

# Frequently Asked Questions (FAQs)

## What is the Client Relations Program?

The new amended *Health Professions Act* requires the College to develop, implement and report on a Client Relations Program. Part of the program includes educating regulated members on recognizing, preventing and reporting on sexual abuse and sexual misconduct of client / patients.

## Why was the Client Relations Program implemented for Hearing Aid Practitioners?

The Alberta government introduced Bill 21 in the fall of 2018. *Bill 21: An Act to Protect Patients* amends the *Health Professions Act* to protect patients from sexual abuse and sexual misconduct by health care professionals. Before this legislation, penalties for conduct determined to be sexual abuse or sexual misconduct varied across the regulatory colleges in Alberta and were determined on a case-by-case basis. The new rules are designed to ensure that consistent penalties are applied.

## What do I need to do to comply with the Client Relations Program?

Complete and pass the Client Relations Program eCourse to become knowledgeable about the new practice requirements, standards, discipline processes, mandatory reporting and potential consequences.

## How often do I have to take the Client Relations Program eCourse?

Each regulated Hearing Aid Practitioner will have to complete and pass the CRP course at least once every five years.

## Can I use the Client Relations Program eCourse towards my CCP requirements?

Yes. Be sure to record in your account on the College website (*CHAPAcms.ca*) the date of successful completion.

## Who is my client?

“Client” is synonymous with “patient” and means any individual who receives a Hearing Aid Service from a regulated member.

An individual remains a client for one year (365 days) after the last date of professional interaction between the individual and the Hearing Aid Practitioner.

## What is sexual abuse?

Sexual abuse means the threatened, attempted or actual conduct of a regulated member towards a client that is of a sexual nature and includes any of the following conduct:

- Sexual intercourse between regulated member and his/her client
- Genital to genital, genital to anal, oral to genital, or oral contact
- Masturbation of the client

- Encouraging client to masturbate in presence of the regulated member
- Touching of a sexual nature of a client's genitals, anus, breasts or buttocks.

### **What is sexual misconduct?**

Sexual misconduct means any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a regulated member that will cause offense or humiliation to the client or adversely affect the client's health and well-being.

Some examples include: making sexually demeaning gestures or expressions; leering and staring, particularly at the client's intimate areas; making sexually suggestive remarks, innuendos and jokes; and making sexual flirtations, advances or propositions.

### **What about consensual sexual relationships with clients and former clients?**

Subject to 8.5 of the CHAPA Standards, a sexual relationship between a former client and a regulated member shall not occur until after one year has passed from the last date a Hearing Aid Service was provide to the former client by the regulated member.

### **What about consensual sexual relationships between a former regulated members and client?**

Regulated members may be subject to disciplinary proceedings up to 2 years after becoming a former regulated member. The College shall not regulate a sexual relationship beyond 2 years from the date a regulated member becomes a former regulated member.

### **What is sexual consent?**

Consent is a voluntary agreement to engage in sexual contact. However, it is NOT consent if:

- it is given by someone else
- there is an abuse of power, trust or authority
- a person has said "no", or implied no, through words or actions
- a person is incapacitated due to alcohol or drugs
- a person withdraws consent or changes their mind.

### **What about touching clients?**

Don't assume, always get permission before touching the client. Respect the client's personal space and maintain the client's dignity. Never place instruments or materials on the client's body. Remember and respect the client's right to withdraw consent at any time.

### **What happens if I am the subject of a complaint for sexual abuse or sexual misconduct?**

If the Complaints Director receives a credible complaint of sexual abuse or sexual misconduct, the normal complaints process is followed. The veracity of the complaint is assessed and an investigator is assigned to collect information and statements from the parties involved. If the evidence supports proceeding, a Hearing Tribunal is constituted to review the data, listen to witnesses and make a ruling.

For sexual abuse and sexual misconduct cases, several additional conditions must be met. These are that members of the Hearing Tribunal must have received training on trauma-informed practice and sexual violence, and that at least one member of the Hearing Tribunal has the same gender identity as the complainant. Colleges also have the right to appeal a disciplinary decision to the Court of Appeal.

### **What are the potential consequences if I am found guilty of sexual abuse?**

A Hearing Aid Practitioner found guilty of sexual abuse will have their registration and practice permit permanently cancelled. Other penalties in s. 82 of the *Health Professions Act* may also apply.

### **What are the potential consequences if I am found guilty of sexual misconduct?**

A Hearing Aid Practitioner found guilty of sexual misconduct must have their practice permit suspended and may have their registration and practice permit cancelled at the discretion of the Hearing Tribunal. A regulated member whose registration and practice permit is cancelled due to sexual misconduct may apply for reinstatement after 5 years. Other penalties in s. 82 of the *Health Professions Act* may also apply.

### **Are there any new mandatory reporting requirements in the amended *Health Professions Act*?**

Yes there are. Regulated members must report to the Registrar:

- If another college has found them guilty of unprofessional conduct
- If another similar organization in another jurisdiction found them guilty of unprofessional conduct
- Any finding of professional negligence made against them
- If they have been charged or convicted of any offense under the Criminal Code.

Hearing Aid Practitioners must report to the appropriate Complaints Director if, in their professional capacity, they have reasonable grounds to believe the conduct of another member of ANY regulated college constitutes sexual abuse or sexual misconduct.

### **What happens if I fail to report observed sexual abuse or sexual misconduct of a client?**

Hearing Aid Practitioners must report to the Complaints Director if, in their professional capacity, they have reasonable grounds to believe the conduct of another member of any regulated college constitutes sexual abuse or sexual misconduct.

Failure to report may be grounds for being charged with unprofessional conduct, and if found guilty, subject to those penalties specified in the *HPA*.

### **Are there any restrictions in my providing professional services to family and friends?**

A regulated Hearing Aid Practitioner may provide treatment to a client with whom the regulated member has a pre-existing sexual relationship provide that:

- An ongoing, pre-existing sexual relationship exists such as spouse or adult interdependent partner;

- The service has been provided in urgent circumstances, or in circumstances where the service is minor in nature; and
- The client is transferred to another regulated member, unless this is not feasible.

**Are there any changes in the College's *Standards of Practice* with which regulated members should be familiar?**

The CHAPA Standards of Practice have been amended with the addition of a new standard. Standard 8.0: Sexual abuse, sexual misconduct and sexual relationships with clients now states that:

- A regulated member shall not engage in sexual abuse or sexual misconduct.
- A sexual relations between a client or former client and a regulated member shall not occur, except in accordance with this Standard.

Regulated members should become familiar with the College's Standard of Practice 8.0.

**What other steps is the College required to undertake to reduce risks of sexual abuse and sexual misconduct to clients?**

College staff must receive training to support people who are victims of sexual abuse or sexual misconduct by guiding them to appropriate resources. Council and hearing tribunal members must receive training in trauma-informed practice prior to dealing with discipline matters and appeals related to sexual abuse and sexual misconduct. The College must also establish a treatment and counselling fund accessible to victims of abuse or misconduct by its regulated members.

The College is required to perform more thorough screening of applications for registration to ensure that there is no past history of sexual abuse, sexual misconduct or criminal activity. Also, the College must now post health professionals' discipline history for sexual abuse or misconduct on their publicly-available website.