

**MILLE LACS BAND OF OJIBWE
HEALTH AND HUMAN SERVICES POLICY & PROCEDURE**

Department: Substance Use Disorder-Four Winds Lodge **Policy Number:** HHS-SUD-FW 4731

Policy Title: Sexual Exploitation, Personal Involvement with Clients and Former Clients

Attachments:

Revision History: **Revised by/Date:** Lindsay Misquadace-Berg 3/2020

Approved by:

Lindsay Misquadace-Berg, Four Winds Treatment Director

Date:
10/15/21

Approved by:

Nicole Anderson, Commissioner of HHS

Date:
11-29-2021

POLICY STATEMENT: Mille Lacs Band Four Winds Lodge staff are prohibited from personal involvement with clients and former clients.

PURPOSE: The purpose of this policy is to establish boundaries of Four Winds staff with current and former clients.

PROCEDURE: Mille Lacs Band Health and Human Services (HHS) will make inquiry of an employer or former employer, whose name and address have been supplied by the potential employee and who employed the psychotherapist within the past five (5) years, concerning the occurrence of sexual contacts by the psychotherapist with client or former clients. No offer of employment will be made until response to such inquiries has been received.

When advised of alleged or actual sexual contact with a client or former client by a currently employed psychotherapist, the supervisor will immediately remove the psychotherapist from direct client contact until an investigation has been completed.

- After the investigation has been completed, if allegations are substantiated, the psychotherapist will be disciplined as outlined in Mille Lacs Band Personnel Policies and Procedures.
- Mille Lacs Band HHS shall respond to any requests by potential employers regarding the existence or nature of sexual contact by current or former Mille Lacs Band HHS psychotherapists. No cause of action exists if, in good faith, Mille Lacs Band HHS complies with requests by potential employers.

DEFINITIONS:

Emotionally Dependent- The nature of the client's or former client's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to believe that the client or former client is unable to withhold consent to sexual contact by the psychotherapist.

Former Client- A person who was given psychotherapy within the past two years.

Client- A person who seeks or obtains psychotherapy.

Psychotherapist- A physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, licensed professional counselor, or person, whether or not licensed by the State, who performs or purports to perform psychotherapy.


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Psychotherapy- The professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition.

Sexual Contact- Any of the following whether or not occurring with the consent of the client or former client:

- A. Sexual intercourse of any kind in any areas of the body.
- B. Kissing, or intentional touching by the psychotherapist, or client in any areas of the body.
- C. Sexual contact includes requests by the psychotherapist for conduct described in A and B, above.
- D. Sexual contact does not include conduct described in A or B above that is part of standard medical treatment of a client.

Therapeutic Deception: A representation by the psychotherapist that sexual contact with the psychotherapist is consistent with or a part of the client's or former client's treatment.

Internal and/or External References	HHS-SUD-FW 4730 Zero Tolerance of Maltreatment of Vulnerable Adults and Minors
Compliance - Posting Date	11/29/2021 
Replaces – Policy Number	
Next Review - Due Date	