College of Medical Laboratory Technologists of Ontario

Practice guidelines

Practice guidelines for the prevention of sexual abuse

25 ADELAIDE STREET EAST, SUITE 2100
TORONTO ONTARIO M5C 3A1
T 416 861 9605 1 800 323 9672 **F** 416 861 0934
www.cmlto.com

Prepared: May 1995

Last review: November 2023

Information contained in the following document is the property of the CMLTO and cannot be reproduced in part or whole without written permission.

© 2023, The College of Medical Laboratory Technologists of Ontario. All rights reserved.

College of Medical Laboratory Technologists of Ontario

Introduction

These guidelines were developed to provide guidance and education for medical laboratory technologists (MLTs) to understand their obligations for reporting sexual abuse and for maintaining appropriate patient interactions. The *Regulated Health Professions Act, 1991* (the RHPA) requires that each College have guidelines related to the expected conduct of registrants with their patients aimed specifically at preventing or dealing with sexual abuse of patients. These guidelines, which were developed by the College of Medical Laboratory Technologists of Ontario (CMLTO) Patient Relations Committee, have five (5) specific purposes:

- To ensure registrants understand CMLTO has zero tolerance for sexual abuse.
- To provide registrants with a clear understanding of what sexual abuse means.
- To provide registrants with examples of appropriate patient-MLT interactions.
- To ensure registrants are aware of their reporting obligations regarding sexual abuse and the consequences of non-compliance.

This guideline builds upon the CMLTO Standards of Practice for Medical Laboratory Technologists (MLTs) and the CMLTO Code of Ethics, which outline the practice expectations MLTs must adhere to when interacting with patients.

Zero tolerance
The CMLTO has a zero tolerance for sexual abuse position. This means that:

- No act of sexual abuse is ever acceptable and sexual abuse will never be tolerated.
- The CMLTO recognizes the seriousness and extent of injury sexual abuse causes the victim and others related to the victim.
- MLTs must accept that broad definitions of sexual abuse capture diverse individual and cultural viewpoints and must develop appropriate competencies to appropriately interact with all patient populations.

© 2023, The College of Medical Laboratory Technologists of Ontario.
All rights reserved.

- If a patient is uncomfortable with words or behaviour used by an MLT then the MLT must be sensitive to the discomfort and change their conduct.

Definition of sexual abuse
The RHPA clearly defines sexual abuse of a patient as:

- sexual intercourse or other forms of physical sexual relations between the member and the patient,
- touching, of a sexual nature, of the patient by the member, or
- behaviour or remarks of a sexual nature by the member towards the patient. 1993, c. 37, s. 4.

Please note the RHPA clearly states that "sexual nature" does not include touching, behaviour, or remarks of a clinical nature appropriate to the service provided.

It is important for MLTs to understand that it is never appropriate for a health professional to have a sexual relationship with a patient and that a patient can never consent in these situations. This is due to a power imbalance that exists between health professionals and their patients. Under the RHPA, a patient includes an individual who was a registrant's patient within one (1) year from the date the individual ceased to be the registrant's patient. This means, even if a relationship is consensual, that any healthcare provider engaging in sexual relations with a patient is in breach of the sexual abuse provisions.

Reporting obligations

Reporting of sexual abuse
The RHPA requires MLTs to file a written report if they have reasonable grounds, obtained in the course of their practice, that a patient has been sexually abused by a regulated health professional. Failure to comply with these reporting obligations carries a potential $50,000.00 fine and may also result in charges of professional misconduct. In the case of a corporation, the potential penalty is no more than $200, 000.00 [1].

If an MLT has reasonable grounds to believe that a patient has been sexually abused by a health professional, they must:

- Submit a written report immediately but no later than 30 days to the Registrar of the college to which the healthcare provider belongs.

© 2023, The College of Medical Laboratory Technologists of Ontario.
All rights reserved.

