

Sexual Abuse Prevention Program

The College of Homeopaths of Ontario is committed to zero-tolerance of sexual abuse of patients by its registrants. We recognize the importance of having a robust *Sexual Abuse Prevention Program* for our members and responsive strategies regarding the sexual abuse of patients. The *College's Sexual Abuse Prevention Program*¹ outlines the strategies that we have in place that protect and serve the public.

PLEASE NOTE

In matters of sexual abuse, the *Regulated Health Professions Act 1991* specifically refers to "patients" of health professionals. Therefore, in this document, the term 'client' means 'patient'.

¹ Based on the Sexual Abuse Prevention Program from the College of Dietitians of Ontario (CDO). Adapted with permission from CDO.

Table of Contents

- 1. Goals and Objectives of the Sexual Abuse Prevention Program..... 3
- 2. The College’s Zero-Tolerance Philosophy 3
- 3. What Is Sexual Abuse..... 3
 - a. Criteria for determining who is a patient..... 3
 - b. Consent is irrelevant 4
 - c. There are no spousal exceptions for HOMs 4
- 4. The College’s Regulatory Obligations..... 4
 - a. The Patient Relations Program 4
 - b. Funding for Therapy and Counselling for Victims of Sexual Abuse 5
 - c. Procedures for Handling Complaints 5
 - d. Staff Training for Handling Complaints of Sexual Abuse 6
 - e. What Happens After the College Receives a Complaint of Sexual Abuse 6
 - f. Penalties for Sexual Abuse 7
 - g. Postings in the Register of Homeopaths 7
 - h. Revocation and Other Implications of Sexually Abusing a Patient 7
 - i. Ongoing Evaluation of How the College Handles Sexual Abuse Complaints 7
- 5. College Regulations, Guidelines and Policies 8
 - a. The Practitioner-Patient Relationship 8
 - b. Having a Romantic Relationship with a Former Patient..... 8
 - c. Boundary Guidelines for Professional Relationships with Patients 9
 - d. Homeopaths Requirement for Mandatory Reporting of Sexual Abuse of a Patient..... 9
 - e. Homeopaths Requirement for Mandatory Reporting of Child Sexual Abuse.....10
- 6. Professional Education Program.....11
- 7. Public Education.....12
- 8. Contact the College for more information12
 - a. The Practice Advisory Service.....12
 - b. Questions or Concerns about Homeopaths12

1. Goals and Objectives of the Sexual Abuse Prevention Program

This *Sexual Abuse Prevention Program* is a comprehensive resource that describes the strategies, programs and policies that the College of Homeopaths of Ontario (the College) has in place to prevent sexual abuse and for handling complaints and reports of sexual abuse by a registered Homeopath (HOM).

The Program is designed to:

- Provide a strategic focus for the development of processes, procedures, resources, and activities aimed at preventing and deterring sexual abuse of patients by members;
- Develop a high level of organizational and member awareness in matters of sexual abuse through prevention strategies, sensitivity training and education;
- Have measures in place for adequately handling complaints of sexual abuse of patient by HOMs; and
- Have measures in place for supporting any patient who has been sexually abused by an HOM.

2. The College's Zero-Tolerance Philosophy

The College is committed to zero-tolerance of sexual abuse of patients by HOMs. Sexual relations of any kind within a therapeutic HOM-patient relationship is unacceptable and will not be tolerated.

3. What Is Sexual Abuse

The *Health Professions Procedural Code* (the Code) of the *Regulated Health Professions Act, 1991* (RHPA) defines "Sexual Abuse" in Section 1(3) as:

- Sexual intercourse or other forms of physical sexual relations between the member and the patient/client;
- Touching of a sexual nature of the patient/client by the member; or
- Behaviour or remarks of a sexual nature by the member towards the patient/client.

Under this definition, sexual abuse includes intercourse, sexualized banter, sexualized physical activities or other non-touching sexualized behaviours. However, the Code clarifies under Section 1(4) that "sexual nature" does not include touching, behaviour or remarks of a clinical nature that would be appropriate to the service provided.

a. Criteria for determining who is a patient

Within the context of sexual abuse specifically, Section 1(6) of the Code and related regulations help define an individual as a patient of an HOM where they have engaged in a direct interaction and *any* of the following conditions are met:

- The HOM charged or received payment for the health care service provided to the individual.
- The HOM contributed to the individual's health record (e.g., charting the interaction).
- The individual consented to the health care service recommended by the HOM.

