College of Homeopaths
of Ontario

CONTACT US:

4711 Yonge Street, 10th Floor, Toronto, Ontario M2N 6K8
Tel: 647-749-9366 **Email:** info@collegeofhomeopaths.com

Understanding Sexual Abuse

FACT SHEET

What is sexual abuse?

For health care providers in Ontario, the Regulated Health Professions Act (RHPA) defines sexual abuse not only as sexual intercourse with a patient, but also touching or remarks of a sexual nature directed towards a patient.

What does this mean?

It means a homeopath is not allowed to:

- have sex of any form with a patient
- touch a patient in a sexual way
- make comments of a sexual nature or behave in a sexual way towards a patient

Please note that this does not apply to touching, behaviours or comments that are of a clinical nature and are appropriate to the care provided.

The College of Homeopaths of Ontario exists to protect the interests of the public and sees any form of sexual abuse or sexual boundary crossing as unacceptable. Sexual abuse must never be tolerated

What can a patient do if they are feeling uneasy during an appointment?

- Tell the homeopath to stop.
- Ask the homeopath to explain what he or she is doing and why he or she is doing it.
- Refuse to continue with the appointment if feeling uneasy.

If you think that you or someone you know has been sexually abused by a homeopath, please contact the College of Homeopaths of Ontario at (647) 749-9366 or info@collegeofhomeopaths.com.

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Should I expect a homeopath to touch me?

For the purposes of assessing your case touching may or may not be required. A homeopathic physical examination may include: visual observation, basic diagnostic testing such as taking blood pressure, using a stethoscope to monitor heart or lung function, muscle testing, reflexes, and gentle appropriate surface touch. Not all homeopaths will choose to do a physical examination of a patient.

What is appropriate touching?

When touching occurs as part of your assessment you can expect that:

- the homeopath will tell you what he or she is going to do before touching you
- the homeopath will ask your permission to touch you
- the homeopath will respect your privacy
- you will be allowed to ask questions or express any concerns
- you will feel respected
- you can ask that an activity be stopped at any time if you are feeling uneasy
- you can withdraw your consent or change you mind about the examination at any time

Understanding the relationship between patient and homeopath—the therapeutic relationship

The relationship between a patient and a homeopath is a professional one that is all about a patient getting the needed care from a professional. This is called a therapeutic relationship.

Patients trust their care to a homeopath because of their unique knowledge and skills. Patients should expect that the homeopath will respect their needs and act in a caring and professional manner.

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A therapeutic relationship is very different than an intimate personal relationship. If a therapeutic relationship exists, homeopaths are not allowed to have an intimate personal relationship with a patient. This does not mean that the homeopaths will not be friendly and interested in you as a person, but it does mean that the homeopaths should not develop an intimate personal relationship with you in or out of the clinic or practice setting, while you are a patient. In fact, to do so could be defined as sexual abuse, even if you consent to the relationship. The homeopath is the one responsible for maintaining an appropriate relationship with patients. The College has rules called standards that describe how homeopaths are expected to behave in order to show that they are acting in the best interests of their patients.

To access these standards, visit the Resources on the College's website or contact us at (647) 749-9366 or info@collegeofhomeopaths.com.

How to recognize sexual abuse

Because of the way that sexual abuse of a patient is defined in the law, it is difficult to describe exactly the kinds of actions that might be considered to be sexual abuse of a patient by a homeopath. Many times it depends on the situation. What one person finds friendly and kind, may seem too casual or intimate and make another person uncomfortable. Each person's level of comfort with physical contact and informal ways of speaking can be different.

The list below includes some examples of actions or behaviours that are likely inappropriate on the part of the homeopath. These behaviours can be obvious or subtle and words can be as damaging as actions. Contact the College if you experience any of the following with your homeopath:

- Any unwanted sexual attention or behaviour, for example kissing or hugging in a sexual way.
- Sexual touching, for example touching your buttocks, breasts, genitals or any other areas in a way that is not needed for homeopathy.
- Sexually suggestive or seductive remarks, for example, comments about your sexual relationships or sexual orientation or inappropriate sexual remarks or questions about your appearance or clothing.
- Sexually insulting or offensive comments or jokes.
- Asking to meet you outside the clinic or practice setting or to have an intimate, personal relationship with you—for example, dating.
- Not asking for permission before touching you.
- Anything that makes you feel uneasy.

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What should you do if you suspect sexual abuse by a homeopath?

What should you do if you suspect sexual abuse by a homeopath?

If you suspect that you or someone else is being sexually abused, please contact the College of Homeopaths of Ontario at (647) 749-4950 or (647) 749-9366 or info@collegeofhomeopaths.com.

Don't assume that someone else will report the homeopath and don't worry if you are mistaken. It is important that College investigates these situations.

