

Standard Area 5.0

Sexual Abuse and Sexual Misconduct

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
- 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" means a person who is a regulated speech-language pathologist or audiologist in accordance with the *Health Professions Act*.

"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.