

Policies of the University of North Texas	Chapter 5
05.005 Confidential Background Check for Mental Health Services Providers	Human Resources

Policy Statement.

Application of Policy.

This policy applies to all Eligible Faculty, Staff and Student Interns.

Definitions.

1. Mental Health Services. “Mental Health Services” means the assessment, diagnosis, treatment, or counseling in a professional relationship to assist an individual or group in:
 - a. Alleviating mental or emotional illness, symptoms, conditions, or disorders, including alcohol or drug addiction;
 - b. Understanding conscious or subconscious motivations;
 - c. Resolving emotional, attitudinal, or relationship conflicts; or
 - d. Modifying feelings, attitudes, or behaviors that interfere with effective emotional, social, or intellectual functioning.
2. Mental Health Services Provider. “Mental Health Services Provider” means an individual, licensed or unlicensed, who performs or claims to perform mental health services, including a:
 - a. Certified social worker;
 - b. Chemical dependency counselor;
 - c. Licensed professional counselor;
 - d. Licensed marriage and family therapist;
 - e. Physician who is practicing medicine; or
 - f. Psychologist offering psychological services.
3. Patient. “Patient” means in individual who seeks or obtains mental health services.
4. Sexual Exploitation. “Sexual Exploitation” means a pattern, practice, or scheme of conduct, which may include sexual contact that can reasonably be interpreted as being for the purpose of sexual arousal or gratification or sexual abuse of any person.
5. Therapeutic Deception. “Therapeutic Deception” means representation by a mental health services provider that sexual contact with, or sexual exploitation by, the mental

health services provider is consistent with, or part of, a patient's or former patient's treatment.

Procedures and Responsibilities.

1.0 Purpose.

Chapter 81 of the Texas Civil Practices and Remedies Code requires that employers conduct pre-employment background checks of mental health services providers regarding possible occurrences of sexual exploitation by the mental health services provider of patients or former patients. Further, employers have a duty to report occurrences of sexual exploitation by a mental health services provider, or reasonable suspicion of same, to the appropriate legal and accreditation authorities.

Responsible Party: Department of Human Resources

2.0 Background Check.

Any individual who provides mental health services at UNT shall undergo a background check prior to providing services, to be conducted by the department in which the service is provided under the authority of the department head and using the form for conducting and documenting the background check which is available through Human Resources. Inquiries should be made of any applicable licensing agency with which the applicant is registered, and of current and former employers, whose names and addresses have been disclosed to the University, and who employed the mental health services provider as a mental health services provider within the past five years before the date of disclosure, concerning the possible occurrence of sexual exploitation by the mental health services provider of patients or former patients of the mental health services provider. Reported information is privileged and may not be disclosed for unauthorized purposes. Certification that the appropriate background checks have been initiated and completed with responses received must accompany the request to authorize the new faculty or staff member for payment.

In the case of a background check indicating previous suspected or confirmed sexual abuse, the department head and/or Dean shall confer with the appropriate administrative authority (Provost's Office for faculty, Human Resources Department for staff) and with the Vice Chancellor and General Counsel prior to taking any action regarding the individual.

Responsible Party: Department Head, Dept. of Human Resources

3.0 Reporting Alleged Sexual Exploitation.

Any individual having reasonable cause to believe that a patient has been the victim of sexual exploitation by a UNT mental health services provider during the course of treatment should immediately report the alleged conduct to the Director of Equal Opportunity, and to the Vice Chancellor and General Counsel who are responsible on behalf of the University to report the allegation (1) to the prosecuting attorney in the county in which the alleged sexual exploitation occurred and (2) to any applicable state

licensing board which has responsibility for the licensing of the mental health services provider involved. Reported information is privileged and may not be disclosed for unauthorized purposes. The identity of an alleged victim of sexual exploitation by a mental health services provider may not be disclosed unless the alleged victim has consented to the disclosure in writing. A person who, in good faith, makes a report is immune from civil or criminal liability resulting from the filing of that report.

Responsible Party: Director of Equal Opportunity, Vice Chancellor, General Counsel

References and Cross-references.

Texas Civil Practices and Remedies Code, Chapter 81

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