

# PROTECTING PATIENTS FROM SEXUAL ABUSE AND SEXUAL MISCONDUCT

## Standard

**Regulated members** maintain appropriate relationships with patients.

## Expectations

The regulated member **must**:

The Registered Dental Technologist/Technician may not enter into a close personal relationship or sexual relationship with a **patient** until at least one-year (365 days) has passed since the last professional interaction occurred, the professional relationship has ended, and there is minimal risk of a continuing power imbalance as a result of the professional relationship between the regulated member and the patient.

- a) A power imbalance occurs when a regulated member in a position of authority and has professional obligations.
- b) In determining whether there is a risk of a continuing power imbalance, consider the following:
  - The number of times that the regulated member and the patient had a professional interaction;
  - The duration of the professional relationship;
  - The nature of the professional interactions;
  - Whether sufficient time has passed since the last professional interaction occurred;
  - Whether the patient was emotionally dependent on the regulated member; and
  - Whether the patient has confided personal information to the regulated member beyond that which was necessary for the purposes of receiving professional services;
  - Whether the patient was emotionally dependent on the Regulated Member; and
  - Whether the patient is particularly vulnerable as a result of factors such as:
    - age, gender identity, socioeconomic status, or as a result of a mental, intellectual or physical disability.

## Standards of Practice For Registered Dental Technologists and Registered Dental Technicians

- c) It is the responsibility of the Registered Dental Technologist of Technician to maintain ethics, demonstrate respect for and sensitivity to personal boundaries, and clarify the roles and goals in the relationship between the regulated member and the patient.
- d) For the purposes of this Standard, a spouse, adult interdependent partner, or individual with whom the regulated member has a pre-existing sexual relationship that is pre-existing and currently ongoing will not be considered a “patient”.
- e) Regulated members will complete the mandatory education as approved by Council from time to time and incorporate the concepts into their practice to prevent “**sexual abuse**” and “**sexual misconduct**” as those terms are defined in the Health Professions Act.
- f) Regulated members must follow duty to report requirements regarding abuse, sexual abuse and sexual misconduct in legislation, regulation and employer guidelines/policies, including reporting to the appropriate **complaints director** if they have reasonable grounds to believe the conduct of a regulated member of any Health Professions Act college constitutes sexual abuse or sexual misconduct.

## Standards of Practice For Registered Dental Technologists and Registered Dental Technicians

### GLOSSARY

**Complaints Director:** the complaints director of a college, appointed under the Health Professions Act.

**Must:** is used where the duty is compulsory.

**Patient:** A “patient” is defined as an individual awaiting or receiving dental technology services and or treatment where the regulated member knew or reasonably ought to have known, that they were providing care to the individual and satisfies any of the following conditions listed below:

- I. The regulated member has charged or received payment from the individual or a third party on behalf of the individual.
- I. The regulated member has contributed to a health record or file for the individual.
- III. The individual has consented to oral health care services and or treatment by the regulated member

An individual will be considered a patient for one-year (365 days) after the last date of professional interaction between the individual and the regulated member. For the purposes of the sexual abuse and sexual misconduct provisions of the HPA, the following persons listed below will not **be considered** a patient:

- A regulated member’s spouse;
- A regulated member’s adult interdependent partner; or,
- an individual who has a pre-existing on-going sexual relationship with the regulated member prior to the date when the regulated member first had a professional interaction with that individual.

**Regulated member(s):** a person who is granted registration as a member of the CDTA in accordance with the HPA and the Regulation;

This term includes a previously regulated member whose last day of registration with the College is within the immediately preceding two years.

**Sexual abuse:** means the threatened, attempted or actual conduct of a regulated member towards a patient that is of a sexual nature and includes any of the following conduct:

- (i) sexual intercourse between a regulated member and a patient of that regulated member;
- (ii) genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient of that regulated member;
- (iii) masturbation of a regulated member by, or in the presence of, a patient of that regulated member;

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## Standards of Practice For Registered Dental Technologists and Registered Dental Technicians

- (iv) masturbation of a regulated member's patient by that regulated member;
- (v) encouraging a regulated member's patient to masturbate in the presence of that regulated member;
- (vi) touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member;

A regulated member found guilty of sexual abuse will have their registration and practice permit permanently cancelled. Other penalties in s.82 of the Health Professions Act may also apply.

**Sexual misconduct:** means any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a regulated member towards a patient that the regulated member knows or ought reasonably to know will or would cause offence or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse;

A regulated member found guilty of sexual misconduct must have their practice permit suspended and may have their registration and practice permit cancelled at the discretion of the Hearing Tribunal. A regulated member whose registration and practice permit is cancelled due to sexual misconduct may apply for reinstatement after 5 years. Other penalties in s.82 of the Health Professions Act may also apply.

**Sexual nature:** does not include any conduct, behaviour or remarks that are appropriate to the service provided;