



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

Security Camera System

Effective Date: May 2, 2014

Policy #: ADM-12

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- I. **PURPOSE:** To provide guidance regarding the security camera system in Montana State Hospital facilities and the maintenance and use of records generated by the system.

- II. **POLICY:** The security camera system is installed and in use in certain areas in hospital facilities to help monitor observation/seclusion rooms, day rooms, corridors, and other locations not readily observed from nursing stations. Cameras are not placed in individual patient rooms (other than observation rooms) or in bathrooms or shower areas. Monitors are placed at nursing stations and at the Hospital's front desk. The security camera system is not intended to be a substitute for direct patient-staff interaction, but is intended to supplement those interactions and enhance safety for patients and staff.

When used to monitor a person in seclusion or restraint, the system shall be used in accordance with Hospital Policy, # TX-16, *Use of Seclusion and Restraint*.

The security camera system includes a recording feature (archival capacity) that stores images in a digital format for a limited period of time (approximately twenty (20) days, depending on the size of the data file/s). This provides the opportunity to review images after an incident occurs, if/when a complaint is made, and/or for other clinical and administrative purposes, including by way of example only, training or quality improvement activities. Copies of records from the archived data may be made and stored separately when authorized by this policy or when litigation or any other legal action is anticipated, pending, or ongoing.

Hospital employees who are within range of the security camera system have no expectation of privacy regarding any of their activities that are recorded. Any and all images and records of whatever sort generated by the system may be used in investigations of complaints and/or with respect to disciplinary action.

Anyone requesting review of or access to security camera system records must obtain authorization from the Hospital Administrator or the Administrator's designee. Requests must be made in writing, using the *Request for Viewing of Security Camera System Record* form.

Copies of security camera system records are hospital records and will be maintained in the same manner as other records made or copied for similar purposes. By way of example, secondary security camera system records may be used: 1) to investigate abuse or neglect and preserved in the investigation file; 2) to report possible crimes to law

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enforcement agencies and preserved in the incident report file; and/or 3) to make other reports as required by law, such as abuse of an older adult (elder abuse) or person with a developmental disability, and preserved in the report record. Such records may also be made a part of a patient's medical record.

Records that contain images of residents are created for clinical and administrative purposes, pursuant to §53-21-145, MCA. They are protected by the constitutional right of privacy, Montana Constitution, Article II, Section 10, and are not "public writings" for the purposes of § 2-6-101, MCA. They are "Protected Health Information" for the purposes of the Health Insurance Portability and Accountability Act of 1966 (HIPAA), 42 U.S.C. 1320d, et seq., and implementing regulations at 45 CFR Part 164. They are "health care information" for the purposes of Title 50, Chapter 16, Part 8, MCA.

III. DEFINITIONS:

Security Camera System - A network of cameras, monitors, and computers placed at various locations in the hospital for the purpose of monitoring areas within viewing range of the cameras and maintaining a record of events occurring within those ranges.

Security Camera System Records - Images and data in whatever form or format recorded and/or stored by the security camera system. Primary records are those that are maintained in the system and its archival capacity. Copies of records are those that are duplicated or reproduced in whatever form or format from the primary records.

IV. RESPONSIBILITIES:

The Hospital Administrator or the Administrator's designee authorizes access to security camera system records.

Nursing Supervisors assign staff members to monitor camera systems as needed.

Computer support personnel maintain the security camera system and, as authorized by the Hospital Administrator or the Administrator's designee, produce secondary records from the system's archival capacity.

V. PROCEDURE:

A request to view any security camera system record must be made in writing on the *Request for Viewing of Security Camera System Record* form and submitted to the Hospital Administrator.

If a security camera system record is requested for investigation or discipline purposes or as the basis for any significant clinical or administrative decision, and in all cases where the request is made by anyone other than a hospital employee, the Hospital must make a copy of the original record.

REQUEST FOR VIEWING OF A SECURITY CAMERA SYSTEM RECORD

For Policy #ADM-12, Security Camera System

Date of request: _____

Requester: _____

Patient involved: _____

Reason/purpose for request: _____

Copy of record will be maintained as part of the following hospital record: _____

Date, time, location and brief description of incident: _____

Redaction needed: Yes No

Details: _____

Patient HIPAA authorization needed: Yes No If Yes, copy attached: Yes No

If other patients are in the Security Camera System Record, a signed release is attached: Yes No

Authorized by:

Administrator/Designee

Date