

Washtenaw County Community Mental Health

PUBLICITY – (policy)

PURPOSE

- Instruction on managing all forms of publicity pertaining to WCCMH and its recipients of service.

POLICY

- All publicity dispersed from or about WCCMH, and/or its recipients of services, shall meet with the prior approval of the Director, or Customer Service.
- All materials/ information shall meet the identification requirements of any funding entity as applicable, fall within all confidentiality regulations, and conform to Washtenaw County standards regarding the use of the County Seal.

DEFINITIONS

Publicity: all materials originating from WCCMH used for public circulation. Includes but is not limited to stationery, signs, displays, brochures, advertisements, articles, presentations, social media, and other printed or broadcast material.

PROCEDURES

See procedures manual

REFERENCES

- 42 CFR Subpart C 2.31 & 2.32
- HIPAA, Part C Section 1173
- WCCMH Policy – Audio/Video Recording, Photography, Filming, Fingerprinting and use of One-Way Glass for Observation
- WCCMH Policy – Confidentiality & Access To Clinical Records

EXHIBITS

- A. Consumer Consent for Public Identification

*EXHIBIT A- Consumer Consent
for Public Identification*

I. CONSUMER CONSENT FORM for PHOTOGRAPHING, FILMING, AUDIOTAPING, VIDEOTAPING OR TRANSMITTING IMAGES, VOICE OF RECIPIENTS.

Consumer stories can only be publicized by obtaining individual informed consent before disclosing names or images to the media or community, or by allowing a consumer to “self-disclose” his or her identity.

The consent/release of information form utilized by CMH includes a notice prohibiting re-disclosure of confidential information without proper consumer authorization. In disclosure to media or other promotional outlets, the information may easily be re-disclosed. Therefore, the consumer consent form for Photographing, Filming, etc. must specify the broad nature of such disclosure. For example, it could state that:

I, John Doe, authorize CMH to disclose to the News my name, photograph, and the fact that I am a client at CMH. I understand that this material will be distributed broadly in the community.

Also, if any consumer identifying information is being disclosed for marketing purposes and the marketing involves remuneration to the program from a third party, HIPPA requires the consent to state that fact.

II. COUNSELING ABOUT THE RISKS OF SELF DISCLOSURE

CMH staff **must assure** that consumers receive all of the information they need in order to make an informed decision about their participation. Consumers should be made aware that once a consumer appears in promotional material, that information could spread into the media. Consumer’s consent should acknowledge this understanding.

HIPAA and 42 C.F.R. Part 2 does not prohibit a consumer from self-disclosing their own information, story, treatment, or recovery. If this occurs at a program site, the client should sign a form acknowledging that they have been counseled about the possible re-disclosure consequences of speaking to the media and that they are doing so voluntarily. Note of voluntary self-disclosure should be noted on the consent form. Consumers should be advised that promises by media to not use their name or identifying information do not guarantee anonymity. A consumer’s name might be published or revealed, despite a reporter’s promise to omit.