



Client Relations Program eCourse

Client Complaints Scenarios

Instructions: *You have been appointed acting Complaints Director of CHAPA while the current Director is on leave. You have to process the complaints that have been filed against your regulated members. Review each complaint carefully and recommend the appropriate action that you will take and the reasons why you made that decision. Then click on the link to compare your decision and rationale with those that the current Complaints Director would make.*

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Client Relations eCourse

Client Complaints Scenarios

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Client Complaint Scenario

Title: Physical Abuse

Scenario No: 1

Complaint:

I am submitting this complaint on behalf of my father. He is 81 years old, frail, suffers from urinary urgency and is somewhat hard of hearing. At his last hearing aid appointment, he said he had to go to the washroom.

When he attempted to get up from the chair, the hearing aid practitioner grabbed him and roughly shoved him back into the chair and shouted something at him. Only after my father began to wet himself, did the HAP quickly escort him to the bathroom.

Because of this incident, I am having a difficult time getting him to agree to go to his hearing aid appointments. He's afraid of being roughly and rudely treated again.

Defendant's Response:

I do recall this incident. What I saw was a frail client falling out of the chair. Therefore, for the client's safety I grabbed him, and gently pushed him back into the chair. Because the client was hard of hearing, I probably raised my voice to remind him that he had to stay in the chair so as not to injure himself. At no time did the client indicate to me that he had to go to the washroom. When I noticed his discomfort, I quickly assisted him to get out of the chair and escorted him to the washroom and back.

At no time was I physically abusive nor shouted any insults at this client.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Having an Affair

Scenario No: 2

Complaint:

I am filing this formal complaint against this hearing aid practitioner for having an illegal sexual affair with my husband, who is a client of hers. While checking my husband's phone, I accidentally noticed some private and intimate photos that were texted to my husband by this HAP.

When I confronted my husband with this evidence, he was angry that I was checking his phone without his knowledge or permission. He also stated emphatically that he was NOT having an affair with this hearing aid practitioner. I don't believe him so I want the College to investigate this matter further.

Defendant's Response:

This client and I were students at college about 20 years ago. We dated for about a year and were sexually active. After graduation the client moved to take employment in Nova Scotia, while I stayed in Edmonton. We both got married and raised families.

About a month ago, the client suddenly turned up for an appointment. We were surprised to see each other after all these years. The client had moved back to Edmonton to take up a new job. After work we went to Tim Horton's to catch up what happened during all these years. We reminisced about the good old days and the fun we had together when we were dating.

We briefly toyed with the idea of having sex again to see if the old passion still existed. But common sense prevailed and we decided since we were both happily married, this was not a good idea. Besides, we joked that our bodies were not the same as they were 20 years ago, and would probably not find each other as attractive. To prove it, we decided to send each other some intimate photos of ourselves. We had a good laugh and agreed that our bodies were not the same as when we were dating.

That was it. There was or is no affair. Although sending the intimate photos might have been bad judgement on my part, there was no sexual abuse or sexual misconduct as defined by HPA. This complaint should be dismissed as having no merit.

Your recommendation:

Dismiss complaint Informal resolution Constitute Hearing Tribunal for:

Sexual abuse sexual misconduct boundary violation

Boundary crossing other unprofessional conduct

Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Financial Abuse I

Scenario No: 3

Complaint:

I am a family physician who receives copies of hearing tests done on my patients. I have noticed that one hearing aid practitioner consistently tries to sell high-end and very expensive hearing aid solutions to my patients. In many cases, the hearing loss is minor and no hearing aid is required. In other cases, a lower cost product would do just be a better solution.

I am filing this complaint against the hearing aid practitioner for financial abuse and unprofessional conduct. He obviously has his own interests as a priority over the best interests of his patients.

Defendant's Response:

I always have the best interests of my clients in mind when recommending hearing aid products and services. I believe that I have a responsibility to my clients to ensure that they have the best products so that they can enjoy life to the fullest.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
 Sexual abuse sexual misconduct boundary violation
 Boundary crossing other unprofessional conduct
 Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Financial Abuse II

Scenario No: 4

Complaint:

I am the office manager for hearing aid business in a small community. Recently I noticed that one HAP seems to neglect or forget to itemize all of the examination, installation and repair tasks on the client invoice. I suspect that he is giving discounts or freebies to his family and friends.

Therefore, I am filing this complaint for unprofessional conduct for the College to investigate.

Defendant's Response:

I usually itemize all the services on the invoice as required. However, from time to time, I know that some of the clients don't have a lot of money to pay for these services. So for these clients I do give them an "informal" discount or don't bother charging for some of my tasks. This practice ensures that these clients continue to come back to the practice and get proper hearing aid services. However, I only do this for clients with significant financial needs, and NOT for family or friends who can afford to pay full price.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Financial Abuse III

Scenario No: 5

Complaint:

I am the manager of a hearing aid business in Red Deer. I recently found out that one of our regulated HAPs accepted a two-week vacation to Hawaii from a client. This is clearly outside the acceptable limits for receiving gifts as defined by the College and our policies.

