

VANDERBILT  UNIVERSITY
MEDICAL CENTER

Policy: Protection of Minors

Category	Clinical Operations
Approval Date	April 2023
Effective Date	April 2023
Supersedes	April 2021

Applicable to

VUMC

Team Members Performing

All faculty & staff Faculty & staff providing direct patient care or contact MD House Staff APRN/PA RN LPN

Other:

Responsible Committee

Clinical Operations Committee Pharmacy, Therapeutics, and Diagnostics Committee

Clinical Practice Committee Health Record Executive Committee

Quality Steering Committee Information Privacy and Security Executive Committee

Infection Prevention Executive Committee Medical Center Safety Committee

Content Experts

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I. Purpose:

To establish administrative procedures for Vanderbilt University Medical Center (VUMC) programs and workforce members (as defined in section III.A) interacting with minors.

II. Policy:

VUMC is dedicated to the welfare and safety of minors who receive medical care at VUMC facilities and participate in VUMC programs.

To promote the protection of minors, faculty, staff, students, and volunteers who interact with minors undergo background clearance checks and complete required compliance training outlined in this policy. In addition, these individuals acknowledge internal and external reporting requirements and agree to abide by the policy.

VUMC programs, as defined below, are centrally registered, and a risk evaluation occurs at initial creation and at regular intervals.

III. Definitions:

- A. Minor: VUMC patient or program participant aged less than 18 years.
- B. Operations: VUMC patient care activities, including inpatient, outpatient, acute, follow-up, and/or routine treatment of a minor. Operations also includes child care provided by VUMC child care centers.
- C. Programs: VUMC non-patient care interactions where supervision is expected and minor is not receiving examination or treatment related to a medical condition. Programs may be year-round or time-delineated and may occur at VUMC or other locations. Programs may include but are not limited to the following: camps, facility tours, research experiences, observational experiences, VUMC development and fundraising events, and interactions via online platforms and applications, including videotelephony (for example, video and/or audioconferencing tools) and online chat services.
- D. Workforce Member: Any individual performing work for or on behalf of VUMC and under the direct supervision or control of VUMC, including but not limited to:
 - 1. Full-time and part-time staff, faculty, and house staff, including community physicians and visiting house staff;
 - 2. Temporary or contract workers;
 - 3. Students and trainees, including but not limited to:
 - a. Medical, nursing, and allied health professional students;
 - b. Student internship/externship programs (medical and nursing);
 - c. Student apprenticeships; and
 - d. Visiting students.
 - 4. Volunteers; and
 - 5. Vendor and business associates who, on behalf of VUMC, furnish, or otherwise authorize the furnishing of health care items or services, perform billing or coding functions, or are involved in monitoring of health care provided by VUMC, including new hires.

IV. Protection of Minors Standards of Conduct:

All workforce members are required to adhere to VUMC's Standards of Conduct. Workforce members in programs who interact with minors on behalf of VUMC will also follow these additional guidelines for behavior:

- A. Except in the context of patient care, do not spend time alone with a minor away from others. If one-on-one interaction is required outside the context of patient care, meet in open, well-lit rooms or spaces with windows observable by other adults.
- B. In the context of patient care, when performing "sensitive exams," follow the procedures in the VUMC Medical Chaperone policy.
- C. In the context of general interaction settings with minors (non-patient care interactions), do not touch minors in a manner that a reasonable person could interpret as inappropriate.
- D. Do not engage in any sexual actions, make sexual comments, tell sexual jokes, or share or view sexually explicit material with or within the vicinity of minors.
- E. Do not engage in any abusive conduct of any kind toward, or in the presence of, a minor, including but not limited to verbal abuse, hitting, punching, poking.
- F. In the event that a minor needs to be restrained to protect the minor or others from harm, document the incident and disclose it promptly to the appropriate supervisor and the minor's parent/guardian.
- G. Be aware of the impact of your words and language on minors.
- H. Do not use, possess, or be under the influence of alcohol or illegal drugs while on duty or when responsible for a minor's welfare.
- I. Do not engage or converse with minors through email, text messages, social networking websites, or other forms of social media at any time except and unless there is an educational, clinical, or programmatic purpose and the content of the communications is consistent with the mission of the program and VUMC. Clinical communications will be completed via the MyHealth at Vanderbilt application.
- J. Do not tell children "This is just between the two of us" or use similar language that encourages minors to keep secrets from their parent/guardians or other adults.

V. Additional Standards of Conduct for Minors participating in Programs:

- A. Do not shower, bathe, or undress with or in the presence of a minor.
- B. Do not meet with minors outside of established times for program activities. Any exceptions require parental authorization and must include more than one adult from the program.
- C. When transporting minors in a program, more than one adult from the program must be present in the vehicle. Avoid using personal vehicles if possible.

