



February 13, 2015

Randall J. Meyer,
Inspector General
Office of the Inspector General
30 East Broad Street, Suite 2940
Columbus, Ohio 43215-3414

RE: **IG File ID No. 2013-CA00093**

Dear Inspector General:

Thank you for the opportunity to respond to the three recommendations contained in your report dated December 15, 2014. This case involved allegations of conflict of interest by Ohio Department of Mental Health and Addiction Services (OhioMHAS) employee Deavonte Williams of Northwest Ohio Psychiatric Hospital (NOPH). The recommendations and specific responses are noted below. Please refer to the enclosures in support of our response.

Recommendation 1: Implement the revised statewide policy on secondary employment. Requests for secondary employment should be vetted through MHAS administration and approved before the employee engages in the secondary employment.

OhioMHAS policy implementation, process and training

- OhioMHAS implemented a revised secondary employment policy HR-32 effective June 2014. (See attached OhioMHAS policy HR-32 All Employees Having Secondary Employment, Currently or Future.) April 30, 2014, prior to the implementation of the policy, OhioMHAS legal and human resource staff hosted a webinar for all OhioMHAS HR managers. HR managers were trained on the policy and advised to roll it out to all employees.
- This policy outlines standards for all outside employment, and requires MHAS employees report outside employment on an "Authorization for Secondary Employment" form. The form is to be completed and reviewed by the Human

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Resource Manager for approval or denial. If the human resource manager has any questions, the manager is to contact Chief Legal Counsel who will make the final determination.

- In order to assure training and compliance, on March 23, 2015 NOPH staff will receive a live presentation by OhioMHAS legal and human resources staff. This forty-five minute training and discussion of the secondary employment policy will be presented to both first and second shifts at NOPH. Additionally, OhioMHAS plans to record the training and share with all NOPH staff who are not able to attend. The training will also be shared with the five additional OhioMHAS hospital sites and Central Office through MyLearningPoint, which is the OhioMHAS e-learning source.

Recommendation 2: Ensure that court orders are not violated by having a member of each hospital's respective administration sit in on treatment team meetings as an observer. This should also assist in preventing any future conflict of interest issues.

OhioMHAS is committed to following the direction of the courts, and working with judges to provide appropriate treatment to patients in our hospitals, and safe integration back into the community. We take our responsibilities in this area very seriously.

Ohio MHAS Policy FOR-04 "Movement of Patients Committed Under a Forensic Status," addresses in detail procedures for determining and recommending movement levels based on patients' clinical condition and hospital/community safety for those patients committed under a forensic legal status, and/or patients who have been identified as being at high risk for violence. (See attached.)

In order to assure compliance with OhioMHAS policy and court orders, NOPH updated hospital procedures. Attached are detailed procedures regarding Level 4 and Level 5 movement. Please note that all Level 5 off-grounds visits by forensic patients are to be reviewed and authorized by the Legal Assurance Administrator, to ensure compliance with court orders. (See attached Level 4 and Level 5 procedures.)

Additional steps taken at NOPH to assure court order compliance included:

- The NOPH Chief Clinical Officer (CCO) checked with every treatment team from each unit and reviewed issues regarding court orders and ethics issues.
- The NOPH Legal Assurance Administrator (LAA) pulled all the level 4 and level 5 court orders and double checked all movement passes, to assure that all passes were compliant with court orders.
- NOPH hospital leadership staff canvassed all NOPH units to remind staff of our responsibility to comply with court order and avoid ethics issues.

Past, current and future best practice includes continued review and improvement of OhioMHAS policy, procedure, and performance. Policy FOR-04 was last reviewed and updated effective June 2014. Currently, this policy is under review and revisions are soon to be implemented. OhioMHAS remains committed to ongoing quality improvement of care to our patients and quality service to our Ohio community partners and constituents.

Recommendation 3: Provide additional ethics training to all employees, highlighting potential conflict of interest issues. All employees should be instructed that it is their responsibility to immediately report potential ethics issues to their supervisors.

OhioMHAS provides annual statewide Ethics law training

- The Ohio Department of Mental Health and Addition Services requires all OhioMHAS employees to complete yearly Ohio Ethics Law training. (See attachment OhioMHAS policy LEG-04 Ethics.) Annual training for all employees is offered electronically through MyLearningPoint. Our training addresses Ohio Ethics law issues, conflicts of law, and encourages our staff to ask the supervisor and/or OhioMHAS Chief legal Counsel, the Ohio Ethics Commission, and we provide contact information to the Ohio Inspector General.
- OhioMHAS Ethics policy section E. Conflict of Interest Disclosure, states: A potential conflict of interest exists if the private interests of the employee might interfere with the public interests the employee is required to serve...in the employee's office or position of employment. It is the duty of every MHAS employee to report a potential conflict of interest to their supervisor and seek advice from Legal and regulatory services.
- Additional Training Plan:
On March 23rd, 2015, Ohio Ethics Commission trainer Susan Willeke will provide NOPH with a live 1.25 hour training presentation on Ohio Ethics Law, with an emphasis on conflicts of interest. The following forty-five minutes will be a live presentation by OhioMHAS legal and human resources staff to provide training and discussion of OhioMHAS Ethic's policy and secondary employment. The live training will be provided to both first and second shift NOPH employees. Lastly, the 2 hour training will be taped. All NOPH staff and all OhioMHAS employees will view the training through MyLearning Point.

Regarding disciplinary follow up for NOPH employee Deavonte Williams, Mr. Williams received and served a one day working suspension. If you have any further questions or need more information, please contact me at (614) 466-8288, or OhioMHAS security consultant, Nacrina Alvarez Blanco, at (614)752-9684.

Sincerely,



Michaela J. Peterson, Chief Legal Counsel, Deputy Director Division of Legal and Regulatory Services, OhioMHAS

Cc: Tracy J. Plouck, Director, OhioMHAS
David Colletti, Deputy Director of Hospital Services, OhioMHAS
Vincent Conner, Deputy Director of the Office of Human Resources, OhioMHAS
Nacrina Alvarez de Blanco, Security Consultant, OhioMHAS