



COLLEGE OF  
DENTURISTS  
OF ONTARIO

# CDO Guidelines

## Prevention of Sexual Abuse

College Guidelines contain practice parameters and standards that should be considered by all Ontario Denturists in the care of their patients. It is important to note the following guidelines may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

### INTRODUCTION

Ontario government legislation requires all health regulatory Colleges to have in place a Patient Relations Program that includes measures for preventing and dealing with sexual abuse of patients. These mandated measures under the [Regulated Health Professions Act, 1991](#), (RHPA) include:

- Establishing education requirements for members;
- Setting guidelines for the conducts of members with their patients;
- Training College staff; and
- Providing information to the public.

Sexual abuse and impropriety with patients is an extremely serious matter. The College previously approved a policy of zero tolerance in this regard. The sanctions mandated by the [RHPA](#) against members who are found guilty of professional misconduct in connection with sexually abusing patients are very severe. (These penalties are detailed below.) **All members are well advised to read and understand the following Guidelines and to keep them for frequent reference.** If you have any questions or concerns, you are encouraged to contact the College office (416) 925-6331.

### WHAT IS "SEXUAL ABUSE?"

"Sexual abuse" is very broadly defined in the legislation, to include not only physical actions but also behaviour or remarks. Here is how "sexual abuse of a patient" is defined under the RHPA's Health Professions Procedural Code: sexual intercourse or other forms of physical sexual relations between the member and the patient; touching, of a sexual nature, of the patient by the member; or behaviour or remarks of a sexual nature by the member towards the patient. The Code does allow touching, behaviour and remarks that are of a clinical nature and that are appropriate to the services rendered.

Although, the RHPA requires that these Guidelines relate to the "sexual abuse" of patients, the College takes equally seriously the sexual abuse or sexual harassment of office staff. There are other provisions set out in the professional misconduct Regulations that deal with this type of behaviour.



## **GUIDELINES FOR PROFESSIONAL BEHAVIOUR**

As a general guiding principle, you, as a member of the College, are required to ensure that your patients receive denturism care in an atmosphere that places no sexual demands upon them and is free of any sexual connotation or context.

Blatant types of sexual misconduct (often referred to as sexual abuse or sexual violation) usually include some form of overt sexual physical contact with the patient or touching of sexual nature. [Section 1\(4\) of the Health Professions Procedural Code \(RHPA, 1991\)](#) states that "sexual nature" does not include touching, behaviour or remarks of a clinical nature that are appropriate to the services provided.

In the context of the practice of Denturism, clinical touching of a patient that is related to the examination, assessment and treatment of conditions of the orofacial complex is appropriate.

In most cases, if touching must involve areas beyond the orofacial complex, you should explain beforehand to the patient the context of the treatment and/or investigation in order to avoid any misinterpretation or misunderstanding. As with all phases of dental examination, assessment and treatment, the principles of "informed consent" should be followed at all times.

## **DOS AND DON'TS**

More subtle types of sexually inappropriate behaviour are often unrecognised and occasionally maybe committed inadvertently. While the College recognises that these Guidelines do not cover all eventualities, most sexually demeaning conduct could be prevented by the following:

### **DO:**

- BE aware that recent publicity about sexual abuse of patients, the proclamation of the RHPA, the issuing of these Guidelines and their availability to the public have changed the climate of practise of Denturism in Ontario. Behaviour engaged in without consequence in the past may now leave you vulnerable to patient complaints and possible prosecution.
- RESPECT cultural differences and be aware of sensitivities of individual patients.
- ENSURE that any and all conversations between you and your office staff would not be found offensive by a patient.
- USE appropriate draping practices that respect a patient's privacy and ensure that the placement of patient bibs or drapes is carried out in a professional manner.
- ENSURE or attempt to ensure that a third party is present when treatment is rendered outside of regular office hours.
- DOCUMENT on the patient record any and all comments or concerns made by a patient relative to alleged sexual abuse and any other unusual incident that may have occurred during the course of or after an appointment. These chart entries should be made as soon as possible after the incident occurred and should contain statements from you and the office staff who were present.

### **DON'T:**

- USE gestures or expressions or engage in any other behaviour that may be interpreted as seductive or sexually demeaning to a patient or as sexual abuse.
- PLACE dental instruments or supplies upon a patient's chest or lap.
- MAKE sexual comments about a patient's body or clothing.
- TELL jokes or stories of a sexual nature to a patient.
- COMMENT on patient's sexual orientation.
- INITIATE conversations with patients regarding sexual problems, preferences or fantasies and refuse to participate if such discussions are initiated by a patient.
- ENGAGE in inappropriate "affectionate" behaviour with a patient such as hugging and kissing.



## DATING PATIENTS

Because of the very broad definition of "sexual abuse" in the legislation, it is unacceptable for you to date 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 you open to possible accusations.

If you intend to date a patient, the dentist/patient relationship should first be terminated, the account settled and the patient information and/or duplicate records transferred to another practitioner according to the CDO's [Record Keeping Standard](#).

## PENALTIES

The legislation says that when a panel of the Discipline Committee finds a member guilty of committing an act of professional misconduct by "sexually abusing" a patient, as a minimum, it must:

- Reprimand the member.
- Revoke the member's certificate of registration 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 contact;
  - masturbation of the member by, or in the presence of, the patient;
  - masturbation of the patient by the member;
  - encouragement of the patient by the member to masturbate in the presence of the member;
- As required by the RHPA, 1991, the member may also be ordered to reimburse the College for funding provided for therapy and counselling for the patients who were "sexually abused" by the member, to the maximum of \$10,000.00 per patient.

These Guidelines have been developed by the CDO as part of the "College's Sexual Abuse Prevention Plan" and in accordance with the legislated requirements under the [Regulated Health Professions Act 1991](#). They are not intended to interfere with the traditional dentist/patient relationship that of providing appropriate treatment in a professional and caring manner.

### For more information:

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