Even if none of the above circumstances exist, an individual can still be a patient of an HOM where there are other circumstances creating a homeopath-patient relationship. A homeopath cannot avoid the sexual abuse provisions by providing free and undocumented services without seeking the consent of the individual.

Under the Code, an individual remains the homeopath's patient for an entire year after the therapeutic homeopath-patient relationship has ended. Having romantic or sexual relationships with a patient during that time is strictly forbidden and considered sexual abuse.

b. Consent is irrelevant

Consent is irrelevant, even if the patient initiates or willingly participates in the sexual activity. Where both parties genuinely consent at the time, it is still prohibited. Sexual relations with a patient are never permitted. Evidence of sexual exploitation is not required.

c. There are no spousal exceptions for HOMs

There are no spousal exceptions for homeopaths. Sexual activity with a patient, even if the patient is a spouse or partner, is considered sexual abuse under the law.

4. The College's Regulatory Obligations

The College is diligent in complying with its regulatory obligations to protect the public. We are dedicated to continuously strengthening our *Sexual Abuse Prevention Program* to support zero-tolerance of sexual abuse of patients by homeopaths.

a. The Patient Relations Program

Under the RHPA, each regulatory health college must have a Patient Relations Committee and a Patient Relations Program. The Patient Relations Program must have measures for preventing and addressing sexual abuse of patients. These measures include educational requirements for members, guidelines for the conduct of members with their patients, training for the College's staff and committee members, and the provision of information to the public.

In keeping with the regulatory obligation to address sexual abuse of patients by members, the College's Patient Relations Program has developed this *Sexual Abuse Prevention Program* to:

- Educate members about maintaining professional boundaries to prevent sexual abuse of patients;
- Develop strategies for public information programs to explain how the College assists individuals to exercise their rights as health consumers under the *Health Professions Procedural Code* of the RHPA with regard to complaints, sexual abuse and the discipline process;
- Maintain efficient complaints handling procedures for complaints of sexual abuse;
- Ensure staff members are trained on how to handle complaints of sexual abuse;
- Ensure that the Discipline and the Inquiries, Complaints and Report Committees have the

- necessary and timely resources for the deliberation of complaints of sexual abuse;
- Ensure that the College provides funding for therapy and counselling for victims of sexual abuse by College members; and
- Continually assess and make necessary improvements to the *Sexual Abuse Prevention Program* to make sure that College policies, procedures, and training protocols support the appropriate handling of sexual abuse matters.

b. Funding for Therapy and Counselling for Victims of Sexual Abuse

Under the RHPA, all regulatory health colleges are required to establish a fund to reimburse the delivery of therapy and counselling to a person alleging, in a complaint or report, that they were sexually abused by a member while they were a patient. An application for funding can be made at any point during the investigation process. Funding is not dependent on a finding of guilt by the Discipline Committee or a criminal conviction, although these can be grounds to approve funding for therapy or counselling. A patient's eligibility for funding is not considered a finding against the homeopath and cannot be considered as part of the investigation or Discipline processes.

In keeping with the RHPA, the Patient Relations Committee has the responsibility to process applications for funding for therapy and counselling in a timely manner. Through its strategic planning and annual planning processes, the College ensures that the Patient Relations Committee is prepared to administer the funding for therapy and counselling.

c. Procedures for Handling Complaints

The College's procedures for handling complaints are specified within the RHPA and are similar to those of all other colleges regulated under the RHPA. These procedures can be found on the College website: see [Making a complaint](#). Enhanced procedures which are complainant-centered and designed to provide a safe, supportive environment are applied to this process when complaints pertain to misconduct of a sexual nature.

In the event of a complaint, the College will ensure the immediate availability of a staff member to process the complaint. Complainants will also have the option of speaking with a staff member in either official language. Complaints may be submitted in writing or in other acceptable formats.

Should the complainant wish to meet with a staff member, such a meeting will be arranged in accordance with the following criteria:

- The meeting will take place in a setting which ensures the complainant's privacy;
- The complainant's consent will be obtained for the presence of any additional College personnel. Likewise, complainants may request that two (2) staff members attend the meeting; and
- Complainants will be advised prior to the meeting that they may be accompanied by a support person (i.e., friends, counsellors, interpreters, legal counsel).

d. Staff Training for Handling Complaints of Sexual Abuse

The College recognizes that it may be difficult for homeopaths or members of the public to report an occurrence of sexual abuse. There may be a fear that the process could be traumatic and result in further trauma or that additional unpleasant consequences might arise from the reporting process.

