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## Standard of Practice: Patient Protection in the Context of Sexual Abuse and Sexual Misconduct

### Standard of Practice

Naturopathic doctors must establish and maintain appropriate therapeutic relationships and professional boundaries with patients in a transparent and ethical manner and be knowledgeable about situations when it is mandatory to report and must report such situations when they occur to the appropriate authorities.

### Definitions

**Competence:** the combined knowledge, skills, attitudes and judgment required to provide professional services, defined in the *Health Professions Act*.

**Close personal relationship:** for the purpose of this standard, “close personal relationship” means a relationship in which the naturopathic doctor has personal or emotional involvement with an individual that may render, or could be perceived to render, the naturopathic doctor unable to exercise objective professional judgment in reaching diagnostic or therapeutic decisions.

**Emergency:** exists where an individual is apparently experiencing severe suffering or is at risk of sustaining serious bodily harm if intervention is not promptly provided.

**Family Member:** for the purpose of this standard, “family member” means a naturopathic doctor’s spouse or partner (including same-sex and opposite-sex couples in an emotional and/or economic relationship with each other functioning as a domestic unit), parent, child, sibling, grandparent or grandchild; a parent, child, sibling, grandparent or grandchild of the naturopathic doctor’s spouse or partner. For further clarification, for the purposes of this standard, “family member” includes a naturopathic doctor’s partner with whom he/she is living in an interdependent relationship for a minimum of three years, living in an interdependent relationship of some permanence where there is a child by birth or adoption, OR living in an interdependent relationship where they have entered into a written adult interdependent partnership agreement, as defined in S. 1(1)(b) of the *Adult Interdependent Relationships Act*.

**Patient:** any person who is receiving naturopathic medical care from a regulated member of the CNDA.

**Professional boundary:** an accepted social, physical or psychological space between people that clarifies their respective roles and expectations; it also creates an appropriate therapeutic distance between naturopathic doctor and patient.

**Standard of Practice:** an authoritative statement that describes a minimum required behaviour of every naturopathic doctor and is used to evaluate individual conduct. Naturopathic doctors should always strive to practice above the minimum standards. Performance below the minimum standard may result in disciplinary action.

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**Sexual abuse:** as defined in S. 1(1)(nn.1) of the *Health Professions Act*, means the threatened, attempted, or actual conduct of a regulated member toward a patient that is of a sexual nature and includes any of the following conduct:

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

**Sexual misconduct:** as defined in S. 1(1)(nn.2) of the *Health Professions Act*, means any incident or repeated incidents of objectionable or unwelcome conduct, behaviour, or remarks of a sexual nature by a regulated member who 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.

**Standard of Practice:** an authoritative statement that describes a minimum required behaviour of every naturopathic doctor and is used to evaluate individual conduct. Naturopathic doctors should always strive to practice above the minimum standards. Performance below the minimum standard may result in disciplinary action.

**Therapeutic relationship:** a planned and interpersonal process occurring between the naturopathic doctor and patient that is established for the advancement of the patient's health and well-being and acknowledges the naturopathic doctor's position of authority, trust or power whether over a period of time or for a single interaction.

**Unprofessional conduct:** as defined in the *Health Professions Act S.1 (pp)*

#### **Naturopathic doctors demonstrate this standard of practice by:**

1. recognizing the position of power the naturopathic doctor has over the patient within the therapeutic relationship and refraining from exploiting patient therapeutic relationships for any form of personal gain, benefit or advantage;
2. developing therapeutic relationships with patients ensuring appropriate professional boundaries that consider the elements of power, trust and respect;
3. not managing the primary care of anyone whose relationship to the naturopathic doctor would interfere or be perceived to interfere with the doctor's objective judgement (such as a family member or other close personal relationship). Naturopathic doctors may provide treatment to a family member or close personal relationship in emergency situations and for minor conditions;
4. acting respectfully and responsibly at all times, including during the course of a therapeutic relationship, and never:

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- a) making physical contact of a sexual nature that is inappropriate for the patient's condition or is a violation of professional boundaries, ~~and~~
  - b) making sexually suggestive comments or sexual advances with patients, and
  - c) engaging in any behaviour would constitute sexual misconduct;
5. never entering into a sexual relationship with a current patient or someone with whom the patient has a close personal relationship;
  6. refraining from entering into a sexual relationship with a former patient for:
    - a) a minimum of one year, and
    - b) until it can be demonstrated that there is no longer a power imbalance between the naturopathic doctor and the patient;
  7. refraining from ever entering into a sexual relationship with a former patient where counselling was a significant part of treatment;
  8. identifying, discussing and resolving issues with the CNDA Registrar when the potential for compromising boundaries exists on the part of the naturopathic doctor or the patient; and
  9. maintaining appropriate professional boundaries and never making abusive, suggestive or harassing comments, inappropriate and non-consensual physical contact or sexual advances with patients, co-workers, students or staff members.

