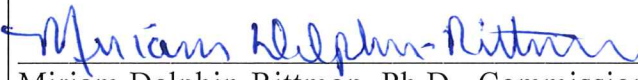




STATE OF CONNECTICUT
Department of Mental Health & Addiction Services
Commissioner's Policy Statement and Implementing Procedures



SUBJECT:	Private Practice/Outside Employment
P & P Chapter	Chapter 2—Human Resources/Employee Services
APPROVED:	 10/3/18 Miriam Delphin-Rittmon, Ph.D., Commissioner Date:
EFFECTIVE DATE:	May 1, 1992
REVISED:	July 1, 1996; August 1, 1996; September 12, 2018 (Replaces Commissioner’s Policy Statement #40 with effective date of August 1, 1996)
REFERENCES:	
FORMS AND ATTACHMENTS:	None

STATEMENT OF PURPOSE: For the purpose of this policy statement, "private practice" shall mean the provision of direct services by Department of Mental Health and Addiction Services workforce to, for, or concerning clients outside of State duty hours for compensation or other financial gain.

"Outside employment" shall mean work or services for pay by an employer other than the State of Connecticut. Private practice shall be considered to be outside employment. "Employee and/or workforce" shall mean any employee of the Department of Mental Health and Addiction Services, whether in the classified or unclassified service and whether part-time or full-time.

POLICY: The Code of Ethics for Public Officials, Sections 1-79 through 1-90 of the Connecticut General Statutes, permits a public official or state employee (also known as “workforce”) to use her/his expertise, including the expertise gained in state service, for personal financial gain provided there is no conflict of interest. However, it prohibits a public official or state employee/workforce from accepting outside employment which will impair independence of judgment as to state duties or which will require or induce disclosure of confidential information obtained during the course of state employment. Likewise, the public official or state employee/workforce is prohibited from using her/his state position or confidential information gained in state service for personal financial gain.

These provisions may have considerable impact on the workforce of the Department of Mental Health and Addiction Services who have outside employment, and particularly on those who are engaged in private practice or who are employed by or seek employment with private providers or grantee agencies of the Department.

Therefore, the following guidelines will govern outside employment, including private practice, of all DMHAS workforce. Please note that these guidelines are intended to clarify, by specific application to DMHAS workforce the obligations imposed on public officials and state employees by the Code of Ethics for Public Officials.

PROCEDURE:

IN GENERAL, Medical/clinical staff members may not engage in any personal, business or professional activity which conflicts with the duties and responsibilities of their position within the organization.

- **OUTSIDE EMPLOYMENT:** Including private practice, shall not be permitted on the grounds of the Department's facilities, whether owned or leased by the State. Employment or medical/clinical staff membership with outside entities must not interfere or conflict with the performance of the workforce member's duties at DMHAS.
- **SELF-DEALING:** No employee may accept outside employment with an entity that benefits financially from the Department of Mental Health and Addiction Services (e.g. grantee agency) if that employee's official state responsibilities include either reviewing the performance of, determining the funding for, or recommending referral(s) to that entity. Actions disloyal to DMHAS for personal gain are called "self-dealing."
- **SELF-REFERRING:** Actions disloyal to DMHAS for personal gain are called self-referrals" and are prohibited. Example: Self-referring or coaching DMHAS client source to personal private practice or practice to which the DMHAS workforce has a vested interest (i.e., group practice to which the DMHAS workforce participates) so that you, a friend, associate, colleague or family member may obtain a profit or other advantage.
- **AFTERCARE / PRIVATE TREATMENT:** DMHAS workforce may NOT participate in the private aftercare or other private treatment of former state clients for compensation or other financial gain if the WORKFORCE MEMBER had official responsibility for or acquired confidential information about the client while s/he was under the care of the Department
- **CONFIDENTIAL INFORMATION:** The use of confidential, non-public information for personal gain or advantage is strictly prohibited.
- **STATE ASSETS:** No employee may use state offices, facilities, equipment, telephones, supplies or computer systems in connection with private practice or other outside employment, either during scheduled working hours or otherwise.
- **UNDUE INFLUENCE:** Private practice or other outside employment shall not interfere in any way with the employee's performance of her/his state job, nor shall it interfere with the availability of "on-call" employees. No employee may enlist or engage the services of other Department of Mental Health and Addiction Services employees in connection with private practice or other outside employment during scheduled working hours.

Employees are advised that:

- An employee who had official responsibility for a client's treatment who then provides the ex-client's aftercare for compensation or other financial gain as an employee of an outside entity will be deemed to have accepted outside employment which will impair independence of judgment as to official duties in violation of Subsection 1-84(b) of the Connecticut General Statutes. If the employee recommended the aftercare provider in this situation, a violation of the use of office provisions of Subsections 1-84(a) and (c) will also have occurred.
- An employee who has acquired confidential client information in the course of her/his official state duties and who subsequently treats in private practice for compensation or other financial gain that same client upon her/his release from a state hospital or Department of Mental Health and Addiction Services treatment program will be considered to be making use of confidential information in violation of Subsection 1-84 (c) of the Connecticut General Statutes. If the employee recommends herself/himself as the private provider, a violation of the use of office provisions of Subsections 1-84(a) will also have occurred.
- An employee who reviews the performance of, determines funding for, or recommends referral(s) to an outside entity that benefits financially from the Department of Mental Health and Addiction Services (e.g. grantee agency) and who accepts employment with that entity shall be deemed to have an interest in substantial conflict with the proper discharge of her/his duties of state employment in violation of Subsection 1-84(a) of the Connecticut General Statutes.

In order to avoid violations of the Code, the State Ethics Commission suggests that any public official or state employee considering accepting outside employment which may be barred or restricted by Sections 1-84(a), (b), or (c) of the Connecticut General Statutes should seek Commission advice in advance.