



Alberta College of
Speech-Language Pathologists
and Audiologists

Standards of Practice

Area 5.0 Sexual Abuse and Sexual Misconduct

Standard Area 5.0

Sexual Abuse and Sexual Misconduct



Introduction

Speech-language pathologists and audiologists provide professional services in a range of settings to a variety of individuals. ACSLPA recognizes that there may be a power imbalance between regulated members and the patients to whom they provide services. In recognition of this, and in accordance with recent amendments to the *Health Professions Act* (HPA) by way of Bill 21, "An Act to Protect Patients", ACSLPA has developed these standards of practice. Every recipient of speech-language pathology and audiology services should feel safe and protected from sexual misconduct and sexual abuse.

These standards of practice are intended to ensure professional boundaries are defined and maintained, and to protect patients from sexual abuse and sexual misconduct by speech-language pathologists and audiologists. These standards supplement and build on but do not replace ACSLPA Standards of Practice (2015), including but not limited to 3.3 Professional Boundaries. They are part of the overall legislative scheme and form a continuum with other documents including the Code of Ethics, Advisory Statements, Position Statements, Guidelines, Protocols, and Competency Profiles.

Definitions

"patient", for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
- ii. the regulated member's spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

"health service" means a service provided to people:

- i. to protect, promote or maintain their health,
- ii. to prevent illness,
- iii. to diagnose, treat or rehabilitate, or
- iv. to take care of the health needs of the ill, disabled, injured or dying.

"former patient" means a person to whom one of the following apply:

- i. for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

"episodic care" means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

"regulated member" refers to "an individual who is registered with ACSLPA in any of the regulated categories of membership prescribed by *ACSLPA Bylaws*, the *Health Professions Act* and our Regulations."

"sexual relationship" means a relationship involving sexual intimacy, including communications of a sexual nature, and engaging in conduct of a sexual nature, including masturbation, genital to genital, genital to anal, oral to genital, or oral to anal contact and sexual intercourse.

"sexual nature" does not include any conduct, behaviour or remarks that are appropriate to the professional service being provided.

¹ Regulated members seeking clarification as to what constitutes "minor" care are requested to contact the ACSLPA office

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Sexual Abuse and Sexual Misconduct

5.1 Sexual Relationships

Standard

A **regulated member** of ACSLPA abstains from conduct, behaviour or remarks directed towards **patients** that constitutes sexual abuse as defined by the *Health Professions Act*.

Indicators

To demonstrate this standard, the regulated member:

- a) must not enter into or have a **sexual relationship** with a patient.
- b) must not threaten or attempt to have a sexual relationship with a patient.

“**patient**”, for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
- ii. the regulated member's spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

“**health service**” means a service provided to people:

- i. to protect, promote or maintain their health,
- ii. to prevent illness,
- iii. to diagnose, treat or rehabilitate, or
- iv. to take care of the health needs of the ill, disabled, injured or dying.

“**former patient**” means a person to whom one of the following apply:

- i. for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

“**episodic care**” means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

“**regulated member**” refers to “an individual who is registered with ACSLPA in any of the regulated categories of membership prescribed by *ACSLPA Bylaws*, the *Health Professions Act* and our Regulations.”

“**sexual relationship**” means a relationship involving sexual intimacy, including communications of a sexual nature, and engaging in conduct of a sexual nature, including masturbation, genital to genital, genital to anal, oral to genital, or oral to anal contact and sexual intercourse.

“**sexual nature**” does not include any conduct, behaviour or remarks that are appropriate to the professional service being provided.

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5.2 Sexual Misconduct

Standard

A **regulated member** of ACSLPA abstains from conduct, behaviour or remarks directed towards **patients** that constitutes sexual misconduct, as defined by the *Health Professions Act*.