**When having reasonable grounds to believe that the conduct of a colleague constitutes unprofessional conduct, naturopathic doctors demonstrate this standard of practice by:**

11. reporting a colleague to the CNDA Complaints Director when they believe with reasonable and probable grounds, that the conduct of the colleague places a patient or patients at risk. Situations of this include, but are not limited to, when a colleague:
  - a) makes sexual advances to or enters into a sexual relationship with a patient;
  - b) sexually abuses a patient or other person;
  - c) behaves toward a patient or other person in a way that is consistent with sexual misconduct when not in the scope of treatment;
  - d) suffers from a physical, cognitive, mental or emotional condition that is negatively impacting patient care, or is reasonably likely to negatively impact patient care; or,
  - e) does not demonstrate competence in the care of patients;
12. providing the involved patient or individual with information on how to file a complaint with the CNDA Complaints Director;
13. offering to file a third-party complaint with the involved patient/individual's consent, if the patient/individual does not wish to file a complaint themselves;
14. reporting the colleague to the CNDA Complaints Director without providing the name of the involved patient/individual, if the patient/individual does not consent to proceeding with a third-party complaint;

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15. documenting information in accordance with the **CNDA Standard of Practice: Records Keeping** and indicating whether or not the involved patient/individual wishes to report to the CNDA Complaints Director; and
  16. reporting the colleague to the appropriate authorities (e.g. police) where sexual abuse or sexual misconduct has occurred or is believed to have occurred.

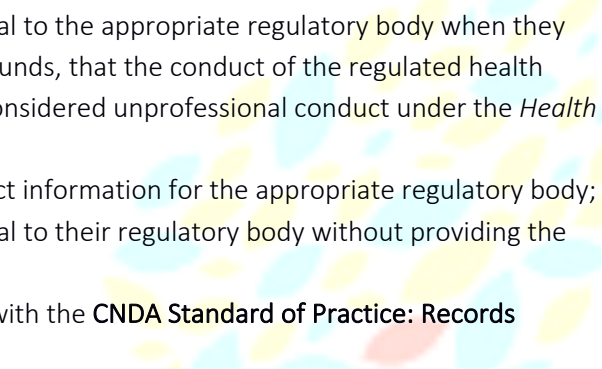
**When a naturopathic doctor has been charged with or found guilty of an offence under the *Criminal Code*, *The Food and Drugs Act* and the *Controlled Drugs and Substances Act*, or when a naturopathic doctor has been sued civilly, they demonstrate this standard of practice by:**

17. self-reporting the situation to the CNDA Registrar as soon as possible (and within 14 days of notice of charge/conviction or having been served with a Statement of Claim);
18. reporting any pardon, absolute or conditional discharge instead of conviction of the member regardless of when the pardon, absolute or conditional discharge was granted; and
19. following any instructions provided by the CNDA Registrar with regards to disclosure required.

**When a naturopathic doctor has had a finding of unprofessional conduct, incompetence or incapacity made against them by another health regulatory body, they demonstrate this standard of practice by:**

20. self-reporting the situation to the CNDA Registrar as soon as possible; and
21. following any instructions provided by the CNDA Registrar with regards to disclosure required.

**When having knowledge of unprofessional conduct of another regulated health professional, naturopathic doctors demonstrate this standard of practice by:**

22. reporting the regulated health professional to the appropriate regulatory body when they believe with reasonable and probable grounds, that the conduct of the regulated health professional places patients at risk or is considered unprofessional conduct under the *Health Professions Act*;
  23. providing the involved patient with contact information for the appropriate regulatory body;
  24. reporting the regulated health professional to their regulatory body without providing the name of the involved patient; and
  25. documenting information in accordance with the **CNDA Standard of Practice: Records Keeping**.
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## Expected Outcomes

Patients are satisfied that:

- A therapeutic relationship with appropriate professional boundaries was established and maintained.
- Naturopathic doctors are knowledgeable about when and who to report a colleague or another regulated health professional to when there are reasonable and probable grounds of unprofessional conduct; and

Co-workers, students or staff members are satisfied that:

- An appropriate professional boundary was established and maintained.

Members have:

- Developed and maintained practices and procedures to explain to the patient that consent does not permit a non-therapeutic relationship or allow for a personal relationship with the patient; and
- When appropriate, clearly and diplomatically explains why patient consent does not justify a boundary violation.



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## Related Documents

*Health Professions Act*

*Adult Interdependent Relationships Act*

*Criminal Code*

*Controlled Drugs and Substances Act*

*Food and Drug Act*

CNDA Code of Ethics

CNDA Standard of Practice: Duty To Report

CNDA Standard of Practice: Professional Relationship and Boundaries

CNDA Standard of Practice: Records Keeping

CNDA Standard of Practice: Transfer and Termination of Care

