



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

Security Camera System

Effective Date: June 1, 2020

Policy: ADM-12

Page 1 of 4

- I. **PURPOSE:** To provide guidance regarding the security camera system in Montana State Hospital (MSH) facilities and the maintenance and use of records generated by the system. Capable of handling extremely large load; 50plus users.
- II. **POLICY:**
 - A. The security camera system is installed and in use at the MSH to assist in monitoring of patient activities such as observation, seclusion, day rooms programs, general use corridors, and other facility locations not readily observed from nursing stations.
 - B. Cameras are not placed in individual patient rooms (other than observation rooms) or in bathrooms or shower areas. Monitors are placed at nursing stations, administration area, fire safety, human resources, and the hospital front desk. The security camera system is not intended to be a substitute for direct patient-staff interaction, or managerial oversight but is intended to supplement those interactions and enhance safety for patients and staff.
 - C. Hospital staff or locations in which the security camera system can be accessed are as follows; all Senior Leadership positions, Quality Improvement Investigator, Safety Officer, Nursing Managers, Program Managers, Occupational Health Supervisor, and House Supervisors. The Hospital Administrator may approve other personnel to be involved in the review processes on a case by case basis.
 - D. When used to monitor a person in seclusion or restraint, the system shall be used in accordance with MSH policy, TX-16, *Use of Seclusion and Restraint*.
 - E. The security camera system includes a recording feature (archival capacity) and can store images in a digital format for a limited period (approximately 20-30 days depending on the size of the data file). This provides MSH personnel with the ability to review video/audio data after an incident has occurred, during the review of a complaint, or for other clinical and administrative purposes, to include training or quality improvement activities. Copies of records from the archived data may be made and stored separately for future reference during formal inquires. An example of this would be when any form of legal action is anticipated, pending, or ongoing.
 - F. All MSH employees who are within range of the security camera system have no expectation of privacy regarding any of their recorded activities which while at MSH facilities. Images and records generated by the security camera system may be used

Montana State Hospital Policy and Procedure

Security Camera System

Page 2 of 4

during any investigation of complaints made against patients and/or staff, and can be used as evidence to support any consideration of formal disciplinary action.

- G. Copies of security camera system records are considered hospital records and will be maintained/protected in the same manner as other records made or copied for similar purposes. By way of example security camera system records may be used:
1. to investigate allegations of patient abuse or neglect;
 2. to aid in reporting possible crimes to law enforcement agencies;
 3. to assist in the formulation of all reports required by law;
 4. to assist in reviewing hospital incidents for training purposes;
 5. to aid in any other hospital investigation or administrative inquiry.
- H. Records containing 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:

- A. **Security Camera System:** A network of cameras, monitors, and computers placed at various locations about MSH (to include the Forensic Mental Health Facility) for the purpose of monitoring said areas within viewing range of the camera system, as well as maintaining an archive of video/audio data which allows for the later review of events occurring within the hospital campus.
- B. **Security Camera System Records:** Images and data stored in electronic video/audio format as recorded via the security cameras located about the hospital. Primary records are those maintained within the system archival capacity. Secondary records are those duplicated or reproduced in electronic video/audio programs and stored on temporary media files such as a “jump drive”.

IV. RESPONSIBILITIES:

- A. **Hospital Administrator** (or designee): Holds all authority over the management, and utilization of the security camera system, to include authorization to access to security camera system records for purposes of review and/or reproduction.
- B. **Quality Assurance Performance Improvement Director:** *Serve as a primary point of* contact for all individuals external to the hospital leadership team who request to review and/or reproduce data created and stored in the security camera system.
- C. **Nursing Managers/House Supervisors:** Serve as managerial oversight in all patient occupied areas, and during after-hours/weekends, the entire hospital campus in

respect to use of monitoring equipment accessible by designated staff. These managers/supervisors may assign staff to monitor video feed as needed and may review archived footage as circumstances dictate.

