

Policies of the University of North Texas Health Science Center	Chapter 05 Human Resources
05.209 Sexual Exploitation by Mental Health Services Providers	

Policy Statement.

It is the policy of UNTHSC-FW to conduct pre-employment background checks of mental health services providers regarding possible occurrences of sexual exploitation by the mental health services provider of patients or former patients. Further, UNTHSC-FW will report occurrences of sexual exploitation by a mental health services provider, or reasonable suspicion of same, to the appropriate legal and accreditation authorities.

Application of Policy.

Health Service Providers

Definitions.

1. Mental Health Services: Assessment, diagnosis, treatment, or counseling in a professional relationship to assist an individual or group in:
 - a.) alleviating mental or emotional illness, symptoms, conditions, or disorders, including alcohol or drug addiction;
 - b.) understanding conscious or subconscious motivations;
 - c.) resolving emotional, attitudinal, or relationship conflicts; or
 - d.) modifying feelings, attitudes, or behaviors that interfere with effective emotional, social, or intellectual functioning.

2. Mental Health Services Provider: An individual, licensed, or unlicensed, who performs or claims to perform mental health services, including a:
 - a.) certified social worker;
 - b.) chemical dependency counselor;
 - c.) licensed professional counselor;
 - d.) licensed marriage and family therapist;
 - e.) physician who is practicing medicine; or
 - f.) psychologist offering psychological services.

3. Patient: An individual who seeks or obtains mental health services.

4. Sexual Exploitation: A pattern, practice, or scheme of conduct, which may include sexual contact, that can reasonably be interpreted as being for the purpose of sexual arousal or gratification or sexual abuse of any person.

5. Therapeutic Deception: Representation by a mental health services provider that sexual contact with, or sexual exploitation by, the mental health services provider is consistent with, or part of, a patient's or former patient's treatment.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

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| <p>1. Pre-employment Background Check: All employees who provide mental health services at UNTHSC-FW shall undergo a pre-employment background check, to be conducted by the employing department under the authority of the department head. Inquiries should be made of the current employer and former employers, whose names and addresses have been disclosed to the health science center, and who employed the mental health services provider as a mental health services provider within the past five years before the date of disclosure, concerning the possible occurrence of sexual exploitation by the mental health services provider of patients or former patients of the mental health services provider. Reported information is privileged and may not be disclosed for unauthorized purposes. Certification that the appropriate background checks have been initiated and completed with responses received must accompany the request to authorize the new faculty or staff member for payment.</p> | <p>Employing Department of all mental health service employees</p> |
| <p>2. In the case of a background check indicating previous suspected or confirmed sexual abuse by an individual seeking employment with the health science center as a mental health services provider, the department head and/or dean shall confer with the appropriate administrative authority (Vice President for Health Affairs for faculty, Human Resource Services Department for staff) and with General Counsel prior to taking any action regarding the prospective employment of the individual.</p> | <p>Department Head/Dean, Administrative Authority</p> |
| <p>3. Reporting Alleged Sexual Exploitation: Any individual having reasonable cause to believe that a patient has been the victim of sexual exploitation by a health science center mental health services provider during the course of treatment should immediately report the alleged conduct to the EEO Office who is responsible on behalf of the health science center to report the allegation (1) to the prosecuting attorney in the county in which the alleged sexual exploitation occurred and (2) to any applicable state licensing board which has responsibility for the licensing of the mental health services provider involved. Reported information is privileged and may not be disclosed for unauthorized purposes. The identity of an alleged victim of sexual exploitation by a mental health services provider may</p> | <p>Individuals having cause, EEO Office</p> |

not be disclosed unless the alleged victim has consented to the disclosure in writing. A person who, in good faith, makes a report is immune from civil or criminal liability resulting from the filing of that report.

References and Cross-References.

Texas Civil Practices and Remedies Code, § 81

Forms and Tools. None

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Effective: 9/1/2006

Revised: