



# Standards of Practice

## Addendum based on new requirements under the *Health Professions Act* as of April 1, 2019

April 1, 2019

The Alberta College of Medical Diagnostic and Therapeutic Technologists exists so that the public is assured of receiving safe, competent and ethical diagnostic and therapeutic care by a regulated and continually advancing profession.



## Background

*Bill 21: An Act to Protect Patients* amends the *Health Professions Act* (HPA) speaks specifically to sexual abuse and sexual misconduct by regulated health professionals and introduces a number of new requirements for regulatory health colleges and its members including establishing this new Standard of Practice. For more information on Bill 21, please access the Alberta Government website here: <https://www.alberta.ca/protecting-patients-against-sexual-abuse.aspx>.

The Standards represent the expected minimum level of performance for regulated members and reflect delivery of high quality, effective, safe and ethical care to patients. They are mandatory for all regulated members of the College across all contexts of professional practice. This new Standard Area 5.0. Protection of Patients from Sexual Abuse and Sexual Misconduct comes into full force as of April 1, 2019, it must be reviewed, understood and practiced as within the context of the Standards of Practice Document dated July 5, 2014.

You are encouraged to contact the College for further information regarding Bill 21 and this new Standard of Practice.

# Standard Area 5.0 Protection of Patients from Sexual Abuse and Sexual Misconduct

## Standard

A regulated member of the Alberta College of Medical Diagnostic and Therapeutic Technologists ensures that they will not enter into a relationship of a **sexual nature** with their **patient** and will take measures to prevent **sexual abuse** and **sexual misconduct**.

For the purposes of this standard:

- i) 'Patient' shall mean a person who has received medical diagnostic and/or therapeutic services administered by a regulated member of the College within the immediately preceding year except in the cases of an **episodic care**. A person receiving episodic care is considered a patient while they receive episodic care; however, they cease to be considered a patient upon its conclusion.
- ii) A **spouse, adult interdependent partner** or person with whom there is an existing personal and/or sexual relationship, is not a patient.

## Indicators

To demonstrate this Standard, a regulated member will:

- a. Maintain and manage **professional boundaries** with patients at all times.
- b. Refrain from providing professional diagnostic and/or therapeutic services to their current or ongoing spouse, current or ongoing adult interdependent relationship partner or any other individual in which they have a current or ongoing personal and/or sexual relationship, unless there is an emergent situation in which the regulated member is the most competent healthcare professional present to perform the required duties and/or the patient is restricted by geography, or other factors, that prevent them from receiving services from an alternate authorized healthcare professional. In addition, a regulated member providing professional diagnostic and/or therapeutic services in these circumstances is expected to take reasonable steps to transfer the individual's care to another authorized healthcare professional as soon as reasonably possible.
- c. Explain to the patient the need for removing clothing or other items that may interfere with diagnostic or therapeutic procedures.
- d. Ensure **informed consent** is obtained when required to touch the patient for diagnostic and/or therapeutic purposes.
- e. Provide the opportunity, where appropriate, of having a third party in attendance for procedures.

- f. Take measures to perform procedures in a manner that maintains the patient’s dignity (e.g., providing gowns, appropriate draping, private space).
- g. Report any sexual abuse and/or sexual misconduct to the appropriate authority (e.g., duty to report, self-reporting).
- h. Comply with the College’s Code of Ethics.

### **Expected Outcomes**

Patients, family/representatives, the public and employers can expect that regulated members will not engage in, and will take appropriate measures to prevent, sexual abuse and/or sexual misconduct.