I am submitting this formal complaint so that the College can investigate whether this constitutes financial abuse and unprofessional conduct.

Defendant's Response:

This gift was from my uncle and aunt. They had already paid for the trip to Hawaii and all the accommodations. However, several days before they were to leave, my uncle became ill and was unable to go. They had no cancellation insurance so stood to lose all of their money. So they managed to arrange for my husband and I go instead. We were the only relatives that could get the time off to go on this trip.

Yes, my uncle has been a client of mine for over 20 years. But this gift has nothing to do with him being a client, and will NOT affect any provider / client relationship. Therefore, this is NOT financial abuse or unprofessional conduct.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Emotional / Verbal Abuse I

Scenario No: 6

Complaint:

I am submitting this complaint against this hearing aid practitioner for emotional / verbal abuse and neglect. I am openly gay with which this practitioner seems to have a problem. She has made several comments about how she wishes she didn't have to treat homosexuals as she doesn't approve of our lifestyle. She also indicated that she is concerned that she may contract HIV.

She also appears to be withholding some services and providing less than a standard of care compared to other HAPs that have worked on me. I believe that this is defined as neglect.

I get very good service and respect from other hearing aid practitioners. It is only with this professional that I am dissatisfied with the quality of service and communication. It is why I am filing this complaint.

Defendant's Response:

I admit that I do not like working with homosexuals. It is part of my religious upbringing. However, I provide professional services to all clients, and disagree with the accusations that I am verbally abusive or don't provide the appropriate standard of care.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Emotional / Verbal Abuse II

Scenario No: 7

Complaint:

I am the office manager for a mid-sized hearing aid business. I am submitting a formal complaint against one of our HAPs for emotional and verbal abuse of clients and other staff. This HAP has been with us for over 10 years and her service has been exceptional. However, recently she has experienced some stressful life experiences (divorce and death of a parent) that have significantly affected her work behavior. She always seems to be angry, impatient and frustrated in dealing with other staff, and with clients. She tends to use sarcasm, profanity and make disrespectful comments.

Some clients and staff have complained about her behavior. Therefore I am requesting the College to investigate and take appropriate action.

Defendant's Response:

Yes, I admit that there has been much stress in my personal life recently. However, I disagree with the comments that I am unprofessional with clients and other staff. I have served my employer and clients well of the past ten years and will continue to do so.

Your recommendation:

Dismiss complaint Fitness to practice assessment Constitute Hearing Tribunal for:

Sexual abuse sexual misconduct boundary violation

Boundary crossing other unprofessional conduct

Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Emotional / Verbal Abuse III

Scenario No: 8

Complaint:

My family and I immigrated to Canada from Nigeria about 10 years ago. We have become established in the community and enjoy a good life here. However, there are occasional times when we still experience racism. During my last appointment, I overheard the hearing aid practitioner quietly telling one of his colleagues that he wishes that these “blacks would go back to Africa where they came from. They are such a pain to work with ... they don’t understand the language, and don’t follow instructions.” I have a good command of English and do follow instructions. His comments were hurtful, racist and completely inappropriate. Therefore, I am filing this complaint.

Defendant’s Response:

I do not recall making these comments. I strive to treat all clients equally and without discrimination.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director’s Decision and Rationale](#)

Client Complaint Scenario

Title: Self-Disclosure

Scenario No: 9

Complaint:

When I go to have my hearing aid checked or repaired, I find this one hearing aid practitioner talks a lot. This generally is not a problem as it makes the time go quicker. However, I am bit concerned about how much I have learned about her personal life. For example, she shared that she was a child of a one-night sexual affair. She said that she finally tracked down her biological father, but that he was not interested in her. She also divulged that her husband and she recently had a friendly separation. She describes in detail her experiences, successes and disappointments in using online dating websites to find a new partner. She complained about how hard it was to find a good man. She expressed unhappiness about her dates and sexual experiences with the men she met online.

As a middle-aged average male, I found her life story interesting, but am a bit uncomfortable with all of this self-disclosure. I don't think it is professional or appropriate. I am therefore am filing this complaint to get some clarification from the College.

