

CF OPERATING PROCEDURE
NO. 155-49

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, December 21, 2020

Mental Health/Substance Abuse

INDIVIDUALS SERVED/EMPLOYEE RELATIONSHIPS

1. Purpose. This operating procedure describes Departmental procedures for managing multiple relationships between State Mental Health Treatment Facility (SMHTF) employees and individuals currently or formerly residing in state mental health treatment facilities.
2. Scope. This operating procedure applies to facility employees and individuals currently or formerly residing in forensic or civil state mental health treatment facilities [whether operated by the Department of Children and Families or by contract with private entities] and the Florida Civil Commitment Center.
3. Definitions. As used in this operating procedure, the following terms shall mean:
 - a. Individual Served. Residents of state mental health treatment facilities.
 - b. Employee. Any paid employee, volunteer, or intern of the Department, any person under contract with the Department; and any person providing care or support to a resident on behalf of the Department or its providers in a mental health treatment facility.
 - c. Multiple Relationship. A situation where a SMHTF employee and a current or former individual served by the Department maintain an outside relationship that may present as a conflict of interest.

(1) An agency relationship and an outside relationship shall be considered to be a conflict of interest whenever the employee has had an agency role as the provider or supervisor of services to an individual served that involves access to information about or the exertion of control over the provision of services. Examples of this are not limited to employees who provide or have provided direct services, but also include supervisory jobs and jobs in support services. Employees who have or have had a Department-related role as the provider or supervisor of services to an individual served that involves access to information about or the exertion of control over the provision of services are generally prohibited from:

- (a) Engaging in sexual or romantic relationships with individuals served;
- (b) Engaging in business dealings with individuals served that would benefit the employee;
- (c) Allowing or encouraging individuals served to perform work that benefits the employee; and,
- (d) Influencing the civic dealings of the individual served (e.g., how to vote; what organizations to join).

This operating procedure supersedes CFOP 155-49 dated November 11, 2016.

OPR: SMF

DISTRIBUTION: X: OSGC; ASGO; SMF; Region/Circuit Mental Health Treatment Facilities.

(2) Engaging in multiple relationships is problematic because the conflict of interest that may develop out of a multiple relationship can:

- (a) Result in a loss of objectivity on the part of an employee;
- (b) Create the opportunity for unfair gain on the part of an employee;
- (c) Introduce a double standard in the provision of services to a group of active individuals served;
- (d) Create a situation in which an individual served receives or may think they will receive special treatment; and/or,
- (e) Create pressure on an individual served to act in accordance with a particular Department employee's wishes.

4. Procedures. All employee relationships with individuals served by the Department should be professional in nature. However, the Department recognizes that friends, neighbors, partners and relatives of SMHTF employees have been, are, or may become Department individuals served. To protect the welfare of individuals served as well as to encourage adherence to professional standards and preserve the public image and integrity of the Department, the following guidelines shall be adhered to by all employees:

a. All employees who have access to information about or the exertion of control over the provision of services to individuals served may not enter into a personal or business relationship with an individual served until at least two years after discharge of an individual served from a SMHTF.

b. Employees who wish to engage in a personal or business relationship after the two-year restriction must consider the following:

- (1) The amount of time that has passed since the individual served has been released from a SMHTF;
- (2) The nature and duration of the commitment to the SMHTF;
- (3) The individual's personal history;
- (4) The individual's current functional level; and,
- (5) The likelihood of adverse impact on the individual.

c. In the event that an employee who already has a Department relationship with a former individual served identifies the potential for an outside relationship to develop, it is the responsibility of the employee to avoid the creation of the outside relationship. The employee shall inform their supervisor to discuss appropriate actions to resolve the situation.

d. When doubt exists regarding the nature of existing or potential relationships with regard to their classification as multiple relationships, or the manner in which multiple relationships can be avoided, employees shall seek guidance from their supervisors.

e. SMHTF employees that have an established personal or business relationship with an individual served in a mental health treatment facility and are in direct or supervisory contact with the individual, shall inform their supervisor to discuss appropriate actions to resolve the situation.

f. For the situations described in paragraphs 4c, 4d and 4e, the supervisor will generate a memorandum documenting details. The memorandum will be addressed to the next immediate supervisor and copied to the facility administrator or designee.

g. Every employee is to act consistent with the Department's Code of Ethics, as well as any profession or licensing board standards with regard to the issue of multiple relationships. Failure to do so may result in disciplinary action up to and including termination.

h. In addition to the previously mentioned procedures, employees licensed by the Department of Health will abide by statutory regulations or rules which direct the standards of conduct regarding multiple relationships. Licensed professionals are responsible for knowing the regulations or rules which direct their conduct.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

JACQUELINE A. YOUNG
Director, Policy and Programs

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Added "and the Florida Civil Commitment Center" at the end of paragraph 2; throughout the operating procedure, replaced the terms staff, staff member or staff members with the word employee or employees; in most locations, changed the term Department employee(s) to SMHTF employee(s); and, throughout the operating procedure, changed the term Department facility to SMHTF.