



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NO. 88-20

### Outside Treatment of Patients by Rehabilitation Counselors

Rachel S. Rubin, Ethics Commission Staff Attorney II, has asked the Commission whether certain outside activities conducted by alcohol rehabilitation counselors at Boneski Treatment Center are consistent with the requirements of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes.

Located in Norwich, Connecticut, the Boneski Treatment Center is a State run alcohol rehabilitation facility. Boneski is under the auspices of the Connecticut Alcohol and Drug Abuse Commission (CADAC). A major function of the facility is to operate a twenty-eight day treatment program for recovering alcoholics. A team of personnel, including an alcohol rehabilitation counselor, social worker, and nurse, is assigned to each patient admitted to the program.

After completing the program, the patients receive recommendations for aftercare treatment. It has been Boneski's policy to allow its employees to treat former patients privately six months after the patients leave the Facility. In addition, some employees are counselors with Alcoholics Anonymous. Questions regarding possible violations of the Code of Ethics for Public Officials have arisen.

Specifically, Attorney Rubin has asked:

1. May a rehabilitation counselor participate in a patient's aftercare or other treatment program, for compensation or as a volunteer, if:
  - a. The patient was assigned to that counselor while at Boneski:
  - b. The patient was assigned to a different Boneski counselor; or

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c. The patient was treated at another State run facility?

2. May a counselor provide treatment at his or her home and thereafter, in exchange, accept voluntary payments from patients?

3. May a counselor host a meeting of Alcoholics Anonymous and request that participants provide food and beverage?

1.a. In general, a State employee may use his or her expertise, including experience acquired in State service, for private financial benefit. The employee may not, however, use the authority of his or her governmental position, or confidential information obtained in government service, for private gain. Subsections 1-84(a), 1-84(c), General Statutes. State employees also are prohibited from accepting private employment which will impair independence of judgment as to official duties or require or induce disclosure of confidential information. Subsection 1-84(b), id.

When a State employee has official responsibility for, or confidential information about, the private clients he or she wishes to serve, violations of the Code are almost inevitable. Such is the case in the matter under review. As part of their official duties, rehabilitation counselors are responsible for recommending aftercare programs and for coordinating and supervising the activities of ex-patients. If a counselor recommends himself or herself as the aftercare provider, an obvious violation of the use of office provisions of subsections 1-84(a) and (c) will have occurred. If a counselor, for compensation, provides an ex-patient's private aftercare or other treatment, the counselor will become officially responsible for monitoring and assessing the effectiveness of his or her own outside work. Clearly, the counselor will have accepted outside employment which will impair independence of judgment as to official duties in violation of subsection 1-84(b). This will be the case regardless of whether the counselor sought the outside employment or the former patient requested the aftercare in question. In addition, rehabilitation counselors acquire substantial confidential information in the course of their official duties. They possess such information regarding the identities, release dates, and treatment needs of their patients. It would seem virtually impossible for a counselor to seek or accept private employment treating his or her ex-patients without, at least inadvertently, making use of this confidential information in violation of subsection 1-84(c).

It may well be that rehabilitation counselors are the most qualified to privately treat their former State patients. Nonetheless, the requirements of the Code of Ethics for Public Officials prohibit such activity, when undertaken for compensation. Ethics Commission Advisory Opinion No. 86-13, 48 Conn. L.J. No. 26, p. 1C (December 23, 1986). If, however, the private activity is uncompensated, the dictates of the Code do not apply. Ethics Commission Advisory Opinion No. 80-18, 42 Conn. L.J. No. 22, p. 23 (November 25, 1980). It should also be noted that even if the counselors wait six months before commencing private, paid treatment of former patients, the above expressed concerns regarding impairment of judgment and improper use of office and confidential information would remain.

1.b. The Boneski Treatment Center is a relatively small facility with approximately forty patients in the twenty-eight day treatment program. Due to the limited number of openings, all staff at the Center become somewhat familiar with every patient. Under the circumstances, the potential for misuse of confidential information is present regardless of which counselor treats an ex-patient. Therefore, counselors at the Boneski Treatment Center should not, for compensation, participate in the private treatment of their Boneski colleagues' former State patients.

1.c. When the former patient has been treated at another State facility, the opportunities for violations of the Code discussed above are not present. Therefore, counselors at Boneski may, consistent with the requirements of the Code, provide private treatment, for compensation, to patients previously treated at a different State facility. Counselors must, of course, refrain from entering into any type of quid pro quo with their colleagues at other Centers regarding such aftercare.

2. The provisions of the Code are intended to apply to situations involving financial gain. Whether treatment is provided by a counselor for previously agreed upon compensation or is furnished and then rewarded by "voluntary" payment, financial gain is present. As a consequence, counselors are prohibited from accepting voluntary payments for treatment from former patients of the Center.

3. The Code is not concerned with gain of a de minimis,

i.e., insignificant nature. It would not prevent an unpaid counselor from requesting that participants in an Alcoholics Anonymous meeting provide food and beverage.

By order of the Commission,



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William A. Elrick  
Chairperson

Dated 11-8-88