Defendant's Response:

I don't recall all of my conversations with this client. However, what I do recall is that he appeared very interested in what I was saying. I like to share my life story with clients as it helps build rapport and a therapeutic relationship with them. However, I am careful not to share or disclose any information about myself that is inappropriate or unprofessional.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Disclosure of Confidential Data

Scenario No: 10

Complaint:

My wife and I recently finalized our divorce. Prior to that we had been living separately for about six months. Over the last few months, I have visited this hearing aid clinic to assess my hearing and have a hearing aid installed. Much of the cost of these hearing aid services was to be covered by my ex-wife's health insurance. I recently found out that my ex-wife had called the office and inquired about the cost of the hearing aid. She requested this information because I suspect that she wants to remove me from the insurance in her benefits plan. If she is successful, then I would have considerable out-of-pocket costs for my hearing aid. The HAP provided my ex-wife with the details of my recent examination and hearing aid installation over the telephone – without my knowledge or permission. Therefore I am filing this formal complaint against this practitioner for illegally disclosing this confidential information.

Defendant's Response:

I was NOT aware of the change in the marital status of this client. I simply provided the information to her as I had in the past. The client should have informed me about the circumstances and indicated to me that he did not want to share any of his health information with this person.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Becoming Friends

Scenario No: 11

Complaint:

I am submitting this complaint as required by the *Health Professions Act*. Another hearing aid practitioner in our clinic confided to me that she has become friends with one of our new female clients. Based on the information I received from her, their friendship comprises of exchange of e-mails, texts, following each other on Facebook and Twitter, and well as occasionally getting together at McDonalds on weekends for coffee.

This type of behaviour may be an indication of a boundary crossing. Therefore, I am submitting this information so that the College can investigate and ensure that their practitioner-client therapeutic relationship is not compromised.

Defendant's Response:

The complaint is totally without merit. The client and I went to school together in a small town in Saskatchewan. Our families were good friends and we visited each other regularly. When I met the client again at a hearing aid examination appointment, we simply re-established our old friendship.

This friendship has no effect whatsoever on the quality and professional services that I provide her.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Dating a Client I

Scenario No: 12

Complaint:

I am a hearing aid practitioner in a clinic here in St. Paul. A recently hired HAP has been seen dating one of our young male clients. Under the new legislation, I am afraid that she may be unknowingly committing sexual abuse if they are sexually active.

Therefore I am reporting this to the College for further investigation and action.

Defendant's Response:

The client and I had dated for several years when we were in high school in St. Paul. After graduation, I went to Edmonton and became a registered hearing aid practitioner. I always wanted to return to my home town to live and work there. Unfortunately, there were no openings in St. Paul, so I worked in Calgary for 3 years. Then a clinic in St. Paul had a vacancy to which I applied and was successful in being hired.

When I moved back to St. Paul, the client and I began dating again. It is my understanding of the legislation that I am NOT committing sexual abuse because I have a pre-existing sexual relationship with this person.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Invasion of Privacy

Scenario No: 13

Complaint:

I am a single, 45-year old female who recently made my first appointment for a hearing assessment. The hearing aid practitioner indicated to me, that since I was a new client, he was required to create a medical and hearing health history. Most of the questions were routine such as whether I had any health problems; any past hospitalizations; if I was on any medications; did I have any allergies; how frequently I smoked, drank alcohol and used recreational drugs? I was generally okay with these questions.

Then the questions got weird. What was my sexual orientation – normal, gay or transsexual? Was I ever sexually abused as a child or teenager? Did I, or did any of my sexual partners, have sexually transmitted infections (STI)? Have I ever sexually abused anyone? How many sexual partners did I have? Did I have or was I being treated for AIDS?

I feel that these questions are totally inappropriate to be asked prior to a hearing checkup. Why is this information needed when all I want to know is if I have any hearing loss? Therefore, I am filing this complaint against this practitioner for violating my privacy.

Defendant's Response:

As per the College's Client Relations Program, I felt this information was required in order for me to know whether I, and the other team members, needed to implement Sensitive Practice strategies with this client. How else are we expected to know which clients have been sexually abused?

Also, some the other questions were asked so that we could implement the appropriate protocols for infection prevention and control. That is why the information about HIV and STI is important. I feel that the questions I asked were necessary for me to provide effective hearing aid care services.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Virtual Sex

Scenario No: 14

Complaint:

It has come to my attention that one of my hearing aid practitioners has developed a personal (and perhaps sexual) relationship with one of my clients. If she has, then this is a serious violation of the sexual abuse prohibitions in the *Health Professions Act*.

I am submitting this complaint as her employer for the College to investigate the matter, and if necessary take suitable action.

Defendant's Response:

I provided hearing aid services to this client on several occasions. During our conversations, we seemed to be compatible, and I really got to like him. He mentioned that he was recently divorced after 20 years of marriage. He was looking for a new partner on eHarmony, an online dating site. He said he was not having much success. On one occasion he told me the alias name he was using on this site, and asked me to let any of my single female friends know about it.

Having been divorced myself for several years, and also not having much success in finding a suitable replacement, I decided to register on the site as an alias, and contact him. He responded and we then began to communicate on a regular basis. I never let him know that he was my client, and have stalled meeting him in person. We have great fun communicating online. Yes, we talk about sex and have exchanged intimate images of each other (without any details as to who we were).

I am very much enjoying this virtual relationship. I do not believe that it falls within the HPA criteria for sexual abuse. Since the relationship is virtual and anonymous, there is no power imbalance. The relationship is totally consensual between both parties. And finally, we have not engaged in any real physical sexual activities, so there cannot be sexual abuse.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Dating a Client II

Scenario No: 15

Complaint:

I have some good evidence that one of the other hearing aid practitioners in our clinic is dating a client. She told me about it. I believe that this may be a boundary violation as well as being contrary to the recent HPA regulations relating to sexual misconduct.

As required by mandatory reporting, I am submitting this complaint for the College to investigate.

Defendant's Response:

Yes, I admit that I am dating this client whom I first met at our hearing aid clinic. After things started getting serious, I realized that I may have an issue with violating professional boundaries. To avoid any problems, we got married on our last trip to Los Vegas. So now that he is a spouse, there is no issue or boundary violations or sexual abuse / sexual misconduct.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Sexual Abuse

Scenario No: 16

Complaint:

As required, I am making a report of an observed case of sexual abuse. Last week, I overheard a female HAP say to her male client, "If you don't sit still and stop that, I will grab you by balls and squeeze them till they pop!"

According to the HPA sexual abuse is "any threatened conduct of a regulated member towards a client including sexual touching of genitals". Therefore I believe this incident may be considered sexual abuse under the Act.

Defendant's Response:

That client was my fiancé who was constantly touching me. We are always making sexual jokes and having fun with each other. Since this client is a spouse-to-be, and there is a pre-existing sexual relationship, this is not sexual abuse or sexual misconduct.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Sexual Misconduct I

Scenario No: 17

Complaint:

As required by the HPA, I am filing this report of an incident involving a hearing aid practitioner that may have been guilty of sexual misconduct. Disclosures about a member's sexual life to a client is considered to be sexual misconduct.

Last week, I overheard this hearing aid practitioner having an explicit conversation with a female client about the current state of their sex lives. The client complained about how difficult it is to find a good lover. The HAP agreed and said that her last few sexual activities did were not very satisfactory. This type of conversation went on for quite some time, until the appointment concluded.

I think this type of disclosure and discussion by the practitioner to any client is highly inappropriate and unprofessional.

Defendant's Response:

This client is a long-time good friend of mine. Since we are both single, we frequently have these types of discussions. There is no sexual relationship between us, just old friends commiserating. Perhaps we should have been quieter and more discrete as we obviously were not aware that others were overhearing our discussions.

Given our pre-existing and consensual friendship, I do not believe this incident constitutes sexual misconduct.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Sexual Misconduct II

Scenario No: 18

Complaint:

I wish to file a complaint against this hearing aid practitioner for sexual harassment. Since my first appointment, this practitioner seems to have been unusually attracted to me. It started during the medical history when he asked questions such as whether I was married; whether I was romantically involved with anyone at this time (I am not); what my sexual orientation was; and whether I have or ever had any STIs or HIV.

He made it perfectly clear several times that he was unattached and looking for a partner. He told me that he was registered on an online dating website, and gave me the website and his alias. He suggested that I should check out his profile. He said several times how beautiful I am; what a gorgeous body I have; and that I must be great in bed. He also seems to find excuses or reasons to be touching me with his hands, and by pressing his body against me.

While I am flattered by this attention, it also makes me very uncomfortable given that I am there for a hearing checkup, and not a date. I guess I expect more professional behaviour from healthcare workers.

Defendant's Response:

All the questions I asked provide important background medical and hearing information in order for me to offer effective and efficient services. This information is also useful for knowing whether we have to employ Sensitive Practice techniques and for infection prevention and control.

I was not harassing this client. I was simply trying to build rapport and an effective therapeutic relationship. I believe that this client simply misread my good intentions to provide the best professional service that I could.

Your recommendation:

- Dismiss complaint Informal resolution Constitute Hearing Tribunal for:
- Sexual abuse sexual misconduct boundary violation
- Boundary crossing other unprofessional conduct
- Conduct that harms the integrity of the profession

Rationale for Recommendation:

[View Complaints Director's Decision and Rationale](#)

Client Complaint Scenario

Title: Physical Abuse

Scenario Feedback No: 1

Complaint:

I am submitting this complaint on behalf of my father. He is 81 years old, frail, suffers from urinary urgency and is somewhat hard of hearing. At his last hearing aid appointment, he said he had to go to the washroom.

When he attempted to get up from the chair, the hearing aid practitioner grabbed him and roughly shoved him back into the chair and shouted something at him. Only after my father began to wet himself, did the HAP quickly escort him to the bathroom.

