

CENTRAL STATE HOSPITAL
POLICYSUBJECT: ALLEGED SEXUAL ASSAULT ON AN INDIVIDUALANNUAL REVIEW MONTH: NovemberRESPONSIBLE FOR REVIEW: Director of Legal and Special
ServicesLAST REVISION DATE: September 2010

It is recognized that sexual assault may be alleged at the hospital. Due to the varying situations and degrees of mental competency of individuals, it is necessary to have guidelines to assure that, when assault is alleged, a prompt medical examination, with the consent of the individual or legal representative, is obtained. Sexual offenses are defined under Title 16, Chapter 6 of the Official Code of Georgia Annotated, and include rape, statutory rape, sodomy, aggravated sodomy, child molestation and other offenses. In addition to the above, Section 16-6-5.1 is very specific with regard to sexual assault on an individual: "(c) (1) A person commits sexual assault when such person has supervisory or disciplinary authority over another person and such person engages in sexual contact with that other person who is: (B) Detained in or is a patient in a hospital or other institution." A person commits sexual assault when he/she engages in contact with an intimate part of an individual for sexual gratification. If a person is convicted of sexual assault under this code section, he/she is subject to imprisonment for not less than ten (10) nor more than thirty (30) years.

For those individuals who are unable to consent to the medical evaluation for themselves, either because of minority status, legally determined incapacity or inability to understand the consequences of refusing to consent, the following persons are authorized and empowered to consent either verbally or in writing:

1. An adult, for himself/herself;
2. Any person authorized to give such consent for the adult under a health care agency complying with Chapter 32 of Title 31, the Advance Directives for Healthcare;
3. In the absence or unavailability of a living spouse, any parent, whether an adult or a minor, for his/her minor child;
4. Any married person, whether an adult or a minor, for himself/herself and for his/her spouse;
5. Any person temporarily standing in loco parentis, whether formally serving or not, for the minor under his/her care; and any guardian, for his/her ward;

6. Any female, regardless of age or marital status, for herself when given in connection with pregnancy, or the prevention thereof, or childbirth;
7. Upon the inability of any adult to consent for him/herself and in the absence of any person to consent under paragraphs (2) through (5) of this subsection the following persons in the following order of priority:
 - (a) Any adult child for his/her parents;
 - (b) Any parents for his/her adult child;
 - (c) Any adult for his/her brother or sister; or
 - (d) Any grandparent for his/her grandchild.

If the above named persons cannot be reached to give consent, the attending physician and service clinical director may agree that a medical examination is in the best interest of the individual, to avoid serious physical consequences, in which case an order may be issued for the medical examination at Oconee Regional Medical Center (ORMC).

Individuals who allege consensual sexual contact will be examined by the attending physician/OD and referred to ORMC for medical examination, if appropriate, upon request and/or consent of the individual(s) or legal representative. The Critical Incident Report form (CIR) must be completed in compliance with DBHDD Policy, #03-515 Incident Management.

Approved:

This policy has been approved by the RHA and the CSH Clinical Director.