Indicators

To demonstrate this standard, the regulated member:

- a) must not engage in any behaviour, either physical or verbal, with a patient that could reasonably be perceived to be of a **sexual nature**, including:
 - i. making sexually suggestive comments or gestures;
 - ii. requesting details of a patient's sexual history unless relevant to the health service that the speech-language pathologist or audiologist is performing; or
 - iii. exploiting or attempting to exploit any real or perceived imbalance of power.
- b) must not engage in any physical contact with a patient that could reasonably be perceived to be of a sexual nature unless the physical contact is required for the health service to occur, in which case the member must, in advance of the physical contact:
 - i. explain to the patient why contact is clinically necessary;
 - ii. indicate to the patient the nature, purpose and the likely duration of the contact;
 - iii. receive informed consent (from the patient or the patient's parent, agent or guardian) prior to the contact; and
 - iv. ensure that the patient is offered appropriate privacy for the physical contact that occurs.
- c) must not communicate with or solicit a patient for the purpose of entering a **sexual relationship**.
- d) must not use any personal information or health information obtained in the course of providing health services to pursue a sexual relationship with a patient or a **former patient** or to communicate with or solicit a patient for the purpose of entering a sexual relationship.

"patient", for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
- ii. the regulated member's spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

"health service" means a service provided to people:

- i. to protect, promote or maintain their health,
- ii. to prevent illness,
- iii. to diagnose, treat or rehabilitate, or
- iv. to take care of the health needs of the ill, disabled, injured or dying.

"former patient" means a person to whom one of the following apply:

- i. for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

"episodic care" means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

"regulated member" refers to "an individual who is registered with ACSLPA in any of the regulated categories of membership prescribed by *ACSLPA Bylaws*, the *Health Professions Act* and our Regulations."

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"sexual nature" does not include any conduct, behaviour or remarks that are appropriate to the professional service being provided.

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5.3 Managing Professional Boundaries

Standard

A **regulated member** recognizes when professional boundaries may be compromised by feelings, conduct, behaviour or remarks of a **sexual nature**, regardless of who initiates.

Indicators

To demonstrate this standard, the regulated member must manage professional boundaries by:

- a) taking steps to ensure the professional relationship and professional boundaries are maintained, or
- b) where professional boundaries cannot be maintained, terminating the professional relationship and taking steps to transfer care of the patient to another regulated health professional.

The regulated member must document any decisions made and steps taken.

“**patient**”, for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
- ii. the regulated member's spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

“**health service**” means a service provided to people:

- i. to protect, promote or maintain their health,
- ii. to prevent illness,
- iii. to diagnose, treat or rehabilitate, or
- iv. to take care of the health needs of the ill, disabled, injured or dying.

“**former patient**” means a person to whom one of the following apply:

- i. for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

“**episodic care**” means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

“**regulated member**” refers to “an individual who is registered with ACSLPA in any of the regulated categories of membership prescribed by *ACSLPA Bylaws*, the *Health Professions Act* and our Regulations.”

“**sexual relationship**” means a relationship involving sexual intimacy, including communications of a sexual nature, and engaging in conduct of a sexual nature, including masturbation, genital to genital, genital to anal, oral to genital, or oral to anal contact and sexual intercourse.

“**sexual nature**” does not include any conduct, behaviour or remarks that are appropriate to the professional service being provided.

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5.4 Sexual Relationships with Former Patients

Standard

A **regulated member** of ACSLPA abstains from conduct, behaviour or remarks directed towards **former patients** that constitutes sexual abuse or sexual misconduct, as defined by the *Health Professions Act*.

Indicators

To demonstrate this standard, the regulated member does not enter into a sexual relationship with a former patient unless:

- there is no ongoing power imbalance between the patient and the speech-language pathologist or audiologist arising from the former professional relationship;
- sufficient time has passed since the last time health services were provided by the speech-language pathologist or audiologist, having regard for the nature and extent of the professional relationship between the speech-language pathologist or audiologist and the patient;
- the patient knows and understands that the professional relationship has ended; and
- the patient has consented and is capable of providing consent.

“**patient**”, for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- a patient's substitute decision-maker, legal guardian, or parent, or
- the regulated member's spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

“**health service**” means a service provided to people:

- to protect, promote or maintain their health,
- to prevent illness,
- to diagnose, treat or rehabilitate, or
- to take care of the health needs of the ill, disabled, injured or dying.

