



January 23, 2015

Via e-mail and mail

Mr. John Amodeo
Director
Health System Labour Relations and Regulatory Policy Branch
Ministry of Health and Long-Term Care
12th Floor
56 Wellesley St. W
Toronto, ON M5S 2S3
John.amodeo@ontario.ca

I. Introduction

The purpose of this correspondence is to provide information on the current status and operations of the College of Chiropractors of Ontario's (CCO) measures for preventing and dealing with the sexual abuse of patients. This correspondence is in response to the letter received on December 17, 2014.

CCO supports the Premier's initiative to raise awareness of sexual violence, harassment, enhance prevention of initiatives to combat sexual discrimination, harassment and violence, and improve support for victims. CCO, through its patient relations program and other processes and procedures, has always maintained a principle of zero tolerance for sexual abuse of patients, evidenced in the:

- Development of standards of practice, policies and guidelines addressing the prevention of and dealing with sexual abuse of patients, including those that provide funding for therapy and counselling for patients sexually abused by members;
- Communication and education to members and stakeholders;
- Decisions of discipline panels relating to sexual abuse; and
- Council and staff training.

The following is a summary of CCO policies and initiatives for preventing and dealing with the sexual abuse of patients.

II. CCO Standards of Practice, Policies and Guidelines



CCO has developed a number of regulations, standards of practice, policies and guidelines that prohibit the sexual abuse of patients, prevent boundary crossings and violations, and encourage patients sexually abused to apply to CCO for funding for therapy and counselling. The following is a description of current CCO documents that address CCO's zero tolerance to sexual abuse of patients.

Regulation R-009: Funding for Therapy or Counselling for Patients Sexually Abused by Members

Policy P-018: Funding for Therapy and Counselling for Patients Sexually Abused by Members

This regulation and policy establish the program, policies and procedures for the Patient Relations Committee to provide funding for therapy and counselling for patients sexually abused by members. These documents, as well as application forms, are available on CCO's website. CCO informs and encourages patients who have been sexually abused by members to apply for funding and therapy through the Patient Relations Committee.

CCO is committed to assisting patients through the process of application and providing funding to the maximum amount allowed by regulation. Recently, through its Patient Relations Committee, CCO has provided funding for therapy and counselling to patients sexually abused by members resulting from two recent discipline decisions and will be reviewing an application for funding for therapy and counselling at an upcoming Patient Relations Committee meeting.

Standard of Practice S-014: Prohibition of a Sexual Relationship with a Patient

Standard of Practice S-014 reiterates the sexual abuse provisions of the Health Professions Procedural Code (The Code), Schedule 2 to the *Regulated Health Professions Act, 1991 (RHPA)*, while emphasizing that a concurrent sexual and doctor/patient relationship is strictly against the law. The standard addresses issues relating to sexual abuse of patients such as patient exploitation and power imbalance, and identifies principles relating to the prohibition of a sexual relationship with a patient arising from discipline decisions and case law.

P-003: Principle of Zero Tolerance

This policy communicates CCO's commitment to deal with any violation related to sexual abuse or harassment of a patient to the fullest extent of the disciplinary process, and to address the issue through education of the profession and the public.



Guideline G-001: Prevention of Sexual Abuse of Patients

Guideline G-001 communicates principles to avoid sexual abuse and harassment of patients in areas related to clinical practice, such as communicating with patients, dealing with language or conceptual difficulties, using body language and eye contact, touching relating to treatment, privacy and other areas that could lead to misinterpretations. The guideline reiterates CCO's zero tolerance position, and provides practical guidance on how to avoid situations that may lead to sexual abuse and harassment of patients. The guideline emphasizes the importance of fulsome communication and consent between the member and patient to avoid misunderstandings, boundary crossings, and violations and harassment.

Guideline G-010: Mandatory and Permissive Reporting

This guideline describes various legislative requirements for members to provide mandatory reports to colleges, including the mandatory requirement under the Code to file a report on reasonable grounds of belief that a regulated health professional has sexually abused a patient. The guideline identifies the statutory obligation and procedure for filing such a report.

