



College of
Medical Radiation
Technologists of
Ontario

Ordre des
technologues en
radiation médicale
de l'Ontario

sexual abuse

What you must know about...

Prevention of Sexual Abuse of Patients

There has been considerable public discussion and debate surrounding the responsibilities of health care professionals in preventing and reporting the sexual abuse of patients. Ontario's Regulated Health Professions Act (RHPA) requires that regulated health care professions develop sexual abuse prevention programs.

Consistent with this Act, the College of Medical Radiation Technologists has adopted a philosophy of zero tolerance of sexual abuse of patients.

Zero Tolerance

The philosophy of zero tolerance means that:

- No act of sexual abuse (as defined by the RHPA) is ever acceptable and sexual abuse must never be tolerated.
- The College recognizes the seriousness and extent of injury sexual abuse causes the victim and others related to the victim.
- MRTs should continue to provide professional, supportive behaviours which may include physical contact that is nurturing and helpful, and therefore acceptable to the patient.
- MRTs must accept that broad definitions of sexual abuse capture a diversity of individual and cultural viewpoints.
- If a patient is uncomfortable with words or behaviour used by a technologist, then the technologist must be sensitive to the discomfort and change the words or behaviour.

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Definition of Sexual Abuse

Sexual abuse as defined by the RHPA includes: sexual intercourse or other forms of sexual relations; touching of a sexual nature; behaviour or remarks of a sexual nature.

Problems may arise with the very broad definition of sexual abuse of patients contained in the legislation. Many health care professionals have raised concerns about the exact interpretation of “touching of a sexual nature”, or the types of remarks which can be considered “of a sexual nature”. It is important to understand, however, that sexual abuse does not include touching, behaviour or remarks of a clinical nature appropriate to the services provided.

Considerable responsibility is placed on health care professionals to communicate effectively by paying attention to the ways in which information is conveyed and words selected when speaking to patients. MRTs must also be active and compassionate listeners and show sensitivity to their patient’s concerns and needs. Awareness of cultural and physical barriers which may interfere with clear communication – and respect for these differences – will help MRTs to practise the profession in a responsive and responsible manner.

The College is committed to providing MRTs with information and resources to assist its members in performing their duties responsibly – consistent with the RHPA – and in a manner that reflects the profession’s commitment to respecting the personal dignity of every individual who entrusts himself or herself to our care.

Following the principles below will help MRTs to achieve the high standards of integrity and effectiveness that should be part of MRTs’ pattern of care for patients:

Communication principles for Medical Radiation Technologists

- Talk before you touch
- Treat each patient as an individual
- Never assume
- Reserve judgement
- Speak directly to the patient
- Maintain confidentiality
- Create a safe environment

Touching principles for Medical Radiation Technologists

- Assume nothing
- Maintain the patient’s dignity
- Show respect for the patient
- Respect the patient’s space
- Do not hurt the patient
- Touch only where necessary
- Respect cultural diversity
- Get the patient’s consent
- Remember patients can change their mind

Mandatory Reporting of Sexual Abuse

The RHPA makes it mandatory to file a written report if you have reasonable grounds, obtained in the course of your practice, to believe that a patient has been sexually abused by any member of our College or any other College. While this has usually been the practice of our profession, the Act clearly defines this as a responsibility for members.

Failure to report sexual abuse of patients when there are reasonable grounds to believe the abuse has occurred is an offence under the Act, and can lead to severe penalties.

Specifically, if an MRT believes a patient has been sexually abused, then he or she must:

- Submit a written report within 30 days to the Registrar of the College representing the profession of the person who is the subject of the report.

- Submit the report immediately if there is reason to believe the abuse will continue, or abuse of other patients will occur.

And keep in mind these basic rules:

- MRTs are required only to report information obtained in the course of practising the profession.
- MRTs must only submit a report if the name of the practitioner who was involved in the alleged abuse is known.
- The patient's name must not be included in the report without his or her written consent.

Remember, too, that the RHPA provides protection to a person who files a report in good faith from actions or other proceedings being taken against him or her.

Penalties for Sexual Abuse

The RHPA defines the penalties for a member who has been found guilty of professional misconduct by sexually abusing a patient.

A panel of the College's Discipline Committee must:

1. Reprimand the member
2. Revoke the member's certificate of registration if the sexual abuse consisted of, or included, any of the following:
 - (i) sexual intercourse

- (ii) genital to genital, genital to oral, oral to genital, or oral to anal contact
- (iii) masturbation of the member by, or in the presence of, the patient
- (iv) masturbation of the patient by the member
- (v) encouragement of the patient by the member to masturbate in the presence of the member

In addition to the other penalties, a panel of the Discipline Committee may:

1. Revoke the member's certificate of registration
2. Suspend the member's certificate of registration
3. Impose specified terms, conditions and limitations on the member's certificate of registration
4. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance
5. Require the member to pay all or part of the College's legal costs and expenses, the College's costs and expenses incurred in investigating the matter and the College's costs and expenses incurred in conducting the hearing
6. Require the member to reimburse the College for funding provided for the patients under the program for therapy and counseling for patients.

Further, an application for reinstatement by a person whose certificate of registration was revoked for sexual abuse of a patient shall not be made earlier than five years after the revocation.

How the College supports its members

Public concerns surrounding this important issue require serious and thoughtful response from Ontario's health care professionals. Among its first steps in supporting its members' responsibilities in this area, the College has developed an introductory instructor's guide for the prevention of sexual abuse of patients for educational programs in medical radiation technology. This College is exploring other programs for further education of the profession in this area, as well as developing supportive policies, procedures, practices and educational programs which support this commitment.