DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
REPORTING ALLEGED SEXUAL BEHAVIOR WITH CLIENTS	**100.03**	**03/01/2015**	**1 of 5**
APPROVED BY: Director	SUPERSEDES **100.3**	ORIGINAL ISSUE DATE **05/01/2004**	DISTRIBUTION LEVEL(S) **1, 2**

PURPOSE

1.1 To establish a Los Angeles County Department of Mental Health (LACDMH) policy and procedure for reporting any alleged sexual behavior as defined below between a previous or current workforce member or previous therapist and a mental health client during the course of prior or current treatment.

DEFINITIONS

2.1 **Sexual Behavior:** Any sexual contact or behavior that includes sexual advances and/or other verbal or physical conduct of a sexual nature, including but not limited to sexual contact, sexual abuse, sexual exploitation, sexual misconduct or sexual relations.

2.2 **Sexual Contact:** The touching of an intimate part of another person. [Reference 1, Business and Professions Code, Section 728(c)(1)]

2.3 **Course of a Prior Treatment:** The period of time during which a patient first commences treatment for services that a psychotherapist is authorized to provide under his/her scope of practice, or that the psychotherapist represents to the patient as being within his/her scope of practice, until the psychotherapist-patient relationship is terminated. [Reference 1, Business and Professions Code, Section 728(c)(4)]

2.4 **Therapist:** Defined by California Business and Professions Code, Section 728 (Reference 1) as anyone who is licensed to practice psychotherapy, or is training to become licensed, and includes:

- Psychiatrists (physicians practicing psychotherapy);
- Psychologists;
- Registered psychologists;
- Psychological interns;
- Psychological assistants;
- Licensed clinical social workers;

- Registered associate clinical social workers;
- Licensed marriage and family therapists;
- Marriage and family therapist registered interns and trainees;
- Licensed professional clinical counselor; and
- Professional clinical counselor interns.

2.5 **Therapy:** Defined by California Business and Professions Code, Section 728 (Reference 1) for the purpose of this policy as any type of mental health counseling from any of the licensed or registered therapists listed in Section 2.4 above.

POLICY

3.1 LACDMH workforce members shall immediately report any allegations of sexual behavior with a client by a previous or current workforce member or previous therapist to a supervisor for further actions according to the procedures sections below.

3.2 Clients who report alleged sexual intercourse or alleged sexual contact by a previous or current LACDMH workforce member or a previous therapist shall receive the booklet "Professional Therapy Never Includes Sex" (Attachment 1) and be offered a discussion concerning the information with a workforce member (Reference 1).

PROCEDURE

4.1 All LACDMH workforce members must immediately notify their supervisors if clients, workforce members, or other parties report alleged sexual behavior by a previous or current workforce member or previous therapist during the course of prior or current treatment. The informed supervisor must notify the program manager for follow-up.

4.2 Workforce members who experience sexual advances from clients shall immediately consult with their supervisors regarding the nature and details of the situation. The supervisor shall inform the program manager for additional actions which shall include but not be limited to the following:

4.2.1 Determining any necessary changes in treatment to ensure appropriate care;

4.2.2 Considering reassignment of the client; and

4.2.3 Documenting the actions administratively.

4.3 The manager or designee receiving information regarding alleged client sexual behavior by a previous or current workforce member shall:

4.3.1 Notify Performance Management (LACDMH only) or equivalent Human Resources staff (Contractors), or the Office of the Medical Director for Locum Tenens, of the allegations for internal investigation and necessary reporting;

4.3.1.1 The manager shall verify the receipt of the communications concerning the allegations by Performance Management.

4.3.2 Ensure the client is notified of the availability of transferring to another program site if desired; and

4.3.3 Ensure the allegation is appropriately documented in the clinical record.

4.4 The manager or designee receiving information regarding alleged client sexual behavior by a previous or current workforce member or by a previous therapist shall:

4.4.1 Complete a LACDMH Clinical Incident Report according to the guidelines in LACDMH Policy No. 202.18, Reporting Clinical Incidents Involving Intentional Injuries, Deaths, and Alleged Client Abuse (Reference 2).

4.4.2 If the alleged sexual behavior included sexual intercourse or sexual contact, ensure that the client is provided with a copy of the brochure, "Professional Therapy Never Includes Sex" (Attachment 1) and that the brochure is discussed with the client (Reference 1).

4.4.2.1 Program Managers are responsible for informing all staff of this regulation and ensuring that they understand the circumstances for and process of distribution and discussion of the brochure with the client and for monitoring compliance.

4.4.2.2 The client's disclosure and action taken following the disclosure in compliance with this policy must be documented in the client's clinical record. Verbal translation of the brochure into another language should also be documented.

4.4.2.3 At the client's request, a staff person may support or assist the client in reporting the incident but should not pressure the client to report or assume responsibility for reporting. Except in those situations where reporting by staff is required by law, such as with a child, dependent adult or elder abuse, reports covered by this law must be filed by the client.

4.5 Make indicated Elder and Dependent Abuse reports to Adult Protective Services per LACDMH Policy No. 202.9, Reporting Suspected Elder/Dependent Adult Abuse and Neglect (Reference 3), and LACDMH Policy No. 202.08, Reporting Suspected Child Abuse and Neglect (Reference 4).

AUTHORITY

1. California Business and Professions Code, Section 728

ATTACHMENT

1. "Professional Therapy Never Includes Sex"

REFERENCES

1. California Business and Professions Code, Section 728
2. LACDMH Policy No. 202.18, Reporting Clinical Incidents Involving Intentional Injuries, Deaths, Alleged Client Abuse and Possible Malpractice
3 LACDMH Policy No. 202.9, Reporting Suspected Elder/Dependent Adult Abuse and Neglect
4. LACDMH Policy No. 202.08, Reporting Suspected Child Abuse and Neglect

RESPONSIBLE PARTY

LACDMH Office of the Medical Director