

SEXUAL HARASSMENT - - RIGHT TO BE FREE FROM

THE LAW

Each patient shall... "Have a right to a **humane psychological and physical environment** within the hospital facilities..." § 51.61(1)(m), Wis. Stats. [Emphasis added.]

"Staff shall take reasonable steps to ensure the **safety** of all patients." DHS 94.24(2)(a), Wis. Admin. Code [Emphasis added.]

"Each patient shall be treated with **respect** and with recognition of the patient's **dignity** by all employees of the service provider and by all licensed, certified, registered or permitted providers of health care with whom the patient comes in contact." DHS 94.24(2)(b), Wis. Admin. Code [Emphasis added.]

DECISIONS

1. A patient was a **recovering alcoholic** who experienced a **relapse** after six months of sobriety. He visited a priest while he was intoxicated. He ended up in detox that night. Upon intake, he **alleged that the priest had sexual assaulted him**. He made those allegations while he was **still intoxicated**. The staff at the detox facility took no actions on the allegations. It is **normal procedure** to **wait** until a patient is **no longer intoxicated** to address such issues. Later, when he was no longer under the influence of alcohol, **he denied** that any assault had occurred. It was reasonable for the staff to accept the later, sober, statements over the prior intoxicated ones. He was released the day after being admitted and did not pursue criminal charges against the priest. **No rights violation** was found in the manner in which the staff dealt with his allegation of assault. (Level IV decision in Case No. 00-SGE-16 on 8/14/01, upholding the Level III.)
2. A mother complained that her **daughter's therapist reported sexual abuse** to the county social worker. The therapist learned that a teacher at her daughter's home school had touched the young woman inappropriately. The therapist reported the allegations to the county social worker. The county Social Services department then got the police involved. The police came to the home school to arrest the teacher. This situation was stressful for both mother and daughter. The incident met the legal definition of sexual abuse. Since she was a **minor**, **law mandates the reporting of the allegation**. The therapist's actions were professional and appropriate. (Level III Decision in Case No. 03-SGE-02 on 12/26/03.)

[See: "Introduction to Digest-Date Last Updated" page]