“**former patient**” means a person to whom one of the following apply:

- for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

“**episodic care**” means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

“**regulated member**” refers to “an individual who is registered with ACSLPA in any of the regulated categories of membership prescribed by *ACSLPA Bylaws*, the *Health Professions Act* and our Regulations.”

“**sexual relationship**” means a relationship involving sexual intimacy, including communications of a sexual nature, and engaging in conduct of a sexual nature, including masturbation, genital to genital, genital to anal, oral to genital, or oral to anal contact and sexual intercourse.

“**sexual nature**” does not include any conduct, behaviour or remarks that are appropriate to the professional service being provided.

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5.5 Existing Sexual Relationships

Standard

A **regulated member** of ACSLPA, except in particular circumstances, abstains from providing a health service to a spouse, an adult interdependent partner or other person with whom the speech-language pathologist or audiologist is in an existing **sexual relationship**.

Indicators

To demonstrate this standard, the regulated member:

- a) will only provide a health service to a spouse, an adult interdependent partner or other person with whom the speech-language pathologist or audiologist is in an existing sexual relationship, if:
 - i. the member provided the health service to the individual in emergency circumstances or in circumstances where the service is minor² in nature;
 - ii. there is no abuse of a power imbalance arising from the health service being provided, and
 - iii. if further care is required, the member takes reasonable steps as soon as possible to transfer care of the individual to another member or regulated health professional.

“**patient**”, for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient’s substitute decision-maker, legal guardian, or parent, or
- ii. the regulated member’s spouse, adult interdependent partner or other person with whom the regulated member is in an existing sexual relationship if the health service is provided in accordance with these standards.

“**health service**” means a service provided to people:

- i. to protect, promote or maintain their health,
- ii. to prevent illness,
- iii. to diagnose, treat or rehabilitate, or
- iv. to take care of the health needs of the ill, disabled, injured or dying.

“**former patient**” means a person to whom one of the following apply:

- i. for **episodic care**, no health service has been provided for at least 7 days and there is no expectation of an ongoing professional relationship between the regulated member and the patient,
- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

“**episodic care**” means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

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² Regulated members seeking clarification of what constitutes “minor” care are requested to contact the ACSLPA office.

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5.6 Conduct of a Sexual Nature

Standard

A **regulated member** of ACSLPA abstains from any unwanted or unwelcome behaviour, either physical or verbal, with a **patient's** substitute decision-maker, guardian, or parent that could reasonably be perceived to be of a **sexual nature**.

Indicators

To demonstrate this standard, when engaging with a patient's substitute decision-maker, guardian, or parent the regulated member:

- a) must not make sexually suggestive comments or gestures;
- b) must not exploit or attempt to exploit any real or perceived imbalance of power.

"patient", for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
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"former patient" means a person to whom one of the following apply:

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- ii. the patient and/or regulated member has terminated the professional relationship, the termination has been acknowledged by both parties, and at least 30 days has passed since the termination, or
- iii. if neither of the above apply, there has been no health service provided by the regulated member to the patient for one year (365 days).

"episodic care" means an isolated, short-duration, and minor health service provided to a patient where there is no expectation of continuing care by the regulated member.¹

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5.7 Mandatory Duty to Report

Standard

A **regulated member** of ACSLPA who has reasonable grounds to believe that the conduct of a regulated member of any college constitutes sexual abuse or sexual misconduct has a duty to report such conduct to the complaints director for the applicable college.

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- i. a patient's substitute decision-maker, legal guardian, or parent, or
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5.8 Mandatory Education

Standard

A **regulated member** of ACSLPA completes mandatory educational requirements prescribed by the Council for preventing and addressing sexual abuse and sexual misconduct towards **patients**.

“patient”, for the purposes of s. 1(1)(x.1) of the *Health Professions Act*, means any individual to whom a **regulated member** provides a **health service** in their capacity as a speech-language pathologist or audiologist, but does not include:

- i. a patient's substitute decision-maker, legal guardian, or parent, or
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