

STANDARD OF PRACTICE

Prohibition Against a Sexual Relationship with a Patient

Standard of Practice S-014
Patient Relations Committee
Approved by Council: February 8, 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 inform members that a sexual relationship with a patient is strictly forbidden by law.

Description of Standard

Under no circumstances should a member have a sexual relationship with a current patient.

Background

Sexualizing a professional relationship is against the law. In Ontario, the *Regulated Health Professions Act (RHPA)* prohibits sexual involvement of health care professionals with patients. The *RHPA* defines sexual abuse as sexual intercourse or other forms of physical sexual relations, touching of a sexual nature, or behaviour or remarks of a sexual nature, between a member and a patient.

Because of the broad definition of sexual abuse outlined in the *RHPA*, it is unacceptable for a member to have a sexual relationship with a current patient. Even the most casual dating relationship may lead to forms of affectionate behaviour that would fall under this definition and could leave the member open to a possible complaint to CCO.

Procedure

- It is never appropriate to have a sexual relationship with a patient who is receiving active treatment. The professional relationship must be terminated.
- There is a history of complaints against members who have had sexual relationships with their patients/former patients. Complaints have been made by patients, significant others (including spouses of both members and patients) and former significant others. Therefore, there is a minimum recommended waiting period of one year following the termination of the professional relationship, before beginning any sexual relationship.
- Refer the patient to another chiropractor and document these actions on the patient's chart (it is recommended the referral be in writing and a copy of such correspondence be given to the patient and a second copy placed in the file).

- With the patient's consent, transfer patient records to the new attending chiropractor.
- In some cases, it may never be appropriate for a member to have a sexual relationship with a former patient. For example, if there is a continued power imbalance between the member and the patient, or the patient is vulnerable.

If a patient suggests or attempts to develop a sexual relationship:

- Inform the patient of restrictions and communicate proper boundaries for the doctor/patient relationship. (see *Where's my line?* - CCO/CMTO/ CPO, 1996)
- Refer the patient to another chiropractor if the above actions do not resolve the situation.
- Document actions on the patient's chart.

Final Words

- A sexual relationship with a patient is strictly forbidden by law.
- Information regarding allegations of sexual abuse comes to the attention of CCO through the Complaints Committee, the Executive Committee, and/or mandatory reporting by a member or another health professional.
- The penalties for a finding of professional misconduct relating to sexual abuse of a patient include:
 - revocation of a member's licence for five years;
 - stringent conditions on a member's licence before applying for reinstatement;
 - results of the discipline proceedings will remain on the public register indefinitely; and
 - financial obligations, such as paying for therapy and/or counselling for the victims and reimbursing CCO for legal and investigative costs.

This standard replaces guideline G-006: Guidelines for Establishing a Personal Relationship with Your Patients (i.e., Dating).