

# Consultation Sessions on the Issue of Mandatory Revocation Provisions and Treatment of Spouses by Regulated Health Professionals

## Sudbury

### Note:

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Health Professions Regulatory Advisory Council (HPRAC)



## Session 1 – For General Public/Public Organizations

### Respondent: Participant #1

The speaker is a spouse of a dentist and she currently practices as a speech language pathologist. The speaker is against the current sexual abuse provisions in the legislation.

It was in the view of the speaker that some level of power imbalance exists in all relationships and she did not feel that this should impede a patient's access to health care services. The speaker noted that she would be a consenting individual to receiving dental care from her husband and abuse would not be present in their patient-provider relationship.

Further, the speaker felt that the current law acts as a barrier for spouses who live in under-served area to receive the care that they need.

### Respondent: Participant #2

The speaker is a spouse of a dentist. He spoke against the unintended consequence of receiving treatment from his spouse, which currently is the revocation of her license for five years. It was pointed out by the speaker that shutting down his wife's practice would destroy her career and family, and disrupt the livelihood and care of her employees and patients. The speaker questioned how such careless consequences could be in the interest of the public.

The speaker also found it offensive that dental care could be equated with sexual abuse. He noted that the government is sending a message of mistrust to the public by preventing health providers from treating their spouses.

#### **Alternatives:**

The speaker would like the RHPA to be amended to include a clearer definition of "patient" and to exclude "spouse" from the definition.

He also suggested that the treatment of a spouse be exempted from the definition of sexual abuse for all professions, except for those professions that may include a higher risk for power imbalance (i.e. psychotherapy).

It was further suggested that each profession should be given the discretion to determine whether their members should be able to treat their spouse. The

speaker felt that regulatory colleges should be given the authority to review complaints on a case-by-case basis.

Finally, the speaker was also in support of using a mandatory consent form that would allow a health provider to treat his or her spouse.

The speaker did not feel the above alternatives would pose any risk to the public. He noted that correcting the legislation would result in the public's benefit and allow spouses the right to choose their health providers.

**Respondent: Participant #3**

The speaker is frustrated by the current law which prevents her from choosing her dental care provider. The dental care currently required by the speaker is highly specialized and she would like to be treated by her husband. The speaker felt that she was being discriminated against because of her marital status.

**Alternatives:**

The speaker felt that a signed waiver permitting a health professional to treat his or her spouse would be appropriate.

**Respondent: Participant #4**

The speaker spoke about the intent of the sexual abuse provisions in the RHPA which were not meant to prevent dentists from treating their partners. It was felt that sexual abuse is a criminal matter and health providers being alleged of sexual abuse should be given the opportunity to prove their innocence until proven guilty.

The teaching profession was used as an example in the discussion. A teacher who is being alleged of sexual abuse is provided with the opportunity to defend him or herself before the disciplinary committee. Each complaint is therefore heard on a case-by-case basis.

The speaker also pointed out that the Human Rights Code prohibits the denial of access to health care services based on one's marital status.

**Alternatives:**

Allow the RCDSO to investigate complaints on a case-by-case basis and provide health providers with the opportunity to prove their innocence.

## Session 2 – For Health Care Professional/Organizations

### Respondent: Participant #1

The speaker is the President of the Ontario Dental Hygienist Association (ODHA). The speaker began by stating that the ODHA firmly believes that sexual abuse should never be tolerated. She further stated that in some professions, a spousal and patient relationship can co-exist without power imbalance.

The speaker also noted that the law could be inappropriately used by a disgruntled partner.

#### Alternatives:

It was suggested by the speaker that regulatory bodies should be given the discretion to decide whether their members could treat their spouses and to set out specific parameters in regulation. Further, colleges should be given the discretion to investigate complaints on a case-by-case basis and to determine appropriate penalty for cases involving sexual abuse.

The speaker is in support of a recommendation to remove the mandatory revocation sanction in the RHPA.

### Respondent: Participant #2

The speaker is a representative of the Sudbury Dental Society. The speaker pointed out that dentistry, unlike other professions, is not psychotherapeutic in nature and should be treated differently.

#### Alternatives:

The speaker felt that dentistry should be exempt from the legislation. Further, it was noted that the RCDSO has an excellent record of investigating complaints and they should be given the ability to exercise discretion in examining cases involving allegations of sexual abuse.

### Respondent: Participant #3

The speaker is a dentist and he feels that dentists should be allowed to treat their spouses. He noted that the dental profession is different from other professions because of the area of the body that is being worked on.

The speaker also noted that the intent of the law was never meant to prevent dentists from treating their spouses.

**Alternatives:**

The speaker felt that regulatory bodies should be given the discretion to determine whether their membership should be able to treat their spouses. He noted that the RCDSO in the past was given the discretion to review complaints on a case-by-case basis and such authority should remain with the college.

The speaker did not feel that treating his spouse would cause any harm to the public. He pointed out that the revocation of his license would harm the public as many patients would be left without care.

**Respondent: Participant #4**

The speaker is a dentist and he pointed out that according to the province of Ontario, most of his colleagues around the world are sexual abusers. It was in his view that the law was ignorant and unintelligent. The speaker noted that dentistry does not involve psychoanalysis or touching of private body parts and should be treated differently from medicine.

The speaker noted that the RCDSO sets out clear guidelines for its profession. Also, the college has a strong disciplinary mechanism in place that serves to protect the public. Further, potential sexual abuse complaints are extremely rare and should be dealt with on a case-by-case basis.

**Alternatives:**

The speaker felt that the RCDSO should be given the discretion to investigate complaints on a case-by-case basis.



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