Please know that it is not your fault. The homeopath is responsible for understanding and maintaining an appropriate, therapeutic relationship. Tell someone you trust, for example, another health care provider, a family member, or someone at the College.

A College staff member can talk to you about what is expected of a homeopath and your right to access funding for counselling and therapy. You can contact the College at (647) 749-4950 or (647) 749-9366 or info@collegeofhomeopaths.com.

You will be directed to an appropriate staff member who can assist you in understanding what action can be taken and can accept a complaint made about a homeopath.

Complaints and accusations can be uncomfortable but it is important that the matter be investigated and the homeopath be held accountable for his or her actions and the impact on patients. It can also assist with learning and protects others from harm.

Sexual Abuse of Patients, Complaints, and the Investigation Process

Information that a homeopath has sexually abused a patient may come to the attention of the College of Homeopaths of Ontario (CHO) in a number of ways, such as:

1. Through a mandatory report from another regulated health professional;
2. In the form of a complaint from a patient; or
3. Through other information received by CHO (e.g. information from an ongoing criminal investigation).

Where a complaint or information is received regarding the possible sexual abuse of a patient by a member, the College will investigate it. At the conclusion of the investigation, the investigating committee may refer a specified allegation of a member's professional misconduct or incompetence to the Discipline Committee. Where an allegation has been so referred, the Inquiries, Complaints and Reports Committee or the Disciplines Committee may make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member's certificate of registration if it is of the opinion that the conduct of the member exposes or is likely to expose his or her patients to harm or injury.

Complainant's Rights

All members of the public have the following rights in the event that they are sexually abused by a member of one of Ontario's regulated health Colleges:

- To file a complaint and to obtain a review of the complaint without fear of embarrassment or reprisal;
- To be assured that the College will investigate the complaint on a confidential basis;
- To be assisted by a person of the patient's choice during the complaints process;
- To obtain information regarding the review of the patient's complaint. This information may be limited because of privacy or privilege considerations;

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- To be informed of the result of the patient's complaint that, when appropriate, may include corrective or disciplinary measures implemented as a result of the complaint;
- To receive fair treatment;
- In some cases, to appeal to the Health Professions Appeal and Review Board; and;
- If a matter proceeds to discipline and the member is found to have committed an act of professional misconduct by abusing a patient, the complainant who is a patient is entitled to file a written statement with or make an oral statement to, the panel of the Discipline Committee, describing the impact that the sexual abuse has had on her or him, and the panel must consider it before making its order.

Funding for Therapy or Counselling

The CHO has established a Funding for Therapy and Counselling Program in accordance with *Regulated Health Professions Act, 1991* (RHPA). The program provides funding for therapy and counselling to patients of a registered homeopath who were sexually abused by registrants of the College. The CHO's Patient Relations Committee administers the fund.

Available Funding

The maximum funding available to each applicant is established by the RHPA and is equivalent to the amount that the Ontario Health Insurance Plan (OHIP) would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist. This funding is accessible over a five-year period. Under the RHPA, the funding provided is reduced by the amount that OHIP or a private insurer is willing to pay.

Choice of Counsellor/Therapist

Patients who opt to apply for funding for a counsellor or therapist are free to choose any therapist or counsellor to provide treatment, as long as the therapist or counsellor is not a relative and has not been found guilty of sexual abuse. However, if the therapist or counsellor is not a member of a regulated health profession, they are not subject to professional discipline by their respective regulatory body.

Applicants can access the fund for more than one therapist or counsellor if they so choose. The funds are paid directly to the chosen therapist or counsellor for the treatment provided.

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I Have Been or Know of a Client Who has Been Sexually Abused by a Homeopath. What do I do?

WHAT IS SEXUAL ABUSE?

Sexual abuse is defined as:

It is important to note that sexual abuse is defined differently in the RHPA than the criminal code of Canada.

Sexual abuse of a patient by a member (as defined within the Regulated Health Professions Act, Schedule 2, 1 (3)) means:

a. sexual intercourse or other forms of physical sexual relations between the member and the patient,

b. touching of a sexual nature, of the patient by a member, or

c. behaviour or remarks of a sexual nature by the member towards the patient.

Exception "sexual nature "does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

If you have or know of a client who has been sexually abused by a homeopath, please contact the College at 647-749-9366 or 647-749-4950 or info@collegeofhomeopaths.com.

The following information describes the College's role and responsibilities related to the investigation of complaints about the sexual abuse of clients where the client has agreed to their name being included in the complaint.

It is extremely difficult for the College to investigate complaints regarding the sexual abuse if the individual (s) is not willing to share their story with the College in a fair amount of detail. The College is extremely sensitive to the needs of the individual during this stressful time and will make every effort to ensure that they are supported throughout the process and that the investigation is completed in a timely manner.

