

Sexual Misconduct Allegations in Healthcare: Clinical Considerations

Presented by: The Florida Professional Liability Self-Insurance Programs:

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Disclosure Statement: Randall C. Jenkins, Esq., Beth W. Munz, Esq., CPHRM, Francys C. Martin, Esq., LHRM, Daniel J. D'Alesio, Jr., Esq., Stephanie C. Gann, BS, and Garrett R. Hall, MAMC have disclosed that they have no relevant financial relationships. No one else in a position to control content has any financial relationships to disclose.

Requirements for Successful Completion: This CME activity consists of an educational component (slides, audio/online lecture) which is followed by an online post-test. Certificates are awarded upon successful completion (80% proficiency) of the post-test. In order to receive credit, participants must view the presentation in its entirety.

Release Date: 09/01/2022

Expiration Date: 08/31/2024

Target Audience: Physicians, Specialty Physicians, Physician Assistants, Residents, Nurses, Pharmacists, Dentists, Dental Hygienists.

Learning Objectives: As a result of the participation in this activity, participants should be able to:

1. Define Healthcare Professional Sexual Misconduct Liabilities (PSML).
2. Understand Range of Provider Behavior that may rise to the level of Professional Sexual Misconduct in a Healthcare Setting and Healthcare Regulations.
3. Learn about boundary violations that may lead to PSML.
4. Recognize the steps of the investigation process of an allegation and the impact on the provider.
5. Understand Title IX and its limited application to patient care situations.
6. Identify Loss Prevention Best Practices to prevent PSML.

CME Advisory Committee Disclosure: Conflict of interest information for the CME Advisory Committee members can be found on the following website: <https://cme.ufl.edu/disclosure/>. All relevant financial relationships have been mitigated.

Accreditation: The University of Florida College of Medicine is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians.

Credit: The University of Florida College of Medicine designates this enduring material for a maximum of 1 *AMA PRA Category 1 Credit™*. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

Contact: If you have any questions, please feel free to contact SIPHELP at (352) 273-7006 or at SIPHELP@ad.ufl.edu.

Bibliographic Sources:

1. Florida Statute, Section 456.063 Sexual Misconduct; Disqualification for license, certificate, or registration
2. F.S. 395.0197(9) Sexual Misconduct Reporting
3. Davis v. Monroe City Board of Education, 526 U.S. 629 (1999)
4. Bayer T, Coverdale J, Chiang E. A National Survey of Physician's Behaviors Regarding Sexual Contact with Patients, SMJ October 1996, [http://www.fsmb.org/pdf/GRPOL_Sexual %20 Boundaries .pdf](http://www.fsmb.org/pdf/GRPOL_Sexual%20Boundaries.pdf)

5. King PA, Chaudhry HJ, Staz ML, State Medical Board Recommendations for Stronger Approaches to Sexual Misconduct by Physicians, 2021, JAMA, April 27, 2021 Volume 325, number 16.
6. FSMB Workgroup on Physician Sexual Misconduct, Federation of State Medical Boards, Adopted as policy May 2020.
7. Clemens V, Brahler E, Fegert JM, #patients too – Professional sexual misconduct by healthcare professionals towards patients: a representative study, Epidemiology and Psychiatric Sciences, Cambridge University Press, May 22, 2021.
8. Florida Administrative Code, Section 64B9-8.005
9. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.
10. Doe v Mercy Catholic Medical Center, 850 F3d 545 (3rd Cir 2017)