Because of this incident, I am having a difficult time getting him to agree to go to his hearing aid appointments. He's afraid of being roughly and rudely treated again.

Complaint Director's Recommendation:

Informal resolution

Rationale for Recommendation:

The Complaints Director would require more information. An investigator would be assigned to find out if anyone else saw or heard anything that would support either the client or the HAP. The Complaints Director would also ask the client and his daughter what their expectations are in the process.

The Complaints Director would consider whether this is the first complaint about this practitioner. The Complaints Director would likely suggest a less formal resolution to this issue by having the HAP sign an undertaking that would remain in his record and could be used in the future if another similar complaint arises. In addition, the Complaints Director could require the practitioner to complete some course work about effective communications with clients and provide a written apology to the client.

[Back to Scenario 1](#)

Client Complaint Scenario

Title: Having an Affair

Scenario Feedback No: 2

Complaint:

I am filing this formal complaint against this hearing aid practitioner for having an illegal sexual affair with my husband, who is a client of hers. While checking my husband's phone, I accidentally noticed some private and intimate photos that were texted to my husband by this HAP.

When I confronted my husband with this evidence, he was angry that I was checking his phone without his knowledge or permission. He also stated emphatically that he was NOT having an affair with this hearing aid practitioner. I don't believe him so I want the College to investigate this matter further.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for sexual misconduct

Rationale for Recommendation:

Because the previous relationship had ended, this is now considered sexual misconduct. As a minimum, the Hearing Tribunal must suspend the hearing aid practitioner's practice permit for the length of time the Hearing Tribunal feels appropriate. There may be other penalties such as fines, costs and remedial course work as well.

[Back to Scenario 2](#)

Client Complaint Scenario

Title: Financial Abuse I

Scenario Feedback No: 3

Complaint:

I am a family physician who receives copies of hearing tests done on my patients. I have noticed that one hearing aid practitioner consistently tries to sell high-end and very expensive hearing aid solutions to my patients. In many cases, the hearing loss is minor and no hearing aid is required. In other cases, a lower cost product would do just be a better solution.

I am filing this complaint against the hearing aid practitioner for financial abuse and unprofessional conduct. He obviously has his own interests as a priority over the best interests of his patients.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for boundary crossing and conduct that harms the integrity of the profession

Rationale for Recommendation:

The Complaints Director would need to assign an independent, qualified investigator to assess to what degree the hearing aid practitioner is violating the College's Standards and Code of Ethics. If the evidence indicates that the HAP is using his position to further his own financial interests over that of this clients, then a Hearing Tribunal will be constituted to review the charges.

This is improper use of the position of trust by the practitioner. The Hearing Tribunal would determine the appropriate penalties for such behaviour.

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Client Complaint Scenario

Title: Financial Abuse II

Scenario Feedback No: 4

Complaint:

I am the office manager for hearing aid business in a small community. Recently I noticed that one HAP seems to neglect or forget to itemize all of the examination, installation and repair tasks on the invoice. I suspect that he is giving discounts or freebies to his family and friends.

Therefore, I am filing this complaint for unprofessional conduct for the College to investigate.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for boundary violation and conduct that harms the integrity of the profession

Rationale for Recommendation:

The healthcare industry has a very important relationship with the insurance industry. Trust is the cornerstone of this relationship. Charging different fees for different clients breaches this trust. There are many social programs to help those with fewer resources to access care. There are also business strategies that HAP offices can ethically apply to assist their clients in accessing the care they need without betraying the trust relationship with stakeholders such as the insurance industry.

Another consideration is that HAPs are responsible to charge and collect the fees established by the business. Failure to collect the proper fees is really stealing from the employer. A Hearing Tribunal would decide on the appropriate penalties for these inappropriate invoicing practices.

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Client Complaint Scenario

Title: Financial Abuse III

Scenario Feedback No: 5

Complaint:

I am the manager of a hearing aid business in Red Deer. I recently found out that one of our regulated HAPs accepted a two-week vacation to Hawaii from a client. This is clearly outside the acceptable limits for receiving gifts as defined by the College and our policies.

I am submitting this formal complaint so that the College can investigate whether this constitutes financial abuse and unprofessional conduct.

Complaint Director's Recommendation:

Dismiss complaint

Rationale for Recommendation:

Accepting expensive gifts from a client is never appropriate; however, this seems to be a unique circumstance. If the Complaints Director can confirm that the HAP is accurately describing the relationship AND the circumstances of the gift, there would be no penalty. The HAP would be cautioned to ensure that in future, a definite distinction between personal and professional relationships exists and there is no danger of someone misinterpreting the situation.

