



The College of Naturopaths of Ontario

Regulatory Guidance

Sexual abuse of a patient

Naturopaths are expected to ensure Ontarians receive health care in a safe and professional environment. All regulatory health colleges under the [Regulated Health Professions Act, 1991](#) (RHPA) have zero tolerance for sexual abuse of clients/patients.

The College of Naturopaths of Ontario investigates and takes appropriate action when it receives complaints or information where it appears that a registrant¹ may have engaged in sexual abuse of clients/patients.

The RHPA mandates severe sanctions against those who are found guilty of professional misconduct in connection with sexually abusing patients, recognizing the significant harm that results from sexual abuse of a patient by a health care professional.

While the patient-practitioner relationship is based on mutual trust and respect, there is an inherent power imbalance in favour of the naturopath. As such it's the registrant's responsibility to establish and maintain appropriate professional boundaries with patients. It is important for the registrant to refrain from any conduct that is or could be perceived as sexual abuse.

The College has developed standards and guidelines to assist registrants in providing their services in a professional manner and in the best interests of their patients, thereby fostering a sense of trust and safety for their patients.

Legislation and definition of sexual abuse

Sexual abuse of patients is defined in the *Health Professions Procedural Code* (HPPC) (Schedule 2 of the RHPA) as the following:

- "Sexual intercourse or other forms of physical relations between the member and the patient,
- touching of a sexual nature of the patient by the member,
- behaviour or remarks of a sexual nature by the member towards the patient".

¹ The Council of the College of Naturopaths of Ontario has directed that the College refer to individuals registered with the College as "registrants". "Registrant", as it is used in this article has the same meaning as "member" as defined in section 1(1) of the *Health Professions Procedural Code*.

"Sexual nature" does not include touching, behaviour, or remarks of a clinical nature appropriate to the service provided.

As required by the HPPC, if a panel of the College's Discipline Committee finds a registrant has committed an act of professional misconduct by sexually abusing a patient, it may:

- reprimand the registrant,
- revoke the registrant's certificate of registration for a minimum of five years if the sexual abuse consisted of, or included any of the following:
 - sexual intercourse,
 - genital to genital, genital to anal, oral to genital, or oral to anal contacts,
 - masturbation of the registrant by, or in the presence of, the patient,
 - masturbation of the patient by the registrant,
 - encouragement of the patient by the registrant to masturbate in the presence of the registrant,
 - touching of a sexual nature of the patient's genitals, anus, breasts or buttocks.

In addition to the above penalties, the panel may,

- require the registrant to pay a fine of up to \$35,000 to the Minister of Finance of Ontario,
- require the registrant to pay all or part of the College's legal costs and expenses, the College's costs and expenses incurred in investigating the matter, and in conducting the hearing,
- require the registrant to reimburse the College for funding provided for therapy and counselling for patients who were sexually abused by the registrant.

Treating a Spouse

The definition of sexual abuse in the RHPA includes the treatment of spouses, even if there was an existing spousal relationship prior to naturopathic treatment.

The Code defines spouse as a:

- "person who is the member's spouse as defined in section 1 of the *Family Law Act*, or
- person who has lived with the member in a conjugal relationship outside of marriage continuously for a period of not less than three years."

Even though the spouse may have consented to be a patient and receive treatment it is always the responsibility of the registrant to be aware of the applicable laws. In this case, according to the definition in the legislation, providing naturopathic care to a spouse is considered sexual abuse.

In emergency situations however, where there is no other qualified health professionals are available to provide the necessary care, registrants may treat their spouse. The

College considers this acceptable because the benefits of providing the required care in emergency situations outweighs the challenges posed by the personal relationship.

Preventing Sexual Abuse

The College's [Guideline for the Prevention of Sexual Abuse](#) provides registrants with resources intended to prevent sexual abuse of patients. Preventing sexual abuse starts with establishing professional boundaries with patients along with taking into account verbal, emotional and cultural factors.

Registrants should be very aware of how they communicate with patients by paying attention to the ways information is conveyed and the words they use. They must be compassionate listeners and sensitive to the perspectives and needs of patients. Being aware of how language, cultural norms, and other factors that may affect communications can help registrants practice in a responsive and responsible manner.

If touching is required during physical examination or treatment, the registrant needs to explain beforehand what is involved and what the patient can expect, in order to avoid any misinterpretation or misunderstanding. The principles of informed consent must be followed at all times.

Patients may feel particularly vulnerable in a health care setting and may not always express their concerns. Registrants are to use their professional judgment to determine the patient's comfort level and whether the presence of an additional person is advisable in certain circumstances.

Mandatory reporting of sexual abuse of a patient

As stated in the College's [Mandatory Reporting Guideline](#), all health care practitioners have a responsibility to report sexual abuse.

If a registrant has reasonable grounds, obtained in the course of practicing the profession, to believe that a naturopath or a member of another college has sexually abused a patient, they are required to report it to the applicable college. Information regarding the College's complaints and reports process can be found on the website [here](#).

When making a report, legislation states that the patient's name is to be included only if the patient gives consent.

Should a registrant become aware that a patient might have been sexually abused by a health care professional they need to explain to the patient that they are legally obligated to report this to the provider's regulatory college. The registrant is to explain that they can only provide the patient's name in the complaint if the patient consents, however, not providing it may make it more difficult for the college to fully process the complaint.

If the patient does not consent to including their name, then the registrant must still make the complaint but leave the patient's name out. If the patient consents to including their name, it should be obtained in writing and kept on file.

The registrant should also inform the patient on how they can make their own complaint and why they should consider doing so.

A report cannot be made if the registrant does not know the name of the alleged abuser, therefore best efforts should be made to obtain the abuser's identity so that they can be reported to their regulatory college.

Registrants need to take this reporting obligation seriously as the College relies on this information to fulfill its mandate. It is important to understand what sexual abuse is and to be able to identify when it happened or that it may be happening, keeping in mind that sexual abuse often does not start with overt actions on the part of the abuser.

The seriousness of the mandatory reporting requirement is reflected in the time frames for reporting as stated in the HPPC as follows:

"The report must be filed within 30 days after the obligation to report arises unless the person who is required to file the report has reasonable grounds to believe that the member will continue to sexually abuse other patients, or that the incompetence or the incapacity of the member is likely to expose a patient to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith."

The RHPA specifically addresses sexual abuse of patients by health care practitioners. There may be other types of sexual behaviour that, while not triggering a mandatory report to the College, would still be considered professional misconduct. For example, sexual harassment in the workplace is never appropriate and would be considered unprofessional, however, it does not require a mandatory report. A registrant who is aware of sexual harassment by a health care practitioner may voluntarily report that behaviour to the applicable college.

Patient Relations Program

Under the RHPA, the College of Naturopaths of Ontario, is required to have a Patient Relations Program. The program provides education and resources to help patients and registrants understand proper professional behaviour, and to prevent the sexual abuse of patients.

One component of the program is for the College to maintain a fund to cover the costs of any therapy or counselling that patients need as a result of sexual abuse by a registrant. Patients can [request funding](#) from the College which may be provided following a review of eligibility by the Patient Relations Committee.

As regulated health professionals, naturopaths have a responsibility to do all that they can to prevent the sexual abuse of patients and to assist health regulatory colleges fulfil their mandate to protect the public and to hold practitioners accountable for their actions.

Additional resources:

[Registrant Guide: Guideline for the Prevention of Sexual Abuse](#)

[Patient Guide: Understanding Sexual Abuse](#)

[*Standard of Practice for Therapeutic Relationships and Professional Boundaries*](#)

[*Professional Misconduct Regulation*](#)