### **Related Standards**

- 1.1 Patient-Centred Care
- 2.1 Legislation, Standards and Ethics
- 2.4 Professional Boundaries
- 2.6 Communication

### **Resources**

- Government of Alberta. (2000). *Health Professions Act*. Edmonton: Author. Available at: <http://www.qp.alberta.ca/documents/Acts/H07.pdf>
- Government of Alberta. (2002). *Adult Interdependent Relationships Act*. Edmonton: Author. Available at: <http://www.qp.alberta.ca/documents/Acts/A04P5.pdf>
- College of Physicians and Surgeons of Ontario. (2001). *Physician Treatment of Self, Family Members, or Others Close to Them*. Toronto: Author. Available at: <https://www.cpso.on.ca/Policies-Publications/Policy/Treating-Self-and-Family-Members>
- ACMDTT. Current ACMDTT Bylaws. Edmonton: Author. Available at: <http://www.acmdtt.com>
- ACMDTT. (2016). Code of Ethics. Edmonton: Author. Available at: <http://www.acmdtt.com>
- Saskatchewan Association of Social Workers. (2012). *Standards of Practice for Registered Social Workers in Saskatchewan*. Regina: Author. Available at: <http://sasw.in1touch.org/uploaded/web/policies/Standards-of-Practice-February-9-2012.pdf>
- Alberta Health Services. (2011). *Consent to Treatment Procedure*. Edmonton: Author. Available at <http://www.albertahealthservices.ca>
- Adapted from Physiotherapy Alberta. (2017). *Therapeutic Relations Guide for Alberta Physiotherapists*. Edmonton: Author. Available at: [https://www.physiotherapyalberta.ca/files/guide\\_therapeutic\\_relations.pdf](https://www.physiotherapyalberta.ca/files/guide_therapeutic_relations.pdf)
- Saskatchewan Association of Social Workers. (2012). *Standards of Practice for Registered Social Workers in Saskatchewan*. Regina: Author. Available at: <http://sasw.in1touch.org/uploaded/web/policies/Standards-of-Practice-February-9-2012.pdf>

# Glossary for Standard Area 5.0

**Adult interdependent partner** as defined in section 3(1) of the *Adult Interdependent Relationship Act* – a person is the adult interdependent partner of another person if:

- (a) the person has lived with the other person in a relationship of interdependence
  - (i) for a continuous period of not less than 3 years, or
  - (ii) of some permanence, if there is a child of the relationship by birth or adoption, or
- (b) the person has entered into an adult interdependent partner agreement with another person but does not include a former adult interdependent partner.<sup>1</sup>

**Adult interdependent partner relationship** – a relationship outside of marriage in which two people: share one another's lives; are emotionally committed to one another; and, function as an economic and domestic unit. A person who is a spouse cannot be part of an adult interdependent relationship.<sup>1</sup>

**Informed consent** – obtaining the permission from a patient “based on reasonable disclosure of the facts, risks and alternatives, to use identified intervention procedures”.<sup>2</sup> Informed consent may be expressed verbally, in writing or implied. Implied consent refers to consent inferred from the patient’s or alternate decision maker’s (if applicable) actions and surrounding circumstances.<sup>3</sup>

**Episodic Care** is a single encounter with a patient in which health services are provided where neither the regulated member nor the patient has the expectation of an ongoing care.<sup>4</sup>

**Patient** is a person who has received medical diagnostic and/or therapeutic services administered by a regulated member of the College within the immediately preceding year.

**Professional boundaries** – sets limits to define the parameters of a safe, diagnostic and therapeutic connection between healthcare professionals and their patients.<sup>5</sup>

**Regulated member** – a healthcare professional currently registered with College and

- i. is eligible for registration as a regulated member as specified in Section 33(1)(a) of the HPA and in accordance with the Regulations<sup>6</sup>; and
- ii. pays the fees and other charges which are prescribed in the Regulations or by the Council, for licensing and membership.<sup>7</sup>
- iii. includes a previous regulated member whose last day of registration with the College is within the immediately preceding two years.<sup>8</sup>

**Sexual abuse** is defined in section 1(1) (nn.1) of the HPA as “the threatened, attempted or actual conduct of a regulated member towards a patient that is of a sexual nature and includes any of the following conduct:

- sexual intercourse between a regulated member and a patient of that regulated member;
- genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient of that regulated member;
- masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
- masturbation of a regulated member's patient by that regulated member;

<sup>1</sup> Government of Alberta. (2002). *Adult Interdependent Relationships Act*. Edmonton: Author. Available at: <http://www.qp.alberta.ca/documents/Acts/A04P5.pdf>