Draft Spousal Exception Regulation and Standard of Practice

CCO will soon be circulating a draft regulation and standard of practice for feedback creating a spousal exception to the sexual abuse provisions of the *RHPA*, consistent with recent amendments to the *RHPA*. CCO will ensure it undergoes a process of fulsome consultation with members and stakeholders on this issue. As well, if CCO Council approves this spousal exception regulation, CCO has drafted a standard of practice to regulate the treatment of spouses by members and set a standard to avoid sexual abuse or harassment of a spousal patient.

II. Communications and Education to Members and Stakeholders

CCO regularly communicates and provides educational opportunities to members and stakeholders on issues relating to the prevention of sexual abuse of patients through its newsletter, annual report, website and distributions for feedback.

CCO includes in its newsletters numerous articles related to the prevention of sexual abuse of patients, including legislative, standards and policy updates, Patient Relations Committee reports, and summaries and implications of recent discipline and court decisions.



CCO makes all discipline decisions publically available by posting the complete notice of hearing when it is referred by the Inquiries, Complaints and Reports Committee, posting the dates of the discipline hearings when they become available, and posting the full results of a hearing as soon as they become available. In the case of a joint submission, the joint submission is posted until the decision from the discipline panel is received, at which point the discipline decision is posted. As well, summaries of every discipline hearing are published in CCO's annual report.

CCO's Patient Relations Committee has developed several communication and education pieces addressing the prevention of sexual abuse of patients, including:

- “Maintaining Professional Boundaries” – a mandatory self-assessment questionnaire relating to specific fact scenarios that involve boundary crossings and violations;
- “Partnership of Care” – a document, presented as a tent card, to identify the rights and responsibilities of members and patients, and promote effective communication between members and patients;
- “An Opportunity to Connect” – a workshop presented by CCO, which includes a presentation by the Patient Relations Committee on prevention of sexual abuse of patients; and
- “Where’s My Line?” – a booklet produced collaboratively with the College of Massage Therapists of Ontario and the College of Physiotherapists of Ontario, which provides information about defining and respecting personal boundaries in health care relationships.

III. Decisions of Discipline Panels Relating to Sexual Abuse of Patients

CCO is committed to dealing with any allegation of sexual abuse of a patient to the fullest extent of the disciplinary process, and if necessary, appealing decisions to the Divisional Court and Ontario Court of Appeal to ensure the protection of the public interest.

Recent CCO discipline decisions demonstrate CCO's commitment to zero tolerance and to providing funding for therapy and counselling to patients sexually abused by members to the fullest extent of regulation. Members recently disciplined for sexual abuse include Dr. Christopher MacLean, Dr. John Pikula, and Dr. Vincent Leering, where the Ontario Court of Appeal upheld a disciplinary finding of sexual abuse of a patient. CCO specifically produced several communication pieces for members and stakeholders relating to the Leering decision, explaining the “Myths” and “Facts” of the Ontario Court of Appeal decision and emphasizing the court's explanation that a concurrent doctor/patient and sexual relationship is prohibited, no matter which predated the other.

All decisions are available on the public register portion of CCO's website and summarized in CCO's annual report.



IV. Council and Staff Training

CCO Council and staff have many opportunities to participate in training relating to the prevention of sexual abuse of patients and sensitivity in dealing with this issue.

CCO Council members and staff participate in an annual orientation on the duties and responsibilities of Council, committee members and staff.

All of Council and staff underwent training in "Anti-Discrimination, Cultural Diversity and Bias Free Decisions Making" in April 2013. The workshop was conducted by Mr. Richard Steinecke, outside legal counsel to CCO.

Council members participate in discipline orientation workshops conducted by the Federation of Health Regulatory Colleges of Ontario (FHRCO) to ensure they are properly educated in conducting discipline panels. Council members are also encouraged to participate in any other continuing education activities pertaining to their duties at CCO, including the prevention of sexual abuse of patients.

As well, staff regularly participate in training and continuing education relating to the prevention of sexual abuse of patients, including policy development, communication skills and sensitivity.

V. Conclusion

CCO continues to develop policies, procedures and educational opportunities on the prevention of sexual abuse by members, through its Patient Relations Committee and other College functions. We look forward to a continuing dialogue about raising the awareness of sexual violence and harassment, enhancing prevention initiatives to combat sexual discrimination, harassment and violence, and improve support for victims.

We would be pleased to answer any questions arising from our correspondence.

Yours truly,

Dr. Dennis Mizel
President

Ms Jo-Ann Willson
Registrar and General Counsel