- D. **Computer Support Personnel:** Maintain the hospital security camera system and, as authorized by the hospital administrator provide repairs, upgrades, installations, or generate secondary records from the system archival capacity.

V. **PROCEDURE:**

- A. Managers may access archived security camera data at any time the need to review an activity as defined above presents in their area of responsibility. The need to conduct a review must be communicated to the appropriate member of the senior leadership team, and in the event the incident may involve allegations of patient abuse and neglect, the manager shall notify all parties identified within MSH policy TX-17, *Allegations of Abuse and Neglect*.
- B. Initial and subsequent review of the security camera system may only occur when there is a legitimate reason such as identified in Section II Policy – F above. The review of security camera footage shall not be used as a substitute for direct patient care, or employee supervision. In the event security camera archive data is included in either patient behavioral consequences or as evidence in consideration of employee formal disciplinary action the manager involved shall ensure the archived data is preserved, in entirety, and stored for future reference. Assigned members of the involved patients treatment team, or the employee(s) direct supervisor(s) along with designated managerial staff may review any associated camera feed/archived data necessary to assist in reaching a conclusion regarding a related incident.
- C. If disclosure of the record is for a purpose requiring patient authorization under Federal or State, or related MSH policies, the request must be accompanied by an appropriate written authorization from each patient whose image is identifiable in the associated video footage. Where law or policy provides for disclosure of a redacted record, a second copy of the record must be made with the image of the patient(s) “blurred out” or otherwise made unidentifiable. Both the copy and the redacted copy must be clearly identified and maintained together in the appropriate hospital record.
- D. All security camera recordings to be used for training purposes shall be secured for reference during the associated training course. These recordings must be clearly identified as being preserved for training or quality assurance purposes.
- E. Security camera recordings requested by external entities such as law enforcement, patient advocacy groups, or via subpoena shall be granted via a legal and/or court order specifying the request for the specific footage in question. The following steps shall be completed in the event a security camera recording is reproduced for an external party without legal authority/order:

Montana State Hospital Policy and Procedure

Security Camera System

Page 4 of 4

1. The records request must be submitted to the Hospital Administrator or their designee. Upon approval this office will forward the request to the MSH Quality Assurance manager for action;
2. The Quality Assurance manager shall ensure all related information is obtained and logged into the record regarding the request;
3. The recording shall be assigned and tracked via a reference number used in all documentation associated with the external request;
4. The recording shall be archived within the MSH database for future reference and shall be assigned the identical reference number as a file name;
5. Recordings which contain images of patients who are not directly identified as the party associated with the video request shall be redacted to protect the identity of all those residents who are uninvolved;
6. The requesting party shall incur all the costs associated with the generation of the video, to include resources, staff hours allocated, and when necessary, redaction of protected patients information;
7. Security camera footage will then be provided to the requesting party, and notification made to designated staff in both the Department of Health and Human Services (DPHHS) Addictive and Mental Disorders Division (AMDD) and the DPHHS Office of Legal Affairs (OLA) offices.

VI. REFERENCES: None.

VII. COLLABORATED WITH: Hospital Administrator, Director of Clinical Services, Director of Nursing, Associate Director of Nursing, Director of Quality Improvement, Director of Human Resources, Office of Legal Affairs.

VIII. RESCISSIONS: ADM-12, *Security Camera System* dated May 2, 2014; ADM-12, *Security Camera System* dated March 1, 2010.

IX. DISTRIBUTION: All hospital policy manuals.

X. ANNUAL REVIEW AND AUTHORIZATION: This policy is subject to annual review and authorization for use by either the Administrator or the Medical Director with written documentation of the review per ARM § 37-106-330.

XI. FOLLOW-UP RESPONSIBILITY: Hospital Administrator.

XII. ATTACHMENTS:

- A. [Request for Viewing of Security Camera System Record](#)

Signatures:

Kyle Fouts
Hospital Administrator

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