<sup>2</sup> Saskatchewan Association of Social Workers. (2012). *Standards of Practice for Registered Social Workers in Saskatchewan*. Regina: Author. Available at: <http://sasw.in1touch.org/uploaded/web/policies/Standards-of-Practice-February-9-2012.pdf>

<sup>3</sup> Alberta Health Services. (2011). *Consent to Treatment Procedure*. Edmonton: Author. Available at <http://www.albertahealthservices.ca>

<sup>4</sup> CPSO. (2001). *Physician Treatment of Self, Family Members, or Others Close to Them*. Toronto: Author. Available at: <https://www.cpso.on.ca/Policies-Publications/Policy/Treating-Self-and-Family-Members>

<sup>5</sup> Adapted from Physiotherapy Alberta. (2017). *Therapeutic Relations Guide for Alberta Physiotherapists*. Edmonton: Author. Available at: [https://www.physiotherapyalberta.ca/files/guide\\_therapeutic\\_relations.pdf](https://www.physiotherapyalberta.ca/files/guide_therapeutic_relations.pdf)

<sup>6</sup> Government of Alberta. (2018). *Health Professions Act*. Edmonton: Author. Available at: [http://www.qp.alberta.ca/1266.cfm?page=H07.cfm&leg\\_type=Acts&isbncln=9780779740772](http://www.qp.alberta.ca/1266.cfm?page=H07.cfm&leg_type=Acts&isbncln=9780779740772)

<sup>7</sup> ACMDTT. Current ACMDTT Bylaws. Edmonton: Author. Available at: <http://www.acmdtt.com>

<sup>8</sup> Government of Alberta. (2018). *Health Professions Act*. Edmonton: Author. Available at: [http://www.qp.alberta.ca/1266.cfm?page=H07.cfm&leg\\_type=Acts&isbncln=9780779740772](http://www.qp.alberta.ca/1266.cfm?page=H07.cfm&leg_type=Acts&isbncln=9780779740772)

- encouraging a regulated member's patient to masturbate in the presence of that regulated member;
- touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.<sup>9</sup>

**Sexual misconduct** is defined in section 1(1) (nn.2) of the HPA as: "any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a regulated member towards a patient, that a regulated member knows, or ought reasonably to know will or would cause offence or humiliation to the patient or adversely affect the patient's health and wellbeing but does not include sexual abuse".<sup>10</sup>

**Sexual nature** according to section 1(1) (nn.3) of the HPA does not include any conduct, behaviour or remarks that are appropriate to the service provided.<sup>11</sup>

**Spouse** – a person who is legally married to another.<sup>1</sup>

---

<sup>9</sup> Government of Alberta. (2018). Bill 21: *An Act to Protect Patients*. (s.2(b) Bill 21, s.1(1) (nn.1) HPA. Edmonton: Author. Available at: [http://www.assembly.ab.ca/net/index.aspx?p=bills\\_status&selectbill=021&legl=29&session=4](http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=021&legl=29&session=4)

<sup>10</sup> Government of Alberta. (2018). Bill 21: *An Act to Protect Patients*. (s.2(b) Bill 21, s.1(1) (nn.2) HPA. Edmonton: Author. Available at: [http://www.assembly.ab.ca/net/index.aspx?p=bills\\_status&selectbill=021&legl=29&session=4](http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=021&legl=29&session=4)

<sup>11</sup> Government of Alberta. (2018). Bill 21: *An Act to Protect Patients*. (s.2(b) Bill 21, s.1(1)(nn.3) HPA. Edmonton: Author. Available at: [http://www.assembly.ab.ca/net/index.aspx?p=bills\\_status&selectbill=021&legl=29&session=4](http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=021&legl=29&session=4)



Suite 800, 4445 Calgary Trail  
Edmonton AB T6H 5R7

[www.acmdtt.com](http://www.acmdtt.com)

© 2019 Alberta College of Medical Diagnostic and Therapeutic Technologists  
The contents of this document may be used for non-profit educational purposes without permission but with appropriate credit given. Use of this document, or parts thereof, for any other purpose requires prior written permission of the copyright holder.

