

Mary Poole
State Director
Patrick Maley
Deputy Director
Rufus Britt
Associate State Director
Operations
Susan Kreh Beck
Associate State Director
Policy
W. Chris Clark
Chief Financial Officer



3440 Harden Street Extension
Columbia, South Carolina 29203
803/898-9600
Toll Free: 888/DSN-INFO
Home Page: www.ddsn.sc.gov

COMMISSION
Gary C. Lemel
Chairman
Barry D. Malphrus
Vice Chairman
Robin B. Blackwood
Secretary
Eddie L. Miller
Stephanie M. Rawlinson
David L. Thomas

Reference Number: 100-27-DD

Title of Document: Dual Relationships

Date of Issue: July 1, 2001
Effective Date: July 1, 2001
Last Review Date: September 17, 2020
Date of Last Revision: September 17, 2020 (REVISED)

Applicability: DDSN Central and District Offices, DDSN Regional Centers, DSN Boards and Contracted Service Providers

POLICY STATEMENT

Employees have a professional responsibility to provide appropriate services and supports to all persons served. These services and supports should be provided in a way that is as least restrictive as possible, and which does not generate conflicts of interest for employees or unreasonable expectations for those persons who are served. Employees have a responsibility to treat all persons who are served fairly and to avoid actual and apparent conflicts of interest or unfair discrimination. It is the policy of the South Carolina Department of Disabilities and Special Needs (DDSN) that DDSN/provider employees may not engage in dual relationships with any person served. Dual relationships may violate the Omnibus Adult Protection Act.

DEFINITIONS

The terms "person/persons served" are used interchangeably to represent any individuals receiving DDSN services.

For the purposes of this policy, dual relationships are defined as situations in which an employee and a person served simultaneously maintain a DDSN/provider related relationship and an outside relationship that presents a conflict of interest. A DDSN/provider relationship and an outside relationship shall be considered to be a conflict of interest whenever the employee has a

role as the deliverer of or supervisor of services to the person served that involves access to information about or the exertion of control over the provision of services.

Employees who have a DDSN/provider related role as the deliverer or supervisor of services to a person served that involves access to information about or the exertion of control over the provision of services must not:

- Engage in sexual or romantic relationships with persons served.
- Engage in business dealings with persons served that would benefit the employee.
- Allow/encourage persons served to perform work that benefits the employee.
- Influence the civic dealings of the person served (e.g., how to vote; what organizations to join).

Examples of this are not limited to employees who deliver direct services, but also include supervisory jobs and jobs in support services.

It is not the intent of this policy to unreasonably further restrict the already diminished opportunities for social interaction and normalization that many persons served face. For example, it may still be appropriate for a person served to visit the home of an employee for a discrete period of time if appropriate checks and balances are in place.

RATIONALE

Engaging in dual relationships is dangerous because of the conflict of interest that may develop out of a dual relationship which can:

- Result in a loss of objectivity on the part of the employee.
- Create the opportunity for unfair gain on the part of the employee.
- Introduce a double standard in the provision of services to a group of persons served.
- Create a situation in which the person served may think that they will receive special treatment.
- Create pressure on the person served to act in accordance with a particular employee's wishes.

SAFEGUARDS

Whenever employees engage in interactions/activities that may present the question of a dual relationship, they must do so only under the following conditions which must be documented in the record of the person served:

- As part of the plan of the person served.
- With the advance approval of their Executive Director/Chief Executive Officer/Facility Administrator/State Director based on the setting of employment.
- With the voluntary consent of the person served (and the consent of any guardian).

An additional issue that needs to be clear is whether the employee is acting as a volunteer, or if the time spent with the person served is actually "on the clock." This clarification has ramifications for the calculation of an employee's over-time pay, as well as in the event of an employee injury and Worker's Compensation claim. If the employee is acting as a private citizen, then they will be processed through the provider's or DDSN Regional Center's Volunteers Program as a volunteer.


The provider or DDSN Regional Center will make an effort to provide alternative staffing arrangements to avoid the creation of a dual relationship in the event that an outside, conflictual relationship exists prior to the development of a relationship as an employee of the provider or DDSN Regional Center. The employee shall bring the issue to the attention of his/her supervisor.

It is the responsibility of an employee who has a provider relationship to avoid the creation of an outside relationship when an employee identifies the potential for such a relationship to develop. The employee shall inform his/her supervisor of the potential outside relationship and discuss the possibility of reassignment of the person served.

Consideration should be given to avoiding potential situations creating a conflict of interest in which the person served would not feel empowered to exercise making a decision to choose a new provider.

When doubt exists regarding the nature of existing or potential relationships with regard to their classification as dual relationships, or the manner in which dual relationships can be avoided, staff shall seek guidance from their Executive Director/Chief Executive Officer/Facility Administrator/State Director based on the setting of employment.

DDSN requires all employees act consistently with the Code of Ethics of his/her profession or licensing board with regard to the issue of dual relationships.



Barry D. Malphrus
Vice-Chairman



Gary C. Lemel
Chairman

Related Directive:

735-02-DD: Relatives/Family Members Serving As Paid Caregivers of Respite Services