

**Mission**

Public confidence in receiving safe, competent, and ethical diagnostic and therapeutic care from regulated professionals.

Hearing Tribunal Decision Summary

April 5, 2024

On December 12, 2023, a Hearing Tribunal appointed pursuant to the *Health Professions Act* issued a decision concerning allegations against a regulated member (registrant) of the Alberta College of Medical Diagnostic and Therapeutic Technologists (the College), including allegations of sexual abuse.

This decision arose out of two complaints regarding the registrant's conduct, alleging that while performing a diagnostic service on a patient, the registrant engaged in conduct of a sexual nature with the patient during the procedure. The complaints also alleged that the registrant failed to maintain professional boundaries by communicating with the patient flirtatiously during the procedure. It was also alleged that the registrant responded inappropriately when the patient offered him their personal phone number and then inappropriately proceeded to engage in text messaging with the patient. The matter proceeded through a contested hearing with several witnesses, including an expert witness. The hearing was closed under section 78 of the *Health Professions Act* as one of the allegations required the patient to divulge personal and health information.

After hearing evidence from the witnesses, including the complainant and the registrant, the Hearing Tribunal determined that it accepted the registrant's testimony denying the allegations of having engaged in conduct of a sexual nature or flirtatious communication with the patient rather than the version of events described by the patient. As such, the Hearing Tribunal found that the registrant did not engage in conduct of a sexual nature of any kind with the patient or engage in a flirtatious conversation with them. It found, however, that the registrant failed to maintain appropriate boundaries by responding inappropriately when the patient offered him their phone number so that they could potentially get to know each other better and by subsequently engaging in text messaging with the patient indicating that he would take them up on contacting them in the future.

The Tribunal found that this represented an error in judgement on the part of the registrant. The evidence was that the registrant had admitted to being confused about how to respond after the patient contacted him and questioned whether he should contact his supervisor or seek advice about the situation.

Standard 2.4 of the College's Standards of Practice required the registrant to maintain clear and professional boundaries in relationships with patients, and Principle 1(H) regarding professional boundaries of the College's Code of Ethics required the registrant to make "every effort to avoid or remediate relationships that could impair or perceive to impair their professional judgement as it relates to patient care and services."

The Tribunal held that the registrant should have known better and immediately advised the patient that it would be inappropriate for him to accept her number or to communicate with her outside of the context of the diagnostic procedure. His deliberate decision to text her reflected poor judgement on his part and a lack of understanding of professional boundaries.

In terms of sanction, the Tribunal ordered that its written decision serves as a reprimand to the registrant and that should the registrant seek registration in Alberta in the future, he must first complete one of the two following courses: PROBE: Ethics & Boundaries Program – Canada or PBI Education – Professional Boundaries and Ethics Extended.