

# Investigation of Sexual Misconduct or Sexual Abuse Procedure - Florida

## Scope

Applies to Risk Managers 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 instructions 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.

## Equipment/Supplies

N/A

## Procedure

1. Receive notification of an allegation of sexual misconduct or sexual abuse.
2. Report the allegation to the Hospital Administrator.
3. Conduct an investigation.
4. Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct or sexual abuse has been made and that an investigation is being conducted.
5. Report to the Department of Health every allegation of sexual misconduct or sexual abuse by a licensed health care practitioner that involves a patient.
6. After completing the investigation, report the findings and any recommendations to the Hospital Administrator.

## Troubleshooting

N/A

## Procedural Notes

N/A

## Related Documents

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

[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 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

## **Effective Date of Current Version**

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