If the HAP is not being truthful about the relationship and circumstances of the gift, this would be a boundary violation and a hearing would be scheduled.

[Back to Scenario 5](#)

Client Complaint Scenario

Title: Emotional / Verbal Abuse I

Scenario Feedback No: 6

Complaint:

I am submitting this complaint against this hearing aid practitioner for emotional / verbal abuse and neglect. I am openly gay with which this practitioner seems to have a problem. She has made several comments about how she wishes she didn't have to treat homosexuals as she doesn't approve of our lifestyle. She also indicated that she is concerned that she may contract HIV.

She also appears to be withholding some services and providing less than a standard of care compared to other HAPs that have worked on me. I believe that this is defined as neglect.

I get very good service and respect from other hearing aid practitioners. It is only with this professional that I am dissatisfied with the quality of service and communication. It is why I am filing this complaint.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for other unprofessional conduct and conduct that harms the integrity of the profession

Rationale for Recommendation:

The Complaints Director would need to investigate whether the standard of care offered to this client by the HAP is indeed different from the care provided to other clients. It is a human rights violation to discriminate against someone because of his or her sexual orientation. It is also a violation of the Standards of Practice and the Code of Ethics – violations which form part of the definition of unprofessional conduct in the HPA.

A Hearing Tribunal would determine the appropriate penalties for this hearing aid practitioner.

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Client Complaint Scenario

Title: Emotional / Verbal Abuse II

Scenario Feedback No: 7

Complaint:

I am the office manager for a mid-sized hearing aid business. I am submitting a formal complaint against one of our HAPs for emotional and verbal abuse of clients and other staff. This HAP has been with us for over 10 years and her service has been exceptional. However, recently she has experienced some stressful life experiences (divorce and death of a parent) that have significantly affected her work behavior. She always seems to be angry, impatient and frustrated in dealing with other staff, and with clients. She tends to use sarcasm, profanity and make disrespectful comments.

Some clients and staff have complained about her behavior. Therefore I am requesting the College to investigate and take appropriate action.

Complaint Director's Recommendation:

Conduct a fitness to practice assessment

Rationale for Recommendation:

Some scenarios require a different approach. In a case such as the one presented here, the Complaints Director may work with the HAP to find them appropriate counselling or support services to help them through this difficult time, especially if no harm to clients is identified. The HAP's fitness to practice is a concern and the Complaints Director can order this regulated member to undergo an assessment to determine if she is safe to work or if she needs to take some time off until she deals with her personal issues.

The Complaints Director may refer the matter to a hearing if the HAP is unwilling to cooperate with an assessment or treatment and counselling; or if it is shown that clients have been harmed physically or psychologically. A hearing tribunal could consider ordering the practitioner to undergo counselling or treatment as part of their sanctions.

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Client Complaint Scenario

Title: Emotional / Verbal Abuse III

Scenario Feedback No: 8

Complaint:

My family and I immigrated to Canada from Nigeria about 10 years ago. We have become established in the community and enjoy a good life here. However, there are occasional times when we still experience racism. During my last appointment, I overheard the hearing aid practitioner quietly telling one of his colleagues that he wishes that these “blacks would go back to Africa where they came from. They are such a pain to work with ... they don’t understand the language, and don’t follow instructions.”

I have a good command of English and do follow instructions. His comments were hurtful, racist and completely inappropriate. Therefore, I am filing this complaint.

Complaint Director’s Recommendation:

Constitute Hearing Tribunal for other unprofessional conduct and conduct that harms the integrity of the profession.

Rationale for Recommendation:

Discrimination based on race or ethnic origins is a human rights violation and a violation of the Standards of Practice and Code of Ethics. Hearing aid practitioners are required to treat all people with dignity and respect. If further investigation shows the regulated member did make the reported comments, a hearing tribunal would determine the appropriate penalties that could include education and training in cultural sensitivity, fines, costs and other remedial actions.

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Client Complaint Scenario

Title: Self Disclosure

Scenario Feedback No: 9

Complaint:

When I go to have my hearing aid checked or repaired, I find this one hearing aid practitioner talks a lot. This generally is not a problem as it makes the time go quicker. However, I am bit concerned about how much I have learned about her personal life. For example, she shared that she was a child of a one-night sexual affair. She said that she finally tracked down her biological father, but that he was not interested in her. She also divulged that her husband and she recently had a friendly separation. She describes in detail her experiences, successes and disappointments in using online dating websites to find a new partner. She complained about how hard it was to find a good man. She expressed unhappiness about her dates and sexual experiences with the men she met online.

As a middle-aged average male, I found her life story interesting, but am a bit uncomfortable with all of this self-disclosure. I don't think it is professional or appropriate. I am therefore am filing this complaint to get some clarification from the College.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for boundary crossing

Rationale for Recommendation:

The client should be the focus during the appointment. Self-disclosure takes the attention away from the client and centers it on the practitioner. There are many other ways to put a client at ease and build rapport without disclosing personal information about yourself.

