

2009 Negley Awards for Excellence in Risk Management

Preventing Sexual Misconduct in the Workplace

Lakeside Behavioral Healthcare, Winner of The Board of Directors Award

Florida's Lakeside Behavioral Healthcare, Inc. takes pride in the ways we create a "no tolerance" norm against sexual misconduct and boundary violations. We first begin to set the norm by providing new employees a copy of the Human Resources Manual when they show up to complete their 'new hire' paperwork prior to attending New Employee Orientation. During this time, our Standards of Conduct, which comes from our Code of Conduct procedure, is reviewed with the new employee. This Code of Conduct first and foremost addresses that we strictly prohibit any abuse, neglect or exploitation of the Company's clients by employees or others (Attachment A*).

Our second practice (a Best Practice in the industry) is providing all employees with New Employee Orientation before they start working in their departments. We call this "On Boarding". This orientation to our company and procedures is a very welcoming and interactive orientation requiring staff to process and discuss what they learn rather than just passively listen.

During New Employee Orientation, we introduce new staff to our Vision, Mission, and Guiding Values that we call our Pillars of Excellence. Our Vision sets our expectations: "Lakeside is a recognized and respected leader of behavioral healthcare services in Central Florida. Our responsive, competent and comprehensive system of care is designed to enhance the emotional well being of the people we serve and enables them the opportunity to lead healthier, more independent lives. We commit to contributing towards a better tomorrow and focus on the individual recovery of each person we serve." Our Guiding Value again reinforces our expectation for professionalism, ethical behavior and accountability.

Our Guiding Value states: "We respect the dignity, safety and confidentiality of every individual. We believe in corporate integrity and ethics are at the core of our reputation". Our Code of Ethics Statement exemplifies our company's Guiding Value and is further emphasized in our Compliance Plan which includes our Professional Code of Conduct (Attachment B*).



We continue to set and reinforce the norm for ethical behavior during New Employee Orientation (On Boarding) by providing Professional Boundaries and Ethics training. This is provided by our Risk Manager on the second day of New Employee Orientation and again annually to all staff. Staff receive and review the Facts to Remember sheet during these trainings as well as the Compliance Program Employee Handbook, called the Professional Code of Conduct which covers compliance issues from every aspect of the organization (Attachment C*).

After receiving the training on Professional Boundaries and Ethics, new staff are then referred to our Code of Conduct general procedure, our Employee/Client Relationships and Interactions procedure and our Sexual Behavior procedure. The Sexual Behavior procedure specifically addresses that we prohibit sexual relations between clients while they are in our facilities and how staff are to prevent/address this.

Finally, during "On Boarding" each employee is required to sign the Acknowledgment of Receipt

of Professional Boundaries/Ethical Conduct Training and Statement of Understanding indicating that they are responsible for reviewing these documents and accept their responsibility for conducting themselves in an ethical manner according to our standards (Attachment D*). All of our procedures are available online from our intranet which can easily be accessed from any Lakeside computer.

Our procedure on Employee/Client Relationships and Interactions clearly details what is and is not appropriate behavior with clients. Following are procedure highlights (Attachment E*):

- "An unprofessional or inappropriate client relationship refers to dating, fraternizing or socially associating with an active client (an individual who has been in receipt of a Lakeside service within the last six months) prior to one year from discharge from an active status. This extends to overly familiar physical contact with clients or involvement on a contractual basis (after working hours)."

- "Engaging in an inappropriate relationship with a client, either inpatient or outpatient, is strictly prohibited, subject to disciplinary actions, and/or grounds for immediate termination." (This is considered a critical incident per our code of conduct and, if founded, would result in termination.)

- "Any attempt, by word or conduct, to engage a client in a sexual or intimate relationship and/or potentially dangerous or illegal activity will result in immediate termination and possible arrest."

- "Staff members are not to give out their addresses, home phone or cell phone numbers to any client or visitor."

- "Activities between a staff member and clients are to take place

only during the hours in which the staff member is on duty.” This policy also directs how to address clients who attempt to engage a Lakeside Representative in such relationships or activities.

- “It is the responsibility of the Lakeside Representative in such relationships or activities to politely, but firmly, explain the inappropriateness of the behavior or situation.”

- “Immediately following the exchange, the Lakeside Representative should notify their immediate supervisor and/or Program Manager.”