- Only include the name of the patient if you have their written consent to do so.
- Include the name of the health professional who is alleged to have committed the abuse (if known).
- Before reporting, use your best efforts to advise the patient of the requirements to file a report.
- **Keep in mind that the RHPA provides protection to a person who files a report in good faith.**

If the alleged abuse includes registrants from another health profession, you must inform their regulatory College (see Health Profession Regulators of Ontario for full list of health regulatory colleges). MLTs may consider recommending other contacts that patients may find useful could including the organization's Human Resources department, and the Ontario Provincial Police at 1-888-310-1122 or opp.ca. For other resources, and access to community support programs, and information on sexual violence, visit Ontario Network of Sexual Assault/Domestic Violence Treatment Centres. Additionally, MLTs can encourage patients to contact the CMLTO Professional Conduct department.

Guidelines for appropriate behaviour

MLTs are expected to always conduct their practice in alignment with the Code of Ethics[2], RHPA, and Standards of Practice[3]. MLTs should familiarize themselves with the MLT Boundaries of Practice Guideline, which provides advice and information that can assist them in managing their relationships with patients.[4] MLTs should always keep the following principles in mind:

- Talk before you touch - ensure the patient understands what you're doing and why
- Touch only when necessary
- Get the patient's consent - remember consent can be withdrawn at any time
- Respect cultural diversity
- Create a safe environment
- Do not request or accept social media requests
- Show respect for the patient and maintain confidentiality

Penalties

Section 51(5) of the RHPA defines the penalties for an MLT found guilty of sexually abusing a patient. A Discipline Committee Panel **must**:

© 2023, The College of Medical Laboratory Technologists of Ontario.
All rights reserved.

- Reprimand the MLT.
- Suspend the registrant's certificate of registration if the sexual abuse does not consist of or include conduct listed below.
- Revoke the MLT's certificate of registration if the sexual abuse consisted of, or included, any of the following:
  - Sexual intercourse.
  - Masturbation of the patient by the member.
  - Genital to genital, genital to anal, genital to oral, oral to genital, or oral to anal contact.
  - Masturbation of the member by, or in the presence of, the patient.
  - Encouragement of the patient by the member to masturbate in the presence of the member
  - Touching of a sexual nature of a patient's genitals, anus, breasts, or buttock.
  - Other conduct prescribed in regulation.

Additionally, under **Section 51 (2)** of the RHPA, there are other penalties that the Disciplinary Committee **may** order. These include:

- Revoke or suspend the MLT's certificate of registration (even if the abuse does not meet the above criteria).
- Impose specified terms, conditions, and limitations
- Require the MLT to appear before the panel to be reprimanded.
- Require the MLT to pay a fine of not more than $35,000.00
- Require the member to pay all or part of the costs incurred by the CMLTO in investigating the matter and conducting the hearing.
- Require the MLT to reimburse the CMLTO for funding provided to the patient under the program for therapy and counselling.

An MLT who has had their certificate of registration revoked for sexual abuse of a patient may not re-apply to the CMLTO for reinstatement for a period of five (5) years.

Conclusion

Sexual abuse has no place in the delivery of health care services. As professionals, MLTs are responsible for ensuring their behaviour conforms to the statutory, ethical, and practice standards expected of the profession. Together the College, MLTs, and the public must strive to eradicate sexual abuse in the health care system. If you require further guidance or assistance, please contact CMLTO's Professional Conduct department by email at professionalconduct@cmlto.com.

© 2023, The College of Medical Laboratory Technologists of Ontario.
All rights reserved.

College of Medical Laboratory Technologists of Ontario

References

1. *Regulated Health Professions Act, 1991* (2023). Accessed on October 17, 2023, from: Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (ontario.ca)
2. College of Medical Laboratory Technologists of Ontario (CMLTO), Professional Code of Ethics, September 2017, Accessed on October 10, 2023, from: Code of Ethics (cmlto.com)
3. College of Medical Laboratory Technologists of Ontario (CMLTO), Standards of Practice, September 2017, Accessed on October 10, 2023, from: Standards of Practice (cmlto.com)
4. College of Medical Laboratory Technologists of Ontario (CMLTO), MLT Boundaries of Practice Guidebook, June 2022, Accessed on October 10, 2023 from: Standards of Practice & Practice Guidelines (cmlto.com)
5. College of Medical Laboratory Technologists of Ontario (CMLTO), PPLP module – Abuse prevention module, November 2023, Accessed on October 17, 2023, from: Practice Guidelines (cmlto.com)