

BHS Policies and Procedures



City and County of San Francisco
Department of Public Health
San Francisco Health Network
BEHAVIORAL HEALTH SERVICES

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POLICY/PROCEDURE REGARDING: **Code of Professional Conduct**

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Director of Behavioral Health Services

Effective Date: February 28, 2019

Manual Number: 1.04-07

References: DPH-wide Policies including Department of Human Resources and Occupational Safety & Health; BHS Policies.

Technical Revision. Replaces Policy 1.04-07 dated March 13, 2012.

Purpose:

Behavioral Health Services (BHS) is committed to providing behavioral health services in compliance with all federal, state and local laws and regulations. In particular, all BHS civil service and contract employees are expected to abide by a high standard of ethical behavior and compliance, and to exercise appropriate judgment when acting within the scope of their official duties and employment on behalf of BHS.

The purpose of this policy is to promote a work environment within all BHS civil service and contract programs in which all employees, volunteers, interns/trainees, clients, and visitors are treated in a competent and respectful manner in order to foster the efficient operation of services and the delivery of quality care. Unprofessional and inappropriate behaviors can result in treatment errors, contribute to preventable adverse outcomes, lead to poor client satisfaction, increase the cost of care, and cause poor morale among staff. Safety and quality of client care is dependent on teamwork, good communication, and a collaborative work environment. To ensure quality and promote a culture of safety, this policy provides direction to BHS civil service and contract employees and addresses behaviors that undermine a positive and productive work environment.

Scope:

All BHS civil service and contract employees, including interns/trainees and volunteers working on behalf of a BHS program, are expected to know and follow federal, state and local laws, regulations and policies that apply to their job. This includes professional laws and codes of conduct from individual licensing boards. In addition, employees are expected to refrain from activities and behaviors that might be construed as unethical or unprofessional or could otherwise result in exploitation or harm to others (e.g., sexual harassment or engaging in a sexual relationship with a client). If clarification or application of a law, regulation, or policy is needed, it is the responsibility of the employee to request assistance from a supervisor or manager of the program. Managing staff are responsible to ensure that employees under their direction have received training and possess sufficient understanding of their job responsibilities and scope of duties. Similarly, contractors are expected to abide by the terms of their contract with the City,

and by the provisions of applicable federal, state, and local laws, regulations and policies that affect those contracts.

This policy supplements, but does not replace, pertinent federal, state and local laws and regulations, and the policies and procedures for the San Francisco Department of Public Health (DPH) and Behavioral Health Services. Relevant DPH policies include, but are not limited to, the following:

- Compliance Program Code of Conduct
- Employee Non-Retaliation (COM)
- Prohibition of Violence in the Workplace (HUR17)
- Citywide Harassment-Free Workplace
- DHR Sexual Harassment
- DHR Equal Employment Opportunity
- Statement of Incompatible Activities (HUR22)
- Staff Internet Usage (COR2)
- Distinction Between DPH Jobs and Personal Causes (EXF5)
- Determining the Eligibility of Patients/Clients for Healthcare Benefits (COM4)
- Media (EXF2)
- Privacy Policies

Violation of federal, state, and local laws, regulations, or departmental policies may result in disciplinary action, up to and including termination. It is not the intent of this policy to supersede or mitigate relevant civil and criminal statutory authority.

Policy:

Program management assumes responsibility to ensure that unprofessional and inappropriate behaviors in the workplace are addressed by finding out what happened, taking prompt action to stop the behavior, and to prevent it from recurring. Guidelines for management staff include treating disruptive behaviors as an issue that affects everyone in the workplace, informing employees of pertinent laws and policies, taking employee and client perceptions of unprofessional or inappropriate behaviors seriously, and maintaining an open door policy so that others are free to express their concerns. Employees have the responsibility to report any unprofessional and inappropriate behavior to their supervisors. Supervisors and managers have the responsibility to investigate, document, and report incidents, and to take appropriate action. Failure to do so could result in disciplinary action.

Standards of Behavior:

Examples of Expected Behaviors

- Abide by established laws, regulations and policies.
- Treat all providers, clients and visitors with courtesy and respect.
- Maintain appropriate standards of professional boundaries at all times.
- Conduct all communications, including verbal, written, and electronic messages, in a professional and constructive manner.
- Ensure cooperation and availability by adhering to work schedule and meeting times.
- Respond to work correspondence (e.g., pages, emails, phone messages) promptly and appropriately.

- Express contrary opinions, concerns or constructive criticisms in an appropriate manner, time, and place, and with the aim of improving the environment of care.
- Work within your scope of practice, competence and defined duties.
- Maintain confidentiality according to established laws and policies.
- Follow guidelines for appropriate documentation and billing.

