

INTRO TO THE SEXUAL ABUSE PREVENTION PROGRAM

Our professional/general liability policy for hospices and home health care agencies excludes coverage for claims arising out of sexual abuse. The coverage can be added by endorsement if your organization has a sexual abuse prevention program in place, including a written policy, and the program is continuously practiced. A sexual abuse prevention program will help prevent incidents of sexual abuse, and it will help your organization respond effectively if an incident should occur. The following contains the standards that must be included in your prevention program before we can add sexual abuse coverage to your policy.

Please refer to the “Contact Us” section on our web site if you have any questions or want to discuss any of the elements of our sexual abuse prevention program as they apply to your organization. Please be sure to also read the sample sexual abuse policy, which is also posted on our web site, and may be helpful as you begin to draft your written policy. Your legal counsel should review your sexual abuse prevention program before you implement it in your organization.

Sexual Abuse Prevention Program

The following standards must be in place in order for Glatfelter to provide coverage:

- All employees/volunteers who work directly with patients or children during normal operations or who work with children at bereavement camps must undergo a comprehensive background check. A list of nationwide providers is available from Glatfelter Underwriting Services or on the Glatfelter web site, www.HCCIS.com. The various reports should verify that the employee/volunteer has “stability of character.” The comprehensive background check must include, at a minimum:
 - Social Security Number Verification
 - Residency Information (Residency is not verified by sending mail to address)
 - Present Employment and (2) Previous Employers Verification
 - Education and Professional Licensing Verification (must be verified with educational institution or state licensing agency)
 - Drivers License Information (MVR)
 - State criminal search for each employee/volunteer who has patient contact, or a county criminal search for each county where the employee/volunteer has resided within the past five years. (It is our understanding that state criminal searches are not available in California, Louisiana, Mississippi, Vermont or Nevada.)
- A sexual abuse policy must be in place, consistently enforced, reviewed annually with each employee/volunteer and the employee/volunteer must sign off that they have read the policy, understand the policy, received the training and will adhere to the policy.
- The sexual abuse policy will include at a minimum: a zero tolerance by the organization for these actions; appropriate definitions of sexual abuse; reporting and investigation procedures; disciplinary procedures and retaliation warning.
 - Definitions of sexual abuse is “inappropriate” sexual contact including interaction for gratification of the adult who is a caregiver and responsible for the patient or child’s care or any inappropriate sexual contact of a criminal nature. Sexual abuse includes sexual molestation, sexual assault, sexual exploitation or sexual injury.
 - Reporting procedures should include that there be at least two persons to report to internally, such as the President/CEO or Human Resource person. Also included should be the name and phone number of your local or state Adult Protective Services (APS) agency and your local or state Child Abuse Agency. Appropriate family members should be notified of alleged instances of sexual abuse.

The organization should also report the alleged sexual abuse incident to their insurance agent.

- Investigation procedures should include that the organization will use an outside third party to investigate the allegation unless they have a trained internal investigation team. The organization will cooperate fully with any law enforcement agency. The policy should also include that the organization has the option of placing the accused on a leave of absence or be re-assigned to a position with non-patient contact.

- A retaliation warning should be included that prohibits any retaliation against the person who makes the good faith complaint of sexual abuse. False or malicious allegations are prohibited and will be dealt with severely.
- Annual review must be provided to all employees/volunteers on the following with a documented sign-off:
 - Organization's sexual abuse policy
 - Identifying sexual abuse
 - Reporting sexual abuse
- The following procedures must be in place for bereavement camps and day care centers:
 - All counselors/leaders must undergo comprehensive background checks.
 - One-on-one contact in isolation between adults and youth is not permitted.
 - Where one on one activities such as counseling must be performed in a private environment, the meeting must be in view of other adults and youths.
 - One-on-one sleeping arrangements not permitted with adults and youth.
 - Adult leaders must respect privacy of children and teenagers in situations such as changing clothes/showering.
 - Appropriate attire is required for both adults and youth.
 - Training in or review of the organizations sexual abuse policy with employee/volunteer sign-off is required before any employee/volunteer works at a bereavement camp.
- The organization will take all allegations of sexual abuse seriously and will promptly and thoroughly investigate whether sexual abuse has taken place. A simple reporting procedure needs to be in place and documented. The reporting procedure should be included in the sexual abuse policy. The reporting of sexual abuse is highly confidential and the procedure and investigation process should be limited to very few numbers of appropriate persons. Reporting procedure should include at a minimum:
 - At least two avenues of reporting available such as President/CEO and Human Resource person
 - Reporting should also involve your local/state Adult Protective Services Agency and your local/state Child Abuse Agency.
 - The organization will use either a qualified outside third party or a trained internal investigation team to conduct an investigation of the incident.
- The sexual abuse policy should be reviewed periodically (at least every four years) by the organization's legal counsel to insure that the policy meets the current state laws and statutes.