



CRDHA COMPLAINTS PROCESS FOR SEXUAL ABUSE AND SEXUAL MISCONDUCT OF CLIENTS BY DENTAL HYGIENISTS

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Sexual Abuse and Sexual Misconduct Complaints

A health care professional is in a position of power over a patient by virtue of having professional knowledge and skills that a patient must rely on for their well-being. In addition, health care professionals have access to a patient's personal health information.

Health care professionals must always maintain professional boundaries with their patients. Health care professionals are prohibited from engaging with a patient in any form of sexual abuse or sexual misconduct as defined by law in the *Health Professions Act (HPA)*.

Note: If the health care provider is not a member of a regulated profession, they are not subject to the authority of any regulatory college. Should you have a complaint or concern about their conduct or the care they provided, please contact the employer of the unregulated provider and/or the police.

What is Sexual Abuse and Sexual Misconduct?

Sexual abuse is defined in the *HPA* and means "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:

- (i) sexual intercourse between a regulated member and a patient of that regulated member;
- (ii) 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;
- (iii) masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
- (iv) masturbation of a regulated member's patient by that regulated member;
- (v) encouraging a regulated member's patient to masturbate in the presence of that regulated member;
- (vi) touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member."

Sexual misconduct as defined in the *HPA* means "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 the 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 well-being but does not include sexual abuse."

Who is a Patient?

Each college that regulates a health profession must define who constitutes a "patient" in their Practice Standards (NOTE: the CRDHA term for patient is "client"). The CRDHA has defined a patient/client as:



An individual awaiting or receiving oral health care services and/or treatment where the dental hygienist knew or ought to have known that they were providing care to the individual and satisfies any of the following conditions listed below:

- (a) The dental hygienist has charged or received payment from the individual or a third party on behalf of the individual.
- (b) The dental hygienist has contributed to a health record or file for the individual.
- (c) The individual has consented to oral health care services and/or treatment by a dental hygienist.
- (d) The dental hygienist prescribed a drug for which a prescription is needed for the client.

Do you think a dental hygienist may have violated a boundary or otherwise engaged in sexual abuse or sexual misconduct?

Did your dental hygienist do something to make you feel uncomfortable? Maybe she or he touched you in a way that was not medically necessary or appropriate; perhaps she or he said something sexually suggestive. The CRDHA has developed the resource "[Understanding Boundary Violations and Sexual Abuse/Sexual Misconduct](#)" for clients to help them understand exactly what constitutes a boundary violation.

If you believe your dental hygienist may have crossed a boundary of a sexual nature, we urge you to contact us at 780-465-1756 (toll free at 1-877-465-1756).

Complaints of a sexual nature may involve:

- **Inappropriate comments or gestures:** Examples include saying something sexually suggestive or seductive to a client, commenting unnecessarily about sexual relationships or sexual orientation, making sexually insulting or offensive comments or jokes, or giving unwanted attention (such as kissing).
- **Sexual contact or assault:** This encompasses everything from inappropriate touching to sexual assault. It also includes sexual contact between a dental hygienist and client that may otherwise be considered consensual.

Why Report?

Coming forward about a sexually inappropriate encounter you have experienced with a dental hygienist can be incredibly difficult and there are many reasons why you may choose not to do so. There are, however, good reasons for reporting:

- **Public protection:** Incidents of sexual abuse or sexual misconduct are often not isolated. By coming forward, you could help us act to ensure what happened to you does not happen to someone else.



- **Awareness:** The CRDHA relies on individuals to make us aware when things are not right. We can only learn about sexual abuse and sexual misconduct from people who make complaints.
- **Your own sense of closure:** If you have been the victim of sexual abuse or sexual misconduct by a dental hygienist, knowing that there is an investigation and potential consequences may play a role in your healing process.

Funding for Treatment and Counselling

There are a variety of situations in which you may be eligible for funding for counselling or therapy. Filing a complaint with the CRDHA alleging sexual abuse or sexual misconduct by a dental hygienist is one of the eligibility criteria for receiving funding. Additional details can be found in the document [“Guidelines for the Treatment and Counselling for Sexual Abuse and Sexual Misconduct Complainants.”](#)

CRDHA Complaint Process for Complaints of a Sexual Nature

The Complaint Process Summary below outlines the complaint process set in the *Health Professions Act* (the “Act”), with specific emphasis on complaints alleging sexual abuse or misconduct. Although this summary is not exhaustive, it provides an overview of the process undertaken when you proceed with a complaint.

The CRDHA recognizes the personal and difficult nature of complaints regarding sexual abuse or misconduct. We also recognize that anyone who has experienced sexual abuse or sexual misconduct needs to proceed at their own pace. However, you should be aware that if the regulated member against whom the complaint is made ceases to be a regulated member, the CRDHA can only pursue the complaint for a period of two years after that person ceases being a member.

The CRDHA is committed to assisting you throughout the complaint process. Once your complaint is received by the Complaints Director, counselling services will be made available to you.

Complaint Process Summary

We recognize that coming forward with a complaint about sexual abuse or sexual misconduct can be very difficult. As such, the CRDHA has trained those who will be hearing your account of what led you to contact the CRDHA.

When you call the CRDHA office at 780-465-1756 (toll free 1-877-465-1756), please ask to speak with the Complaints Director. The Complaints Director has specific training in these matters and is familiar with the CRDHA’s complaint process.

If you prefer to contact the Complaints Director by email, you can contact her directly at <mailto:complaints@crdha.ca>.

On receipt of your complaint, the Complaints Director will make counselling services available to you.



The Complaints Director may conduct or appoint an investigator to conduct an investigation into your complaint.

You should be aware that on receipt of the complaint, the Complaints Director has an obligation to give the regulated member notice of the complaint.

Your complaint will be handled with the utmost seriousness and sensitivity, and all complaints will be fully investigated. When the investigation is complete, the Complaints Director will review the evidence gathered and discuss the next steps available to you and the CRDHA under the Act.

The complaint process is fully set out in Part 4 of the Act. If you feel you would benefit from a discussion or a more in-depth description about the complaint process before filing a complaint, you can contact the Complaints Director by phone or email. Your inquiry can remain anonymous while you gather all the information you need to decide how and when to proceed with a complaint.

CRDHA Sexual Abuse and Sexual Misconduct Prevention Plan

The *HPA* requires that the CRDHA develop a Sexual Abuse and Sexual Misconduct Prevention Plan to make dental hygienists aware of their obligations under the *HPA* with respect to sexual abuse and sexual misconduct as well as outlining guidelines for professional behaviour. Information on the program can be found in the document "[About the CRDHA Sexual Abuse and Sexual Misconduct Prevention Plan.](#)"

Who to Contact?

If you think you have experienced sexual abuse or sexual misconduct by a dental hygienist, we urge you to contact the CRDHA at 780-465-1756 (toll free at 1-877-465-1756).