What happens after I file a complaint?

Once the College receives your complaint, the homeopath will be advised of the complaint and provided the opportunity to respond. You will receive a copy of the response that is submitted to the College.

163 Queen Street East, Toronto, Ontario M5A 1S1
Phone: 647-749-9366 or 647-749-4950

Email:info@collegeofhomeopaths.com
www.collegeofhomeopaths.com

The information received from both you and the homeopath is then sent to the Inquiries, Complaints and Reports Committee (ICRC). A group of this Committee (a panel of – including at least three individuals – at least one person who is a member of the public appointed to the College by the Lieutenant Governor in Council of he Ontario Government and no more than two homeopaths) reviews the written information and decides if they need additional information before making their decision. To do this, they may ask a staff member to obtain the information about the nature of the complaint, ask an expert to comment on the case or ask that an investigator meet with different individuals who could help them understand what happened. If the investigator meets with the homeopath, they will likely also meet with you.

The panel reviewing the case tries to make their decision within 150 days. If they are unable to meet this deadline, you will be notified by mail about the delay. You are also welcome to contact the College at any time during the process if you have any questions or concerns.

What are the possible decisions?

The College has adopted a **zero tolerance** policy with regards to sexual intercourse or other forms of physical sexual relations between the homeopath and the client and/or touching, of a sexual nature, of the patient by the homeopath. If the Committee has reasonable grounds to believe that sexual abuse occurred, the matter will automatically be referred to the Discipline Committee for a hearing. … **Page 2**

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If the matter is referred to the Discipline Committee for a hearing and the homeopath is found guilty of professional misconduct (sexually abusing a client), the following outcomes or combination of outcomes are possible.

Mandatory revocation of their Certificate of Registration for a minimum of five years and a reprimand if the sexual abuse consisted of, or included, any of the following:

- sexual intercourse between the patient and the homeopath;
- genital to genital, genital to anal, oral to genital, or oral to anal contact;
- masturbation of the homeopath by, or in the presence of the patient;
- masturbation of the patient by the homeopath;
- encouragement of the patient by the member to masturbate in the presence of the homeopath;
- touching by the homeopath in a sexual nature of the patient's genitals, anus, breasts or buttocks.

And any combination of the following:

- suspension of the homeopath's certificate of registration for a specified period of time;
- terms, conditions and limitations being placed on the homeopath's certificate of registration for a specified or indefinite period of time;
- requiring the homeopath pay a fine of not more than $35,000 to the Minister of Finance;
- reimbursing the College for funding provided for that patient;
- requiring the homeopath to post security acceptable to the College to guarantee the payment of any amounts the patient may be required to reimburse for the funding.

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In some cases, alternative decisions may be explored by the panel and based on the information made available to them and where reasonable grounds and adequate information to support the referral to Discipline is not available, the Panel may:

- dismiss the case;
- caution the homeopath (provide guidance) in person or in a written letter;
- ask the homeopath to participate in an undertaking (contract) with the College where the homeopath is required to take certain action to address the concerns of the panel;
- refer the case to the Quality Assurance Committee if they feel that another homeopath should assess their practice; or
- refer the case to the Fitness to Practise Committee if they feel that the homeopath is mentally or physically unable to practice or if they believe that there are more concerns about the homeopath's practice outside of the complaint.

What happens in the decision-making process?

During the ICRC process the panel of the ICRC does not access the credibility of the parties or decides if someone is guilty or innocent but does assess if the homeopath's practice has met the standards of the profession. At the end of the process, you will receive a written decision. If the ICRC decides to refer the case to the Discipline Committee you will receive written notification of this referral.

If you believe that the panel did not gather enough information before they made their decision or that their decision is unreasonable, you can appeal the decision.

The contact information of the Health Professions Appeal and Review Board (appeal board) will be included with the written decision. Please note that referrals to the Discipline Committee cannot be appealed through the appeals board but can be challenged in count.

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Access to Therapy and Counselling Funds

A patient will be eligible to access funding for therapy or counseling from the Sexual Abuse Fund if it is alleged, in a complaint or report, that the patient was sexually abused by a homeopath while the person was a patient of the member.

Monies from the Fund can be used only to pay for therapy or counseling and must be paid directly to the counselor chosen by the client to provide the counseling. The maximum amount of funding is the equivalent of the amount the Ontario Health Insurance Plan (OHIP) would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist.

Individuals who believe that they are eligible for funding may contact the College for more information.

Funding can be provided for five years from the day the person became eligible. The amount provided to a client is supposed to be reduced by any amount that OHIP or a private insurer is required to pay for therapy or counseling during the period of eligibility forfunding.

For More Information

If you suspect that you or someone else is being sexually abused, please contact the College of Homeopaths of Ontario by:

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