

Investigation of Sexual Misconduct or Sexual Abuse Policy - Florida

Scope

Applies to personnel in Inpatient and Outpatient Practices when investigating allegations of sexual misconduct or sexual abuse against an employee with direct patient contact and the alleged misconduct/abuse occurred on site.

Purpose

To provide standards for addressing the investigation and possible reporting of every allegation of sexual misconduct or sexual abuse that is made against an employee who has direct patient contact when the allegation is that the sexual misconduct or sexual abuse occurred at the facility or on the facility grounds.

Policy

1. All allegations of sexual misconduct against facility personnel with direct patient contact must be reported immediately to the Risk Manager when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility.
2. Any individual that witnesses or possesses actual knowledge of the act that is the basis of an allegation of sexual abuse must notify the local police, the Risk Manager and the Hospital Administrator.
3. Sexual abuse/assault of a patient is a reviewable sentinel event; root cause analysis is completed within 45 days.

Policy Notes

N/A

Related Procedures

[Investigation of Sexual Misconduct or Sexual Abuse Procedure - Florida](#)

Related Documents

[Patient Safety Incident \(including Sentinel Event\): Reporting and Review Policy](#)

[Sexual and Other Harassment Prevention Policy](#) (Allied Health)

Definitions

Sexual Abuse: Acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, or a minor. "Sexual abuse" includes, but is not limited to the following: oral, anal, or vaginal penetration by, or union with, the sexual organ of another by any other object; fondling, exposure of a vulnerable adult or minor's sexual organs; or the use of the vulnerable adult or minor to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

Sexual Abuse/Assault (Joint Commission): Nonconsensual sexual contact of any type with an individual. Sexual abuse includes, but is not limited to, the following:

- Unwanted intimate touching of any kind, especially of the breasts, buttocks, or perineal area
- All types of sexual assault or battery, such as rape, sodomy, and coerced nudity (partial or complete)
- Forced observation of masturbation and/or sexually explicit images, including pornography, texts, or social media
- Taking sexually explicit photographs and/or audio/video recordings of an individual and maintaining and/or distributing them (for example, posting on social media); this would include, but is not limited to, nudity, fondling, and/or intercourse involving an individual.

Sexual Misconduct: In the practice of a health care profession, it occurs when a health care practitioner violates the professional relationship by using such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession.

References

[Florida Statutes, Chapter 395.0197](#)

Owner

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Contact

Risk Manager on-call

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