



GUIDELINES PREVENTING SEXUAL ABUSE OF AND SEXUAL MISCONDUCT TOWARDS CLIENTS BY DENTAL HYGIENISTS

Section 135.7 of the *Health Professions Act (HPA)* mandates the development of a program for preventing and addressing sexual abuse of and sexual misconduct towards clients¹ by dental hygienists. Under the *HPA*, both sexual abuse and sexual misconduct are considered acts of unprofessional conduct. The *HPA* requires regulated members of health professions to report sexual abuse and sexual misconduct committed by other health professionals.

The College of Registered Dental Hygienists of Alberta (CRDHA) is committed to providing dental hygienists with information and resources to assist them in treating their clients responsibly, consistent with the *HPA*, and in a manner that reflects the profession's commitment to respecting personal dignity.

The CRDHA has a policy of **zero tolerance** for sexual abuse of or sexual misconduct towards clients.

Zero Tolerance

Professional misconduct of a sexual nature is a blatant and abusive misuse of power that violates the human dignity of clients seeking dental hygiene care for themselves and their relatives. It is characterized as a violation of the relationship of trust and confidence that exists between clients and health care professionals. Such unprofessional conduct by any regulated member—providing any type of dental hygiene care, in any practice setting—will **NOT** be tolerated by the CRDHA.

Definition of Sexual Abuse and Sexual Misconduct

Section 1(1)(nn.1) of the *HPA* defines **sexual abuse** as follows:

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;

¹ The *HPA* uses the term "patient" as it relates to the person receiving treatment from a regulated health professional, while the College of Registered Dental Hygienists of Alberta uses the term "client." Therefore, the terms "client" and "patient" are interchangeable.



- (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.

Section 1(1)(nn.2) of the *HPA* defines **sexual misconduct** as follows:

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.

The interpretation of **sexual nature** (Section 1(1)(nn.3) of the *HPA*) within the definitions of sexual abuse and sexual misconduct:

Does not include any conduct, behaviour or remarks that are appropriate to the service provided.

Providing Dental Hygiene Care to a Spouse or Partner

According to Section 1.27 of the [CRDHA Practice Standards](#) a spouse, interdependent partner or individual with whom the dental hygienist has a pre-existing sexual relationship that is ongoing is NOT considered a "client" for the interpretation of sexual abuse and sexual misconduct. This means a dental hygienist can provide care for these individuals without automatically breaching the standards around sexual abuse and sexual misconduct. This does not, however, prevent a spouse or partner from making a complaint to the CRDHA about a regulated member. The complaint would be addressed through the CRDHA complaints process.

Guidelines for Professional Conduct with Clients

Many clients feel particularly vulnerable in an oral health care setting and some practice settings require dental hygienists to be physically near their clients. Therefore, dental hygienists must use their professional judgment to determine the client's comfort level and whether the presence of an additional person is advisable. If in doubt, a witness to the provision of care is advised.

Dental hygienists are responsible for communicating effectively by paying attention to the ways in which information is conveyed by their words and actions. They must also be compassionate listeners and be sensitive to the concerns and needs of clients. Awareness of cultural and physical barriers that may interfere with clear communication and respect for these differences will help dental hygienists practise in a responsive and responsible manner.

Guidelines

- Dental hygienists must be aware of the definition of sexual abuse and sexual misconduct, and the CRDHA guidelines related to "[Professional Boundaries for Dental Hygienists in Alberta.](#)"



- Dental hygienists should demonstrate professional supportive behaviour. If this includes physical contact, client consent must be obtained.
- Dental hygienists should recognize cultural diversity. They should seek opportunities to learn about multicultural attitudes and behaviour that are appropriate so professional misconduct of a sexual nature does not occur as a result of ignorance.
- Dental hygienists should use clear and direct communication with clients, should use correct terminology for body parts, and should use an interpreter whenever necessary.
- Dental hygienists should be sensitive to the discomfort a client may feel from the dental hygienist's words or behaviour and should change such words or behaviour.
- Dental hygienists must use a tone that is professional and yet conveys genuine caring, promotes a sense of safety, and helps to establish and maintain appropriate boundaries.
- Dental hygienists must ensure that their conversations carried on in the presence of clients, or where the conversation may be overheard by clients, are not offensive to clients in any way whatsoever.
- Dental hygienists should never initiate or participate in conversations or jokes with clients regarding sexual experiences, preferences, or fantasies.
- Dental hygienists must never place instruments or other materials on a client's body.
- Dental hygienists must not exhibit behaviour, gestures, expressions, or comments that are seductive or sexually demeaning to a client.
- Dental hygienists must never judge or criticize sexual orientation or expression.

Communication principles for dental hygienists

- Obtain consent prior to touching
- Avoid inappropriate comments
- Explain your procedures carefully
- Treat each client as an individual
- Never make assumptions
- Reserve judgment
- Speak directly to the client
- Maintain client confidentiality/dignity

Touching principles for dental hygienists

- Respect the client and the client's personal space
- Respect cultural diversity
- Never place instruments or other materials on a client's body
- Never make assumptions—always obtain the client's consent prior to touching
- Maintain the client's dignity
- Remember, clients can withdraw consent
- Avoid causing unnecessary discomfort to a client by inappropriate touching
- Avoid hesitant movements by being deliberate and efficient



Mandatory Reporting

Regulated member's obligation to report other regulated members

Section 127.2(1) of the *HPA* stipulates that it is mandatory for a regulated member to file a report if they have reasonable grounds to believe that the conduct of another regulated member of the CRDHA or any other college constitutes sexual abuse or sexual misconduct.

Failure by a regulated member to report the unprofessional conduct of another regulated member is considered a failure to meet their ethical responsibilities under Section 5.6 of the CRDHA Code of Ethics and would be considered grounds for a complaint of unprofessional conduct to be reported to the CRDHA Complaints Director.

Penalties for Sexual Abuse and Sexual Misconduct

Section 82 of the *HPA* outlines the penalties for a regulated member who has been found guilty by the Hearing Tribunal of an act of unprofessional conduct due to sexual abuse or sexual misconduct of a client. The Hearing Tribunal must:

- In the case of sexual abuse, order the permanent cancellation of the regulated member's practice permit and registration.
- In the case of sexual misconduct, order the suspension of the regulated member's practice permit and registration. Further, if the individual's practice permit and registration are cancelled due to a finding of sexual misconduct, they cannot apply for reinstatement for at least five years.

In addition to the above penalties, the CRHDA can:

- Recover the costs for a client's treatment and counselling from the regulated member when there is a finding of unprofessional conduct related to sexual abuse or sexual misconduct.

Acknowledgements

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