NOTE:

It may be appropriate to share a personal experience with a client – but ONLY if it benefits the client. For instance, a client who is struggling to cope with grief might benefit from knowing the type of resources the HAP found helpful when dealing with similar profound grief.

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Client Complaint Scenario

Title: Disclosure of Confidential Data

Scenario Feedback No: 10

Complaint:

My wife and I recently finalized our divorce. Prior to that we had been living separately for about six months. Over the last few months, I have visited this hearing aid clinic to assess my hearing and have a hearing aid installed. Much of the cost of these hearing aid services was to be covered by my ex-wife's health insurance. I recently found out that my ex-wife had called the office and inquired about the cost of the hearing aid. She requested this information because I suspect that she wants to remove me from the insurance in her benefits plan. If she is successful, then I would have considerable out-of-pocket costs for my hearing aid. The HAP provided my ex-wife with the details of my recent examination and hearing aid installation over the telephone – without my knowledge or permission. Therefore I am filing this formal complaint against this practitioner for illegally disclosing this confidential information.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for other unprofessional conduct

Rationale for Recommendation:

Health information cannot be shared with another person other than the client without written permission from the client whose information it is regardless of the relationship. Make sure you know what the Health Information Act says and what the custodian's policies and procedures are around disclosing information.

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Client Complaint Scenario

Title: Becoming Friends

Scenario Feedback No: 11

Complaint:

I am submitting this complaint as required by the *Health Professions Act*. Another hearing aid practitioner in our clinic confided to me that she has become friends with one of our new female clients. Based on the information I received from her, their friendship comprises of exchange of e-mails, texts, following each other on Facebook and Twitter, and well as occasionally getting together at McDonalds on weekends for coffee.

This type of behaviour may be an indication of a boundary crossing. Therefore, I am submitting this information so that the College can investigate and ensure that their practitioner-client therapeutic relationship is not compromised.

Complaint Director's Recommendation:

Dismiss complaint

Rationale for Recommendation:

This is a difficult situation because it involves a previous relationship that may or may not affect the client- practitioner relationship. Hearing aid practitioners must avoid all situations that create a real OR PERCEIVED conflict of interest.

The Complaints Director would confirm the actual relationship and then require the HAP to complete an undertaking stating she will not provide hearing aid services for this client if she chooses to continue with the personal friendship.

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Client Complaint Scenario

Title: Dating a Client I

Scenario Feedback No: 12

Complaint:

I am a hearing aid practitioner in a clinic here in St. Paul. A recently hired HAP has been seen dating one of our young male clients. Under the new legislation, I am afraid that she may be unknowingly committing sexual abuse if they are sexually active.

Therefore I am reporting this to the College for further investigation and action.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for sexual abuse

Rationale for Recommendation:

A pre-existing relationship must still be going on for this not to be sexual abuse. Because the relationship ended and did not begin again until after the client-practitioner relationship started, this is sexual abuse. The HAP's registration and practice permit must be permanently cancelled and the hearing decision including the practitioner's name will be published on the college website indefinitely.

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Client Complaint Scenario

Title: Invasion of Privacy

Scenario Feedback No: 13

Complaint:

I am a single, 45-year old female who recently made my first appointment for a hearing assessment. The hearing aid practitioner indicated to me, that since I was a new client, he was required to create a medical and hearing health history. Most of the questions were routine such as whether I had any health problems; any past hospitalizations; if I was on any medications; did I have any allergies; how frequently I smoked, drank alcohol and used recreational drugs? I was generally okay with these questions.

Then the questions got weird. What was my sexual orientation – normal, gay or transsexual? Was I ever sexually abused as a child or teenager? Did I, or did any of my sexual partners, have sexually transmitted infections (STI)? Have I ever sexually abused anyone? How many sexual partners did I have? Did I have or was I being treated for AIDS?

I feel that these questions are totally inappropriate to be asked prior to a hearing checkup. Why is this information needed when all I want to know is if I have any hearing loss? Therefore, I am filing this complaint against this practitioner for violating my privacy.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for boundary violation

Rationale for Recommendation:

HAPs should employ sensitive practice for ALL clients. People who have experienced sexual abuse or sexual misconduct can be re-traumatized if the practitioner asks these questions. HAPs should follow the requirements in the Health Information Act and the employer's policies and procedures for collection of personal and health information. Even if a client has experienced sexual abuse or sexual misconduct, they may not be in a place in their healing journey where they are ready to disclose information. This hearing aid practitioner's questions were absolutely inappropriate and potentially extremely harmful to the client.