The College is committed to ensuring that staff members are properly trained and that proper procedures exist for the intake of complaints or reports of sexual abuse. College policy is that all College staff receives regular sensitivity training to ensure that any individual calling the College to complain about sexual abuse by a homeopath is treated fairly, respectfully and sensitively. Complaints are normally referred to the Registrar. Once a complaint is formally received in writing (or another acceptable format), it is referred to the College's case manager who has training in handling and investigating complaints of a sexual nature.

e. What Happens After the College Receives a Complaint of Sexual Abuse

Once a complaint is officially received, the College's case manager sends a copy of the complaint to the homeopath within 14 days of the College receiving it. After the homeopath receives the notice of complaint from CDO, the homeopath has 30 days to respond to it, in writing.

A Panel of the Inquiries, Complaints and Reports Committee (ICRC) is formed to oversee the investigation of the complaint and to ensure the investigation is fair and objective. The Panel is made up of individuals appointed by the Provincial Government and homeopaths. Once the investigation of the complaint is complete, the ICRC Panel can:

- Take no further action.
- Issue a written reminder or advice.
- Require the homeopath to appear in person to receive an oral caution.
- Direct the homeopath to complete a specified continuing education and remediation program (SCERP).
- Refer the homeopath to the Discipline Committee for specified allegations of professional misconduct.
- Refer the matter to another ICRC Panel to make inquiries into possible mental or physical health concerns that might interfere with the homeopath's ability to practise safely.
- Take any other action that is not inconsistent with the RHPA or the College's regulations and by-laws.

f. Penalties for Sexual Abuse

When the Discipline Committee receives a referral, it conducts its own hearing of the allegations of professional misconduct. Patients alleging sexual abuse have certain rights to help protect their privacy during these proceedings, including the right to have an order banning publication of their identity and restrictions on the right of access to their counselling or therapy records. After the presentation of evidence, if the Discipline Committee of the College makes a finding that a member has committed an act of professional misconduct by sexually abusing a patient, at minimum, the member will receive a reprimand and a suspension. If the abuse involves specific sexual acts listed in the RHPA (e.g., sexual intercourse), the member's registration is revoked for a minimum of five (5) years.

In addition, after finding that a member has committed an act of professional misconduct by sexually abusing a patient, the Discipline Committee can also order the member to reimburse the College for any funding paid out to the patient for therapy and/or counselling.

g. Postings in the Public Register of Homeopaths

The Public Register of Homeopaths includes a notation of the fact that a matter relating to a member has been referred by the Inquiries, Complaints and Reports Committee (ICRC) to the Discipline Committee. This notation will include a summary of the allegations, the notice of the hearing, the dates of the hearing, the next scheduled dates for a continuation of the hearing, and the stage of the hearing. The results of every disciplinary hearing are also posted on the member's public profile. Postings do not include the identity of the patient.

In keeping with the regulations under the RHPA, the College is also required to post on the Public Register if a member has been charged or convicted of an offence under the *Criminal Code* (Canada). This can include charges and convictions of sexual assault that may relate to the same circumstances as complaints and reports of sexual abuse received by the College.

h. Revocation and Other Implications of Sexually Abusing a Patient

For members who are found guilty of sexual abuse, their registration is suspended for a period determined by the Discipline Committee. If members are found guilty of engaging in specified acts of sexual abuse listed in the RHPA, their registration is automatically revoked for five (5) years. After this mandatory five-year period, a member may apply for reinstatement. The application for reinstatement will be reviewed by the Discipline Committee prior to returning to practice. Applications for reinstatement are posted on the Register of Homeopaths on the member's profile.

The potential of rehabilitation of the member will be considered on an individual basis. Re-instatement decisions are made by the Discipline Committee. If the member's registration is reinstated, the notation of reinstatement will be posted on the Register of Homeopaths on the member's profile with the effective date and, where appropriate, the name of the Committee responsible for the reinstatement.

i. Ongoing Evaluation of How the College Handles Sexual Abuse Complaints

The College will monitor the handling of sexual abuse complaints on an ongoing basis, and the Patient Relations Committee will recommend appropriate revisions to this *Sexual Abuse Prevention Program* as needed.

