

OPERATIONAL PROCEDURE MANUAL

SECTION II:	ORGANIZATION FOCUSED FUNCTIONS
CHAPTER 8:	Management of Human Resources
PROCEDURE 8.46:	Private Forensic Consultation
Governing Body Approval:	April 29, 2018
REVISED:	

PURPOSE: The purpose of this policy is to ensure that any private forensic consultation work performed by psychiatrists at the Whiting Forensic Hospital (WFH) or the Forensic Division of the Department of Mental Health and Addiction Service's (DMHAS) avoids actual and potential conflict of interest and fully conforms to the Code of Ethics for Public Officials. DMHAS practices and promotes the highest ethical standards and accountability.

SCOPE: Private Forensic Consultation by DMHAS Employees and Persons Hired by the State as a Consultant or Independent Contractor to the Whiting Forensic Hospital or Forensic Division of the DMHAS

PROCEDURE:

- I. A WFD psychiatrist employed by DMHAS, or hired by the state as a consultant or independent contractor, shall not:
 - A. accept private forensic consultation work which will violate the Code of Ethics for Public Officials.¹
 - B. accept private forensic consultation work which will impair the independence of judgment of the person in the performance of their duties at WFD.²

¹ Connecticut General Statutes § 1-79 through 1-90a.

² Connecticut General Statutes § 1-84(b) and § 1-86e.

- C. accept private forensic consultation work which will require or induce the person to use or disclose confidential information acquired by the person in connection with the person's official duties at WFD.³
 - D. use or disclose confidential information, acquired by the person in connection with the person's official duties at WFD, for financial gain.⁴
 - E. use the position at WFD or the authority provided to the person under contract, to obtain financial gain.⁵
 - F. use their state title or official affiliation with the State of Connecticut, DMHAS, or any DMHAS facility or subdivision in connection with any private consultation work.
- II. Private work shall not interfere with performance of assigned duties within DMHAS and shall not occur during DMHAS duty hours.
- III. Within these limitations and those outlined below, the following outside forensic consultation may be performed by WFD psychiatrists employed by DMHAS, or hired by the state as consultants or independent contractors:
- A. Civil and criminal forensic work outside of Connecticut provided there is no connection to any matters under the jurisdiction of WFD and the work the individual performs for the State.
 - B. Civil forensic work inside of Connecticut provided there is no connection to any matters under the jurisdiction of WFD and the work the individual performs for the State.
 - C. Criminal forensic work inside Connecticut which is ordered by a court.
 - D. Non-Court Ordered Criminal forensic work inside Connecticut, so long as the following additional guidelines are followed:
 - 1. Actual Conflicts: Psychiatrists assigned to the WFD shall not accept private forensic work that creates a conflict with their assigned WFD duties.
 - 2. Potential Conflicts: If actual conflicts can be avoided, a reasonable amount of such private forensic consultation work may be conducted provided that:
 - a. Before beginning any new private forensic consultation, the psychiatrist shall submit a request to the manager who will discuss the request with the psychiatrist and clarify the nature of the consultation, its potential effects, and available methods for avoiding potential conflicts of interest;
 - b. The manager shall then refer the request to the CEO and the DMHAS Director of Forensic Services. These three individuals will constitute a review committee, which will approve or deny requests to engage in particular private consultations based on the

³ Connecticut General Statutes § 1-84(b) and § 1-86e.

⁴ Connecticut General Statutes § 1-84(c) and § 1-86e.

⁵ Connecticut General Statutes § 1-84(c) and § 1-86e.

ability to successfully avoid potential conflicts of interest in the conduct of the private consultation; and

- c. Psychiatrists who receive approval to conduct such consultations shall monitor the effects or potential effects of their private forensic consultation on assigned WFD duties, and review such consultations regularly with their assigned WFD managers, who will regularly report such discussions to the CEO of WFD and the DMHAS Director of Forensic Services.
3. Any psychiatrist assigned to WFD wishing to pursue such forensic work, along with their manager, must be briefed by the CEO of WFD and/or the DMHAS Director of Forensic Services about: the nature of the relevant concerns related to this work as well as the methodologies to be employed to mitigate these concerns and avoid potential conflicts.
- a. Part of that methodology will include maintenance of a log of all such cases of private forensic work, and sharing/discussing that log with their manager.