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Client Complaint Scenario

Title: Virtual Sex

Scenario Feedback No: 14

Complaint:

It has come to my attention that one of my hearing aid practitioners has developed a personal (and perhaps sexual) relationship with one of my clients. If she has, then this is a serious violation of the sexual abuse prohibitions in the *Health Professions Act*.

I am submitting this complaint as her employer for the College to investigate the matter, and if necessary take suitable action.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for sexual misconduct

Rationale for Recommendation:

Whether the hearing aid practitioner reveals her identity or not, this activity has violated the trust in the client-practitioner relationship. This is deliberate sexual misconduct and the hearing tribunal will determine the appropriate penalties.

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Client Complaint Scenario

Title: Dating a Client II

Scenario Feedback No: 15

Complaint:

I have some good evidence that one of the other hearing aid practitioners in our clinic is dating a client. She told me about it. I believe that this may be a boundary violation as well as being contrary to the recent HPA regulations relating to sexual misconduct.

As required by mandatory reporting, I am submitting this complaint for the College to investigate.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for sexual abuse

Rationale for Recommendation:

Starting a relationship with a current client is sexual abuse. Unfortunately, getting married does not erase the earlier conduct of the hearing aid practitioner. The Hearing Tribunal would cancel the registration and practice permit of this HAP permanently.

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Client Complaint Scenario

Title: Sexual Abuse

Scenario Feedback No: 16

Complaint:

As required, I am making a report of an observed case of sexual abuse. Last week, I overheard a female HAP say to her male client, "If you don't sit still and stop that, I will grab you by balls and squeeze them till they pop!"

According to the HPA sexual abuse is "any threatened conduct of a regulated member towards a client including sexual touching of genitals". Therefore I believe this incident may be considered sexual abuse under the Act.

Complaint Director's Recommendation:

Dismiss complaint

Rationale for Recommendation:

If this is an ongoing, pre-existing sexual relationship, the relationship does not violate the Standards of Practice or the Health Professions Act. However, the HAP's language and demeanor could harm the integrity of the profession. The Complaints Director may require the practitioner to sign an undertaking that would remain on file in case future instances of unprofessional communications arise. If the practitioner does not cooperate or change demeanor, it could mean going to hearing.

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Client Complaint Scenario

Title: Sexual Misconduct I

Scenario Feedback No: 17

Complaint:

As required by the HPA, I am filing this report of an incident involving a hearing aid practitioner that may have been guilty of sexual misconduct. Disclosures about a member's sexual life to a client is considered to be sexual misconduct.

Last week, I overheard this hearing aid practitioner having an explicit conversation with a female client about the current state of their sex lives. The client complained about how difficult it is to find a good lover. The HAP agreed and said that her last few sexual activities did were not very satisfactory. This type of conversation went on for quite some time, until the appointment concluded.

I think this type of disclosure and discussion by the practitioner to any client is highly inappropriate and unprofessional.

Complaint Director's Recommendation:

Informal resolution with an option to charge the HAP with conduct that harms the integrity of the profession

Rationale for Recommendation:

This type of behaviour can result in a hearing aid practitioner having their practice permit suspended. HAPs must always stop and think about where they are and how their conversation will be perceived by someone who has overheard it. While the client appears to be a friend and used to this type of conversation, it does not make this conversation acceptable in a professional setting where it can be interpreted as sexual misconduct.

The Complaints Director would likely request the practitioner sign an undertaking to avoid this type of conversation in a professional setting.

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Client Complaint Scenario

Title: Sexual Misconduct II

Scenario Feedback No: 18

Complaint:

I wish to file a complaint against this hearing aid practitioner for sexual harassment. Since my first appointment, this practitioner seems to have been unusually attracted to me. It started during the medical history when he asked questions such as whether I was married; whether I was romantically involved with anyone at this time (I am not); what my sexual orientation was; and whether I have or ever had any STIs or HIV.

He made it perfectly clear several times that he was unattached and looking for a partner. He told me that he was registered on an online dating website, and gave me the website and his alias. He suggested that I should check out his profile. He said several times how beautiful I am; what a gorgeous body I have; and that I must be great in bed. He also seems to find excuses or reasons to be touching me with his hands, and by pressing his body against me.

While I am flattered by this attention, it also makes me very uncomfortable given that I am there for a hearing checkup, and not a date. I guess I expect more professional behaviour from healthcare workers.

Complaint Director's Recommendation:

Constitute Hearing Tribunal for sexual misconduct

Rationale for Recommendation:

These questions are not appropriate questions for the hearing aid practitioner to ask. HAPs should employ sensitive practice with ALL clients, which would eliminate the need for these types of questions. If the hearing tribunal decides this is sexual misconduct, the practitioner must have his registration and practice permit suspended for the length of time the hearing tribunal feels is appropriate given the nature of the complaint.

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