



Policy number	R-05
Policy name	Sexual abuse and sexual misconduct
Approved	March 15, 2019
Last reviewed	September 15, 2023
Scheduled review	Q1 2025

## **POLICY**

It is the College of Alberta Denturists' responsibility to ensure that the public obtain care and services from regulated members, that are free from unprofessional conduct of a sexual nature and that all patients and employees are treated with respect. All denturists' practice environments must be free of any form of unprofessional conduct of a sexual nature and must protect the dignity and rights of patients.

## **CONSEQUENCES**

All regulated members must be aware of the results of their actions. As per the *Health Professions Act* (HPA), all allegations of sexual abuse and/or sexual misconduct made by a patient (as defined in the Standards of Practice) against a regulated member must be referred to a hearing by the Complaints Director, if appropriate.

Further to that, mandatory sanctions have been legislated:

1. Sexual abuse finding by a College of Alberta Denturists' Hearing Tribunal  
Should a regulated member be found guilty of sexual abuse by a Hearing Tribunal, the member's practice permit must be cancelled in the decision and orders of the Hearing Tribunal. Furthermore, they must issue an interim suspension of the member's practice permit once a decision of unprofessional conduct has been reached.
2. Sexual misconduct finding by a College of Alberta Denturists' Hearing Tribunal  
Should a current member be found guilty of sexual misconduct by a Hearing Tribunal, the regulated member's practice permit may be suspended or cancelled in the decision and orders of the Hearing Tribunal.
  - ☞ If the member's practice permit is suspended, the length of the suspension is at the discretion of the Hearing Tribunal.
  - ☞ If the member's practice permit is cancelled, the member is not eligible to apply for reinstatement for at least five years from the date of issue of the decisions of the Hearing Tribunal.
3. Sexual abuse in Canada/US  
Should a current member be found guilty of sexual abuse by another regulatory body in Alberta or in another jurisdiction in Canada or the US, the member's practice permit must be cancelled upon receipt of the information by the Registrar.
4. Sexual misconduct in Canada/US  
Should a current member be found guilty of sexual misconduct by another regulatory body in Alberta or in another jurisdiction in Canada or the US, the member's practice permit must be suspended for a specific period of time upon receipt of the information by the Registrar.



5. Sexual abuse or sexual misconduct in a jurisdiction other than Canada/US  
If the Registrar is satisfied that there is sufficient evidence that a governing body of a similar profession other than in Canada or the US has determined that the member has engaged in conduct deemed to be:
  - ☞ sexual abuse, the Registrar must cancel the member's practice permit
  - ☞ sexual misconduct, the Registrar must suspend the member's practice permit for a specific period of time

The Registrar must ensure that fair process is followed in reaching the registration decision based on processes in a jurisdiction other than Canada or the US. The Registrar may:

- ☞ request transcripts of proceedings that resulted in the findings of sexual abuse and/or sexual misconduct
- ☞ interview the member

## DEFINITIONS

The HPA has defined:

- ☞ **Sexual Abuse** means the threatened, attempted or actual conduct of a regulated member towards a patient that is of a sexual nature and includes any of the following conduct:
  - (i) Sexual intercourse between a regulated member and a patient of that regulated member;
  - (ii) Genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient of that regulated member;
  - (iii) Masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
  - (iv) Masturbation of a regulated member's patient by that regulated member;
  - (v) Encouraging a regulated member's patient to masturbate in the presence of that regulated member;
  - (vi) Touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.
- ☞ **Sexual misconduct** means any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a regulated member towards a patient that the regulated member knows or ought reasonably to know will or would cause offense or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse.
- ☞ **Sexual nature** does not include any conduct, behaviour or remarks that are appropriate to the service provided.
- ☞ **Patient:** a person is considered a patient during the time in which they are receiving care and services from a dentist and in the one-year period following the end of the dentist-patient/client relationship, as defined in the Standards of Practice.



## APPENDICES

none

## REFERENCES

College of Alberta Denturists. (2019). *Standards of Practice*. Edmonton AB.

Government of Alberta. (2001). *Health Professions Act*. Alberta, Author. Available at: <http://www.qp.alberta.ca/documents/Acts/H07.pdf>.

Government of Alberta. (2002). *Health Professions Act – Denturists Profession Regulation*. Alberta, Author. Available at: [http://www.qp.alberta.ca/documents/Regs/2002\\_186.pdf](http://www.qp.alberta.ca/documents/Regs/2002_186.pdf)

## DOCUMENT HISTORY

Date	Action	Rationale
14/12/09	Initial approval	Required to ensure clarity
18/02/11	Review	
10/05/13	Review	
15/03/19	Review and amendment	Update for legislative compliance
09/04/21	Review	As scheduled
27/05/22	Review and update	As scheduled
15/09/23	Review	As scheduled