

---

---

# MANDATORY REPORTS OF SEXUAL ABUSE OF A PATIENT BY A REGULATED HEALTH PROFESSIONAL

*The governing legislation of dentists and all other regulated health professionals in Ontario, the Regulated Health Professions Act, 1991, requires you to report the sexual abuse of a patient by a health professional to that professional's governing body if you acquire this information in the course of your practice. This article is designed to assist dentists in understanding their legal obligations with respect to mandatory reports to the College that must be made in order to further public interest protection.*

## COLLEGE CONTACT

**Dr. Lesia Waschuk**  
Practice Advisor  
416-934-5614  
1-800-565-4591  
lwaschuk@rcdso.org

## ***Am I obligated to report sexual abuse of a patient by another regulated health professional?***

Yes. Under the governing legislation, the Regulated Health Professions Act, 1991 (RHPA), a regulated health professional must file a report if he or she has reasonable grounds, obtained in the course of practising the profession, to believe that a member of the same or different College has sexually abused a patient.

The report should be made to the College to which the regulated health professional belongs. If you operate a facility, you are obliged to report if you have reasonable and probable grounds to believe that a regulated health professional operating in your facility has sexually abused a patient.

## ***How is sexual abuse defined?***

Sexual abuse is defined in the RHPA as:

- ◆ sexual intercourse or other forms of physical sexual relations between the member and the patient; or
- ◆ 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.



---

---

# MANDATORY REPORTS OF SEXUAL ABUSE OF A PATIENT BY A REGULATED HEALTH PROFESSIONAL

## ➤ *What do I include in my report?*

The report must be in writing and must include your name, the name of the regulated health professional that you suspect has sexually abused a patient, and an explanation of the alleged sexual abuse. The name of the patient should be included if the concerns relate to a specific patient and you have that patient's permission to reveal his or her name. If the patient declines to give permission for his or her name to be used, you still have an obligation to report the contact, but without the patient's name.

## *How soon do I have to make the report?*

The report must be made immediately to the College to which that regulated health professional belongs and should be made as soon as possible, if you have reasonable grounds to suspect that the health professional will continue to abuse this patient or other patients. If you do not suspect that the abuse is ongoing, you should still make your report as soon as possible, but no later than 30 days after this information has come to your attention.

## *What are reasonable grounds?*

Reasonable grounds to believe that another health professional sexually abused a patient should be based on credible information. This information may be relayed to you directly by the patient, or the patient's parent, guardian or custodian, or some other third party source.

You do not necessarily need to have spoken directly to the patient in order to have reasonable grounds to suspect abuse. Trust your instinct. It is the College's advice that it is better to err on the side of public interest protection when issues of sexual abuse are involved.

Once you make the report, determining the validity of the information is the job of the College to which the regulated health professional belongs.

## *Which health professions are regulated in Ontario?*

In addition to dentists, the following professions are regulated in Ontario:

- ◆ Audiology and Speech-Language Pathology
- ◆ Chiropractic and Podiatry
- ◆ Chiropractic
- ◆ Dental Hygiene
- ◆ Dental Technology
- ◆ Denturism
- ◆ Dietetics
- ◆ Massage Therapy
- ◆ Medical Laboratory Technology
- ◆ Medical Radiation Technology
- ◆ Medicine
- ◆ Midwifery
- ◆ Nursing
- ◆ Occupational Therapy
- ◆ Opticianry
- ◆ Optometry
- ◆ Pharmacy
- ◆ Physiotherapy
- ◆ Psychology
- ◆ Respiratory Therapy

As of June 4, 2009, the following health professions will also be regulated in Ontario:

- ◆ Traditional Chinese Medicine
- ◆ Kinesiology
- ◆ Psychotherapy
- ◆ Naturopathy
- ◆ Homeopathy

## *What if I do not know the patient's name or the health professional's name?*

Even if you do not know the patient's name, if you know the health professional's name who is suspected

---

---

of abuse, that is enough to trigger a report. While you do not need the patient's permission to make the report, you can only identify the patient by name if you have been given permission to do so. You should, however, make your best efforts to notify the patient of your obligation to file a report before doing so. If you do not know the name of the health professional who is suspected of abuse, then you do not have to make a report.

***At a social function, someone who is not a patient of mine told me that he had been sexually abused by a colleague. Am I obligated to report this?***

The law obligates you to make a mandatory report about information you receive while practising the profession. This does not extend to social situations. However, for public interest protection, you should seriously consider reporting this information to the colleague's regulatory college. Also, since no patient-doctor privileges attach to you in this situation, you may wish to notify the police.

***What if I know of, or suspect child abuse of a patient by a non-health professional, such as a parent or guardian?***

If you are aware of or have reasonable grounds to suspect sexual or other abuse of a child patient, another type of mandatory report may be triggered. This is not a mandatory report to the College, as already mentioned. It is a mandatory report to the local Children's Aid Society, required of professionals by the Child and Family Services Act, 1990. For more information on this topic, consult your local Children's Aid Society or call the College's Practice Advisor Dr. Lesia Waschuk at 416-934-5614 or toll-free at 1-800-565-4591.

***One of my staff members has told me that my associate sexually harassed her. Do I have to make a mandatory report?***

If the staff member also receives or has received dental treatment in the office, then that person qualifies as a patient and you must make a mandatory report to the College about your associate. If the staff person never was a patient, then you are not required to make a report to the College, but you may morally decide to do so in order to ensure that such behaviour does not continue.

Remember that this type of conduct, while not abuse of a patient, may be found to be professional misconduct. Accordingly, if you fired the associate, imposed conditions on his or her employment, or terminated your relationship with him or her for this reason, or if you intended to do so but the associate quit, then a mandatory report to the College is triggered by the RHPA, even if the staff member was never a patient.

***What are the consequences of failing to make a mandatory report to the College of sexual abuse of a patient?***

The provincial government and indeed the College take the obligation to report sexual abuse of patients very seriously. The RHPA sets out that the failure to make such a report is an offence which is punishable by law by fines of up to \$25,000 for a first offence and \$50,000 for a second or subsequent offence. The fines are higher if you are the operator of a health facility and fail to file a mandatory report, as required.

Also, if the College becomes aware that a dentist was obliged to report the sexual abuse of a patient to this or another College, but failed to do so, we have the ability to investigate whether the failure to report is an act of professional misconduct and disciplinary action may be taken.