5. College Regulations, Guidelines and Policies

The *Health Professions Procedural Code* specifies that measures for preventing and dealing with sexual abuse of patients must include "guidelines for the conduct of members with their patients" (subparagraph 84(3)(b)). The College's *Professional Misconduct Regulation* under the *Homeopathy Act, 2007*, specifies that abuse of a patient of any kind — this includes sexual abuse — is considered professional misconduct:

"1. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

7. Abusing a patient or a patient's representative verbally, physically, psychologically or emotionally."

a. The Homeopath-Patient Relationship

The purpose of the relationship between a homeopath and a patient is to provide assessment and treatment as defined in the *Homeopathy Act, 2007*,

"Scope of practice

3. The practice of homeopathy is the assessment of body system disorders and treatment using homeopathic techniques to promote, maintain or restore health.

It is always the HOM's responsibility to establish and maintain a professional relationship with patients based on trust, support and mutual respect. The patient depends on the homeopath for their expertise in health care. This creates a power imbalance in the relationship where the patient is vulnerable. For successful care, a patient must trust that the services provided by the homeopath will not harm them. Sexual abuse is a violation of that trust and a fundamental betrayal of the professional homeopath-patient relationship.

While sexual abuse in the context of the RHPA relates to patients, sexual misconduct towards other persons can constitute disgraceful, dishonourable and unprofessional conduct. For example, flirting with the parent of a young patient would generally be unprofessional. So would sexual harassment of a colleague or employee.

b. Having a Romantic Relationship with a Former Patient

Members are not permitted to have a romantic relationship with a former patient for a minimum of one year from the date the therapeutic HOM-patient relationship ended. This one-year period is the minimum requirement, not a maximum. Greater than one year may be required based on how long the therapeutic relationship existed and the degree of vulnerability of the patient.

To determine if an homeopath-patient relationship has ended, homeopaths should consider the following factors:

- The nature of the homeopathy service provided;
- The degree, if any, to which the patient has developed an emotional dependency on the homeopath in the homeopath-patient relationship;
- The potential impact on the well-being of the patient; and
- All other circumstances that might have an impact on the homeopath-patient relationship and/or may affect the ability of the patient to act freely.

Following the minimum one-year period from the date the therapeutic homeopath-patient relationship ended, homeopaths should also consider:

- The duration of the therapeutic relationship: A romantic relationship with a former patient which a homeopath treated over a number of years is more likely to be inappropriate than a romantic relationship with a patient an homeopath has seen only once or twice for advice.
- The patient's vulnerability: The more vulnerable a patient is, the more likely it is that having a romantic relationship with them at any point after the one-year waiting period would be an abuse of the homeopath's power; and
- Continuing care for other members of the former patient's family: If an homeopath continues to care for other members of a patient's family, then, the combination of personal and professional relationships may be inappropriate.

Upon reflection, no matter how much time has passed, an homeopath might resolve that it would never be appropriate to form a romantic relationship with a patient. Note that a regulated health professional could still be found guilty of disgraceful, dishonourable and unprofessional conduct towards a former patient, if that former patient reasonably felt abused in any way.

Homeopaths are encouraged to consult with their colleagues and any other relevant resource when they are considering starting a romantic relationship with a former patient or their family member.

c. [Boundary Guidelines for Professional Relationships with Patients](#)

It requires a conscious effort to maintain patient-centered practice and to avoid crossing boundaries that can lead to sexual abuse. The *Boundary Guidelines for Homeopaths in Ontario* is designed to help homeopaths:

- Increase awareness of situations related to boundary crossings that may lead to sexual abuse;
- Ensure that boundaries are established and maintained in the homeopath-patient relationship; and
- Monitor thoughts, attitudes and assess behaviours that may lead to sexual abuse.

d. HOM Requirement for Mandatory Reporting of Sexual Abuse of a Patient

When dealing with revelations of sexual abuse of patients, it is important for homeopaths to manage this information sensitively and not cause further harm. In addition, homeopaths need to be aware of their legal obligations. Under section 85.1(1) of the Code:

- A report of sexual abuse must be made if a homeopath has reasonable grounds, obtained in the course of practising Homeopathy, to believe that a regulated health professional has sexually abused a patient;
- A report of sexual abuse cannot include the identity of the patient unless the patient gives written consent to include their name; and
- A report of sexual abuse must be made within 30 days of becoming aware of the abuse unless there are reasonable grounds to believe that additional abuse may occur, in which case the report must be made immediately.