VI. Procedures:

- A. VUMC workforce members who a) provide patient care to Minors; b) provide child care; c) conduct research with Minors; d) supervise programs involving Minors; or e) participate in observational experiences involving Minors shall complete compliance training upon hire and bi-annually thereafter on the Protection of Minors.
- B. Contracted vendors and business associates as defined in section III.D.5 will follow procedure as prescribed in the contract regarding training requirements under this section. Contracted vendors and business associates may contact Director, VUMC Sourcing.
- C. All VUMC workforce members undergo criminal background clearance prior to hire, appointment, and/or placement with a minor in any VUMC facility, program, center, clinic, project, child care center, or research lab. Background clearance rechecks for workforce members follow VUMC Office of Human Resources (OHR) and departmental policy. Individuals working in VUMC child care centers will undergo background and fingerprint checks every 5 years as required by State Regulations regarding child care centers. (See Licensure Rules for Child Care Agencies Chapter 1240-04-01-07 – Criminal Background Check and State Registry/Records Review Procedures).
- D. Programs (as defined above in section III.D) register through the Protection of Minors web application at least 2 weeks prior to the event to meet the requirements of this policy.
- E. Research studies that include minors complete approved IRB proposals meeting Human Research Protection Program protocol and are in compliance with this policy.

VII. Additional Procedures Specific to Programs:

- A. Program Execution of Forms: Parent/guardian consent for a minor to participate and release of liability for program participation is required for applicable activities under this policy. Program administrators are responsible to maintain executed Program Forms and follow VUMC record retention policies.
- B. Parent Notification of Reporting Provision: Release and participation agreements (or another appropriate program resource) in applicable programs provide parents/guardians with a protection of minors provision which describes VUMC’s obligation under mandatory child abuse reporting provisions and a resource number to report concerns.

VIII. Reporting Suspicions of Abuse or Inappropriate Behavior:

- A. All VUMC workforce members are mandatory reporters for suspicion of child abuse. Reference [Identification and Reporting of Abuse and/or Neglect - Child](#).
- B. If a VUMC Workforce Member is suspected of abuse or inappropriate conduct, immediately report the event to the Office of Risk and Insurance Management, who will immediately convene leadership to determine management and next steps, including appropriate internal and external reporting.
- C. Workforce members exhibiting inappropriate or unprofessional behavior that negatively contributes to the safety and well-being of minors at VUMC are at risk for disciplinary action, up to and includes suspension and termination.

IX. Endorsement:

Clinical Operations Policy Committee	March 2023
Medical Executive Committee	April 2023

X. Approval:

Marilyn Dubree, MSN, RN, NE-BC Executive Chief Nursing Officer, VUMC	4/28/23
C. Wright Pinson, MBA, MD Deputy CEO and Chief Health System Officer, VUMC	4/28/23

XI. References

The Joint Commission, Comprehensive Accreditation and Certification Manual. (2023). Retrieved via Eskind Digital Library <https://researchguides.library.vanderbilt.edu/az.php?t=31991>, then search Joint Commission.

Care, Treatment and Services Standard CTS.02.02.05 The organization identifies individuals served who may have experienced trauma, abuse, neglect, or exploitation.

Human Resources Management Standard HRM.01.02.01 (nbr4) The organization obtains a criminal background check on the job applicant as required by law and regulation or organization policy. Criminal background checks are documented.

Human Resources Management Standard HRM.01.05.01 Staff Participate in Education and Training

Tenn. Code Ann. (2021). Retrieved from

§ 37-1-403 Reporting of brutality, abuse, neglect or child sexual abuse.

§ 37-1-605 Reports of known or suspected child sexual abuse.

§ 68-11-211 Reporting incidents of abuse, neglect and misappropriation -- Reporting specific incidents that might result in a disruption in the delivery of health care services -- Confidentiality.

Rules of the Tennessee Department of Human Services, Division of Child Care and Community Services. (2023). Chapter 1240-04-01-.07 Criminal Background Check and State Registry/Records Review Procedures. Retrieved from <https://publications.tnsosfiles.com/rules/1240/1240-04/1240-04-01.20220629.pdf>.

VUMC Policy Manual. (2023). Retrieved from <https://vanderbilt.policytech.com>.

Clinical Operations Category:

[Responding to Law Enforcement Requests for Access to Patients and Patient Information](#)

[Identification and Reporting of Abuse, Neglect, and/or Exploitation - Adult](#)

[Domestic Violence/Abuse: Identification and Reporting](#)

[Reporting Cases of Injury Caused by Violent Crime\(s\) Identification and Reporting of Abuse and/or Neglect - Child](#)

[Medical Chaperone](#)

Clinical Practice Category:

[Restraints and Seclusion Management](#)