FUNDING FOR THERAPY OR COUNSELLING FOR PATIENTS SEXUALLY ABUSED BY MEMBERS

Policy P-018
Patient Relations Committee
Approved by Council: June 29, 1995
Amended: September 16, 1995, June 7, 1997 and June 17, 2005, June 18, 2010, June 18, 2014, September 15, 2016, September 16, 2017, September 8, 2023 (came into effect November 23, 2023), April 23, 2026 (came into effect June 5, 2026)

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 proactive, meaning that every person who may be eligible for funding shall be advised in writing of their right to apply for funding consideration.

PROCEDURE

The Patient Relations Committee may review and determine eligibility of funding for therapy and counselling for 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;

- 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;

- who satisfies the Patient Relations Committee that the person, while a patient, was sexually abused by a member and the Inquiries, Complaints and Reports Committee concludes that the public interest would not be served by holding a hearing before the Discipline Committee;

- 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);

- who is a complainant in a matter involving allegations of sexual abuse by a member; or

- if it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member.

Additional Conditions

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

- 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

- 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 review and approve funding in accordance with section 85.7 of the *Health Professions Procedural Code*, and Regulation 59/94 under the *Regulated Health Professions Act, 1991*. This includes, but is not limited to that:

    - "the maximum amount of funding that may be provided for a person in respect of a case of sexual abuse is the amount that the Ontario Health Insurance Plan would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist on the day the person becomes eligible under subsection 85.7 (4) of the Code; and

    - the period of time within which funding may be provided for a person in respect of a case of sexual abuse is five years from,
      (i) the day on which the person first received therapy or counselling for which funding is provided under subsection 85.7 (10) of the Code, or
      (ii) if funding is not provided under subsection 85.7 (10) of the Code, the day on which the person becomes eligible for funding under subsection 85.7 (4) of the Code."

- the Committee shall consider all the information before it, including but not limited to the nature and relevance of the therapy and the jurisdiction in which the therapy is provided, and shall render a decision as to the time limits of funding and the reasons for its decision to the applicant;

- unless there are extenuating circumstances, such as the residence of the person applying for funding or the availability of therapy, the therapy shall take place in the province of Ontario;

- the decision of the Committee shall be considered final if there is no written request for a review from the applicant within 30 days of their notification of decision;

- the Committee shall consider alternative requirements for eligibility for funding, in accordance with this policy and in accordance with Section 85.7 (6) (7) (8) (9) (10) (11) (12) and (13) of the Code; and

- 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.

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;

- the name and address of the member;

- if the funding is for a retroactive request, copies of invoices for therapy already provided;

- if the funding is for a prepayment for a program of therapy, information from the therapist of the details of the program, and an undertaking from the person and therapist that the program of therapy will be provided in the manner described in the application;

- the name and address of the therapist or counsellor; and

- if the therapist is unregulated, a document signed by the applicant confirming that the person 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.

Information from CCO

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

- a statement describing the applicant's possible eligibility, i.e., the filing of a complaint, finding of a Discipline Panel, Alternate Dispute Resolution, etc.;

- the name of the member involved in the case;

- the date of the complaint, 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.

The Committee will review the funding account at regular intervals.

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