

Standard Area 5.0

Sexual Abuse and Sexual Misconduct



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."

"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.