Failure to make a mandatory report is an offence punishable with a fine of up to \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence. The RHPA provides protection from civil lawsuits or other proceedings to anyone who files a report in good faith. The Registrar shall refer such reports to the Inquiries, Complaints and Reports Committee if they identify concerns about the conduct, competence or capacity of a homeopath.

For more information see [How to File a Mandatory Report. \[UPDATED Link to be added\]](#)

e. Homeopath Requirement for Mandatory Reporting of Child Sexual Abuse

Any person who has a reasonable suspicion that a child is at risk of being abused sexually, needs to report that suspicion to their local *Children's Aid Society*. While everyone has this duty, it is an offence for a homeopath not to make a report when the information is obtained in the course of practising Homeopathy.

For a report under the [Child and Family Services Act, 1990](#) only reasonable grounds to "suspect", not "believe", is needed. This means that the amount of information suggesting that a child is in need of protection can be quite low. If you have any questions, you may get advice either from the College, legal counsel, or your local Children's Aid Society.²

² For further information on reportable events to the Children's Aid Society and other mandatory reporting requirements related to sexual abuse concerns, see the [Mandatory Reporting Table. \[UPDATED Link to be added\]](#)

6. Professional Education Program

The College is committed to providing ongoing education, direction and support to its members on the topic of sexual abuse of patients. The program includes: workshops, articles and other online resources. The objectives of the College's Professional Education Program include:

- Increasing awareness of professional development opportunities for homeopaths about sexual abuse and its impact on patients;
- Developing and collecting resource materials related to the topic of sexual abuse;
- Alerting homeopaths to high risk situations and the consequences of engaging in sexual abuse;
- Providing assistance, direction and resource support to HOMs in matters related to the reporting or disclosure of information concerning sexual abuse of patients by a homeopath or another regulated health professional;
- Educating homeopaths about mandatory reporting requirements; and
- Educating homeopaths about the complaints process and special procedures available for the reporting of complaints related to sexual abuse.

These objectives are met by:

- Developing and distributing professional conduct standards and guidelines to homeopaths;
- Developing and compiling resource and educational materials related to sexual abuse and its prevention;
- Collecting data on reports and complaints of sexual abuse;
- Publishing the findings of homeopath disciplinary hearings related to sexual abuse;
- Developing educational materials concerning circumstances arising from homeopath complaints and discipline matters and providing clear guidance on how such situations can be prevented;
- Complying with all terms of any evaluation of the College's Patient Relations Program by the *Government of Ontario or Ministry of Health* as set out in the RHPA;
- Collaborating with other colleges, either individually or through the *Health Profession Regulators of Ontario* (HPRO) in the development and delivery of educational materials;
- Providing information to homeopaths and the public on mechanisms for the reporting of sexual abuse including the complaints process and mandatory reporting requirements; and
- Recognizing the different needs of diverse populations, (e.g., children, people of different cultural, religious, and/or language backgrounds, individuals with different communication challenges) in the design and delivery of educational programs and services relating to sexual abuse.

7. Public Education

The College is committed to protecting the public by providing public education about the role of the profession, standards of care and the College's regulatory responsibilities. Issues related to sexual abuse and reporting mechanisms are an integral part of this process.

The College strives towards further protecting the public by informing the public of the role of the College and providing supportive and accessible facilities to its members of the public. Elements of a public education strategy to increase awareness of the College and its role in the prevention and elimination of sexual abuse by its members include:

- Dissemination of information on the definition of sexual abuse;
- Dissemination of information on reporting and complaints procedures in general, and on reporting and complaints procedures specific to sexual abuse;
- Provision of information about funding for therapy and counselling for persons alleging sexual abuse by members; and
- Collaboration with HPRO and with individual Colleges and others in activities designed to increase knowledge of the RHPA and its various provisions for preventing and dealing with sexual abuse.

8. Contact the College for more information

a. The Practice Advisory Service

College of Homeopaths of Ontario

163 Queen Street, 2nd Floor, Toronto ON M5A 1S1

Telephone: (647) 749-9366

info@collegeofhomeopaths.com

b. Questions or Concerns about Homeopaths

If you have concerns about the services of an HOM, require information about the complaints process or need help in making a complaint, please contact the Registrar of the College of Homeopaths Ontario.

Also see: [Making a complaint](#).