consent, except that such a patient **may not be filmed in patient bedrooms or bathrooms** for any purpose without the patient's consent." § 51.61(1)(o), Wis. Stats. [Emphasis added.]

"(1) No patient may be **recorded, photographed, or filmed** for any purpose except as allowed under s. 51.61(1)(o), Stats., and this section.

(2) A **photograph** may be taken of a patient without the patient's informed consent only for the purpose of including the photograph in the **patient's treatment record**.

(3) The informed consent **document** shall specify that the subject patient **may view the photograph or film or hear the recording prior to any release** and that the patient **may withdraw informed consent** after viewing or hearing the material." DHS 94.18, Wis. Admin. Code [Emphasis added.]

DECISIONS

1. A father **wanted to audio-tape staff's meetings** where they discussed his son's treatment. The **facility refused to allow this**. This is **not a patient rights issue**. The only relevant patient right is the **right not to be filmed or taped**. The **facility offered to write up the outcomes** of the meetings for the father. This was a **reasonable resolution**, but the father refused to accept it. (Level III decision in Case No. 03-SGE-03 on 7/17/03)