- “Documentation of the incident will be reflected in the client record”.

Lakeside Behavioral Healthcare, Inc.’s Quality Management Department consists of the Vice President of Quality Improvement and Risk Management (an LHRM) who is our Compliance Officer; our Risk Manager (an LHRM) who investigates all allegations and provides compliance training to all staff during New Employee Orientation and annually; a Data Analyst who audits charts and consolidates Performance Improvement Data; a Compliance Coordinator who evaluates records to ensure compliance with regulatory rules, laws and contract requirements; and the Director of Quality Health Information Service (an LMHC, NCC) who provides ongoing training to staff when identified as needed for performance improvement. This combination of professionals provides a perfect balance among Risk Management concerns, Quality Improvement concerns and the development of Clinical Training/Performance Improvement activities. Though trainings related to Professional Boundaries and Ethics are provided to all employees at New Employee Orientation and annually, the Quality Management and Human Resources Departments work closely together to ensure that all identified training needs are addressed in a timely manner.

Evidence of the effectiveness of our procedures, training and high standard of accountability is indicated

by the fact that our liability is very low. Our Quality Management Department investigates all allegations of sexual misconduct and constantly reinforces our zero tolerance for employees who act inappropriately with clients. In the past two years, there have been nine allegations of inappropriate sexual behavior by staff towards clients. All were investigated and concluded to be unfounded. If accused, staff individually receive re-training (even when the findings are negative) on how their actions may be misinterpreted by clients. For programs that provide in-home services to clients, we have not had any allegations of sexual misconduct by staff. The above demonstrates that our practices are indeed “Best Practices”.

To enhance our trainings, we have recently developed Training for Professional Staff on Ethics and Boundary Issues for the Mental Health Professional that is required for Florida Licensure renewal. We added and emphasize issues of transference and counter transference that often lead to boundary violations. According to Corey, et. al. (1993): “A common manifestation of counter transference is the development of sexual or romantic feelings between clients and therapists (p. 46)”. We have provided three trainings to professional staff already and plan to provide a scaled down version of this to all staff during “On Boarding” within the next three months in order to enlighten new staff to be aware of their personal needs and how these could affect their interactions with clients.

In conclusion, Lakeside Behavioral Healthcare, Inc. has developed a Vision, Guiding Value, Code of Conduct, Code of Ethics and clear procedures addressing our intolerance for sexual misconduct in the workplace. Providing initial and continuous training to staff and holding staff accountable to these standards has made Lakeside a safe place for our clients to be during their recovery.

References:

Corey, Gerald, Corey, Marianne, & Callahan, Patrick (1993). *Issues and Ethics in the Helping Professions*. California: Brooks/Cole Publishing Company.

***Attachments** are available from Lakeside Behavioral Healthcare, contact: Diana Jackson: 407-822-5051

PROFILE: Lakeside Behavioral Healthcare, Inc. is a private, not-for-profit behavioral healthcare organization licensed as a Community Mental Health Center and a Hospital. The organization has been in business as a not-for profit organization for the past 25 years and is governed by a voluntary Board of Directors. Funding for the organization comes from a variety of sources to include: contracts with the Department of Children and Families, Orange County, The Heart of United Way, Medicaid, Medicare, Third Party Insurance and HMO’s, grants, and other charitable organizations.

The mission of Lakeside is to provide compassionate, comprehensive, cost-effective behavioral healthcare services that focus on individualized recovery to the people of Central Florida.

Lakeside serves approximately 13,000 people annually. More than 97% of the population the organization serves has an annual income of less than \$15,000.00.

Lakeside has three primary locations in the Orlando area, as well as providing on-site services in area schools and in-home to families/caretakers for children and adolescents. The company operates a community affiliation endeavor called the Central Receiving Center (CRC) that is a single point of entry for the Orange County community for those adults who meet criteria for Baker Act and Marchman Act.

Lakeside provides a full array of behavioral healthcare services for adults, children, adolescents, and their families.

Lakeside employs approximately 650 employees to include: psychiatrists, registered nurses, licensed clinicians, master’s level clinicians, bachelor level clinicians, psychiatric technicians, program advisors, case managers, along with a wide variety of support and administrative staff.

Lakeside also works in partnership with other community providers, community groups and governmental entities for enhancing, increasing and improving quality behavioral healthcare services to the community. ❖