

# 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.<sup>1</sup>

“**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.

<sup>1</sup> Regulated members seeking clarification as to what constitutes “minor” care are requested to contact the ACSLPA office