Examples of Unprofessional and Inappropriate Behaviors

- Unauthorized release of confidential information.
- Improper documentation of billed services.
- Use of recreational and/or illegal substances during work time.
- Conducting non-City/personal business or political activities using department equipment and/or work time.
- Behaviors that demean, emotionally abuse, or intentionally hurt others.
- Behaviors which are physically aggressive or threatening to others.
- All forms of harassment on the basis of sex, race, religion, color, national origin, ancestry, disability, age, medical condition, marital status, sexual orientation, gender identity, or other protected category.
- Actual conflicts of interest as well as the appearance of conflicts of interest (e.g., giving or receiving gifts or gratuities in exchange for influence or assistance).
- Engaging in a dual relationship with a client (e.g., sexual/romantic relationship, social relationship).
- Involved in the handling of a client's money (e.g., holding money, checks, money orders, etc.) if not working formally with a representative payee program.
- Criticism of performance and/or competency delivered in an inappropriate manner (e.g., not in private) and not aimed at performance improvement.
- Impertinent and inappropriate comments written in client medical records, or other official documents (e.g., electronic communications) which have the primary purpose or effect of attacking or belittling others (e.g., derogatory comments of clients, alleging a provider's incompetence or poor quality of care).
- Lack of cooperation or unavailability to other providers for exchange of pertinent client care information or resolution of client care issues (e.g., untimely response to inquiries related to discharge or transfer of care).
- Failure to report to work or other scheduled work responsibilities without providing notice or by repeated tardiness.
- Other behaviors demonstrating disrespect, intimidation, or disruption to the work environment or the delivery of services.
- Retaliation against any person who addresses or reports unacceptable behavior.

Addressing Unprofessional and Inappropriate Behaviors in the Workplace:

All employees, supervisors, and managers should be mindful of specific protocols pertaining to reporting, investigating, and developing a corrective action depending upon the specific situation. These protocols include, but are not limited to, the following situations:

- If the alleged conduct involves harassment, violence, and/or discrimination, the following should be considered: calling **911** or the on-site Sheriff if there is threat of immediate danger; completing the necessary reporting if indicated (e.g., Occupational Safety & Health if injury is involved); filing a police report or referring the matter to the City Attorney; consulting with

the appropriate resources (e.g., DPH Management staff, Equal Employment Opportunity, Employee Assistance Program, Rape Treatment Center, licensing boards); or contacting Human Resources to provide notice and to obtain advice. Contract providers should also refer to their respective Human Resource protocols.

- Allegations of harassment made to a supervisor must be reported immediately to the department's Equal Employment Opportunity (EEO) officer or Human Resources (HR) officer. Both can provide advice and assistance. Employees can file a complaint about harassment by contacting their supervisor or other manager, the EEO or HR officer, or by calling the Harassment Helpline (415-557-4900). Contract providers should also refer to their respective Human Resource protocols.
- The DPH Compliance Hotline is intended to be used to report activity and/or conduct that may be in violation of DPH policies, including but not limited to, unethical or unprofessional conduct. The number for the DPH Compliance Hotline is 855-729-6040.
- An optional number for reporting improper activities by city government employees includes the Controller's Office Whistleblower program at 415-701-2311.
- File a Quality of Care Report if required per BHS policy 1.04-4. Note that filing this report could result in an investigation by Quality Management for Behavioral Health Services.
- Complete other necessary reporting if indicated (e.g., Child Protective Services/Adult Protective Services mandated reporting, community care licensing, Occupational Safety & Health if injury is involved).
- Clients who are directly impacted by unprofessional and inappropriate behaviors at the program where services are received should be informed of their right to file a grievance (see BHS policy 3.11-01). Filing formal grievances will be investigated by the Grievance/Appeal Office for Behavioral Health Services. In the case of sexual misconduct, clients should be provided a copy of "*Professional Therapy Never Includes Sex*" published by the California Department of Consumer Affairs.
- Clients alleging discrimination due to disabilities at the program where services are received should be informed of their right to file a grievance (see BHS policy 3.04-3). Filing formal grievances will be investigated by the ADA Coordinator for Behavioral Health Services.
- Any BHS employee who knows of, suspects, or has a question regarding a possible unlawful or unauthorized access to or release of protected health information is obligated to report this information to the DPH Privacy Officer and to their immediate supervisor. Potential breaches can also be reported to the Office of Compliance and Privacy Affairs.

In all phases of the resolution process, every effort should be made to maintain confidentiality and protect the privacy of all parties. There shall be no retaliation against anyone who initiates a complaint in good faith and/or cooperates in an investigation.

Contact Person:

Quality Management, 415-255-3400

Distribution:

BHS Policies and Procedures are distributed by the BHS Compliance Office

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