

# OREGON STATE HOSPITAL

PORTLAND – SALEM

## POLICIES AND PROCEDURES

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SECTION 6: Patient Care

POLICY: 6.016

SUBJECT: Sexual Activity Between Patients

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POINT DUSTY CHARTERS

PERSON: DIRECTOR RISK MANAGEMENT

APPROVED: GREGORY P. ROBERTS  
SUPERINTENDENT



DATE: June 11, 2012

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### I. POLICY

- A. Oregon State Hospital (OSH) has the responsibility to take reasonable precautions to attempt to prevent sexual contact between patients. The purpose of these procedures is to discourage sexual contact among patients and ensure appropriate follow-up should sexual contact occur.
- B. The Infection Control Committee shall annually review those policies and procedures specific to attempts toward prevention of sexual contact between patients.

### II. DEFINITIONS

- A. "Sexual Contact" means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.
- B. "Sexual Assault" means an incident of sexual contact between patients where criminal activity may have occurred.
- C. "Incapacity to Consent" means a person is considered incapable of consenting to a sexual act because the person is:
  - a. Under 18 years of age.
  - b. Mentally defective from a mental disease or defect that renders the person incapable of appraising the nature of the conduct of the person.
  - c. Physically helpless.

**III. PROCEDURES**

- A. Each program shall utilize the following procedures to address the issue of preventing sexual contact between patients.

These procedures shall include:

1. Education of patients, family members and visitors about hospital and unit rules;
  2. Education of patients about human sexuality, including masturbation in a private and sanitary manner; and
  3. Formulation of patient treatment plans to attempt to prevent incidents of sexual contact.
- B. When a staff person or patient alleges that a sexual contact has occurred, either the patient's psychiatrist/PMHNP or the Physician OD shall be notified immediately. The psychiatrist/PMHNP shall assess the need for medical treatment.
- C. All incidents of suspected or confirmed sexual contact between patients shall be immediately reported to the Communication Center in Salem and, if occurring in Portland, the Program Nursing Supervisor/Lead RN in Portland. All reported incidents of suspected or confirmed sexual contact between patients shall be reported to law enforcement by the Communication Center in Salem.
- D. The following procedures are utilized in review of sexual contact between patients:
1. Staff shall submit a timely incident report for each suspected or confirmed sexual contact incidents. The Risk Management Department shall notify the infection Control department of any reported incidents involving sexual contact. Infection Control shall review reports or follow up, if indicated.
  2. Determination if exposure or suspected exposure may involve a sexually transmitted disease or pregnancy and evaluation for these conditions;
  3. Review of sexual contact incidents by unit treatment teams with modification of treatment care plans as needed;
  4. Notification of participating agencies or legal guardians as necessary.

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**PAGE 3 OF 3**

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F If the allegation falls under the definition of Elder Abuse staff will follow ORS 124.050 and OSH Policy 7.008, Abuse of Hospitalized Patients, and Reporting Allegations of Abuse of Non-Hospitalized Children, Adults and Elderly Persons

#### **IV. REFERENCES**

ORS 124.050

ORS 163.305(6)

OAR 407-045-0400 et. seq.

OSH Policy and Procedure 6.018, HIV/Hepatitis B Infections.

OSH Policy and Procedure 8.019, Staff Response to Alleged Criminal Acts.

OSH Policy and Procedure 2.012, Sentinel Events.

OSH Policy and Procedure 7.008, Abuse of Hospitalized Patients, and Reporting Allegations of Abuse of Non-Hospitalized Children, Adults and Elderly Persons.

The Joint Commission Comprehensive Accreditation Manual for Hospitals, Standards PC 01.02.09, EC 02.01.01

Replaces OSH Policy and Procedure 6.016, *Sexual Activity Between Patients*, dated 10/28/2011.