



**Health Care Agency
Behavioral Health Services
Policies and Procedures**

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Sub Section: Consents
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SIGNATURE

DATE APPROVED

Deputy Director
Behavioral Health Services

Signature on File

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SUBJECT:

Behavioral Health Services (BHS) Recording or Live Streaming Client Sessions or Clinical Supervision Groups for the Purpose of Clinical Supervision, Training or Certification

PURPOSE:

The purpose of this policy is to outline the standards, requirements, and procedures for audio recording, video recording or live streaming of client sessions conducted by staff members, student interns, and volunteers within Behavioral Health Services (BHS). In addition, this policy also covers the recording of clinical supervision sessions when required for training in evidence-based practices.

POLICY:

Recording or live streaming of client sessions is allowed only for training, supervision, or certification purposes. Clients and staff shall provide one-time written consent and verbal consent at the start of each recorded or streamed session. When applicable, recordings shall be stored securely on the HCA network, accessible only to authorized staff, and deleted when no longer needed. Sharing with third parties shall occur through an HCA-approved secure collaboration tool and in accordance with applicable Business Associate Agreement (BAA).

SCOPE:

This policy applies to all BHS employees, interns and volunteers, including clinical supervisors and clinicians involved in the recording, streaming, storage, access, or deletion of recorded client sessions.

REFERENCES:

[eCFR :: 42 CFR Part 2 -- Confidentiality of Substance Use Disorder Patient Records](#)

[HIPAA Privacy Rule - Updated for 2026](#)

[California Welfare and Institutions Code section 5328 \(2025\)](#)

[BHS Policy and Procedure on Use and Disclosure of PHI](#)

[Consent to Record or Live Stream Form](#)

DEFINITIONS:

Protected Health Information (PHI) – Any individual identifiable health information, in any form (electronic, paper, or oral), that relates to a person's past, present or future physical or mental health, healthcare services, or payment for care, and can be used to identify that person.

Recording – Any audio, video or other retrievable format that captures client related information during a clinical session.

Live Streaming – The real time broadcasting of audio or video content over the internet as the event happens.

Authorization to Use and Disclose (ATD) – Written permission from an individual that allows a covered entity or business associate to use or disclose their PHI for specific purposes that are not otherwise permitted by the HIPAA Privacy Rule.

Business Associate Agreement (BAA) – A legally required written contract under HIPAA regulations that governs how PHI is handled between two parties.

Episode of Care – All the services and interactions a client receives for a specific behavioral health need over a continuous period of time. The episode begins at intake when the client signs informed consent and ends when the client determines they no longer want services or the clinician determines the client no longer meets medical necessity for services.

PROCEDURE:

- I. Authorization to Record or Live Stream
 - A. The clinician, trainee or intern, or their clinical supervisor shall review the consent form with the client and client representative and explain that their participation is voluntary
 - B. If the client or client representative do not consent, no recording or live stream shall take place
 - C. Verbal consent shall be obtained from the client, and any other parties present for each encounter being recorded or live streamed, before the recording or live stream begins and will be documented in the client's clinical record.
 - D. The BHS employee/trainee/intern shall determine with the client if protected information (e.g., substance use or HIV+ status) will be discussed during the recorded session.

1. If protected information is to be discussed, and the client agrees to allow the recording to be shared with a third party, an Authorization to Use or Disclose Information (ATD) form shall be completed
2. If an unplanned disclosure of protected information occurs:
 - a) During recording the clinician shall ask the client to complete an ATD before sharing the recording
 - b) During a live stream, the clinician shall pause the livestream to consult with the client if they wish to continue
 - (a) If the client declines authorization for the sensitive information to be shared with an external clinical supervisor, then:
 - (i) The recording shall be deleted

OR

- (ii) The session shall not be recorded or live streamed.

- E. Each clinician must sign a consent to record for the period required by the training or certification requirements when sharing recording or live stream of a Group Supervision session of BHS clinicians

II. Handling of Recording or Live Streaming

A. Live Streaming a Client session or Clinical Supervision Session

1. Live Streaming shall be utilized only when there is a BAA established with an agency providing certification to BHS clinicians for a particular evidence-based practice
2. The application used for live streaming must be a county approved platform (e.g. Microsoft Teams)
3. All live streaming will take place on HCA devices and be initiated on HCA accounts

- B. All recordings shall be recorded directly onto an HCA owned device.

- C. Clinician shall pause or stop recording or live streaming immediately upon client request

III. Storage of Recording

SUBJECT: BHS Recording or Live Streaming Client Sessions or Clinical Supervision Groups for the Purpose of Clinical Supervision, Training or Certification

1. All audio recordings shall be stored on the HCA network. Upon confirmation that the recording has been successfully saved, it must be immediately deleted from the audio recording device.
 2. Access to recordings shall be limited to authorized personnel
- IV. Sharing Recording or Live Stream with External Clinical Supervisor or Trainer outside of HCA
- A. A BHS employee will confirm the external clinical supervisor/trainer's professional email address prior to sending a link to a recording or live stream
 - B. BHS programs will work with HCA IT to set up a SharePoint site in order for the recording to be viewed by the external clinical supervisor/trainer as needed
- V. Destruction of Recording
1. All recordings shall be deleted/destroyed when training concludes, upon client request, or when the client's episode of care ends
 2. To delete/destroy recordings from an HCA Network or the Orange County SharePoint:
 - a) Delete the file
 - b) Empty the Recycle Bin
 - c) Verify recording has been deleted