

POLICY

Funding for Therapy and Counselling for Victims of Sexual Abuse

Policy P-018.5

Patient Relations Committee

Approved by Council: June 29, 1995

Amended: September 16, 1995, June 7, 1997 and June 17, 2005

Re-affirmed by Council: February 19, 2009

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Intent

- To establish a program to provide funding for therapy and counselling for persons who, while patients, were sexually abused by a member of CCO, as stipulated in section 85 (7) of the Health Professions Procedural Code of the *Chiropractic Act, 1991*, as amended (Code).
- To expand the criteria for funding eligibility beyond what is stipulated in the Code, section 85.7 (4) (a).

Description of Policy

This policy is to be pro-active, meaning that every person who may be eligible for funding shall be advised in writing of their right to apply for funding consideration. This policy will take effect July 29, 1995.

Procedure

The Committee may review and determine eligibility of funding for therapy and counselling of:

- a person who has been acknowledged by a member, as part of a statement to or an agreement with CCO, as a person who was sexually abused by the member while a patient of that member;
- a person who has been found by a court to have been sexually assaulted by a member within the meaning of the *Criminal Code of Canada* while a patient of the member, if that person is not eligible for funding from the Criminal Injuries Compensation Fund;
- a person who satisfies the Committee that he/she, while a patient, was sexually abused by a member and the Executive Committee concludes that the public interest would not be served by holding a hearing before the Discipline Committee; and
- a person who testifies before a panel of the Discipline Committee of CCO against a member and the panel states in its reasons that the person, while a patient, was sexually abused by the member (a similar fact witness).

Additional Conditions

In every case, the applicant must satisfy the Committee that it would be just and equitable to provide the funding for therapy and counselling to the person.

In every case, the applicant must comply with the following application requirements:

- the applicant must submit a completed application in the form provided by the Committee naming the member or members whose conduct may entitle the applicant to funding; and
- the applicant must undertake to keep all information originating from the application and funding confidential, including the basis upon which the funding was granted, and to refrain from using the information for any collateral or ulterior purpose.

Procedural Safeguards

In every case, the Committee must adhere to the following procedural safeguards:

- The Committee shall give notice to a member named by an applicant in the application form.
- The notice shall contain a copy of the completed application form and undertaking in writing and any other material submitted by the applicant or prepared by CCO for consideration by the Committee, along with a statement that the member has 30 days to respond in writing.
- A copy of the member's submission shall be sent to the applicant and the applicant is then given 30 days to respond in writing.
- The Committee shall consider all the information before it and shall render a decision as to the time limits of funding and the reasons for its decision as to the applicant and to every member who made submissions in writing about the application.
- The decision of the Committee shall be considered final if there is no written request for a review from either the member or the applicant within 30 days of their notification of decision.
- The purpose of these guidelines is to provide alternative requirements for eligibility for funding.

- Any funding provided under these alternative eligibility guidelines are to be in accordance with Section 85.7 (6) (7) (8) (9) (10) (11) (12) and (13) of the Code.
- A decision by the Committee to provide funding to a person does not constitute a finding against a member and shall not be considered by any other committee of the College dealing with the member.

Administration Process

Information from Applicant

A person must submit an application to the College to obtain funding. The application must contain the following:

- the name and address of the applicant;
- whether the funding is required for therapy obtained between the referral to discipline and the panel's decision;
- if the funding is for a retroactive request, copies of invoices for therapy already provided;
- a statement that the therapy provided to the applicant is not eligible for reimbursement from other sources;
- the name and address of the therapist; and
- if the therapist is unregulated, a document signed by the applicant confirming that he/she understands the therapist is not subject to professional discipline and the CCO cannot verify, with any degree of certainty, whether an unregulated therapist has ever been found guilty of sexual abuse, etc., and that the applicant recognizes the significance of this.

Information from Therapist

Accompanying information from the therapist must include:

- information on the therapist's background;
- a statement signed by the applicant and the therapist attesting the therapy is actually being provided, and the therapist is not a family member of the applicant;

- a statement that the therapy being provided is not eligible for reimbursement from other sources; and
- a statement that the therapy being provided is related to practitioner sexual abuse.

CCO Staff to Provide

CCO staff will provide the following information to accompany the application to the Committee:

- a statement describing the applicant's possible eligibility, i.e., finding of a Discipline, Alternate Dispute Resolution, Quality Assurance, etc.;
- the name of the member involved in the case;
- the date of the discipline decision or other eligibility factors; and
- if the therapist is a regulated health professional, a document from his/her College certifying that the therapist has not been found guilty of sexual abuse, consistent with what is public information or on the public register, and a statement that there are no outstanding matters before the College.

Program Monitoring

Once an applicant has been established by the Committee as eligible for funding, the Committee will provide staff with all relevant information. The claim will be handled at the staff level and the monies paid to the therapist upon presentation of invoices.

4

The Committee will review the funding account at regular intervals to determine whether a special levy on the members is required or other action need to be taken to ensure the fund has sufficient resources.

The Committee will report to Council on the funding being provided and on the status of the fund itself.