

Policy on Sexual Contact with Former Clients within 5-Years Post Termination of Care

Approved by: Council

Date: June 28, 2018

Introduction

The College of Registered Psychotherapists of Ontario (CRPO) has a duty to protect the public interest. This mandate drives the College's work to prevent and address sexual abuse of clients by members. As regulated health professionals, Registered Psychotherapists (RPs) owe a duty of care to their clients and the general public to safeguard client well-being, including clients' physical and emotional safety. When an RP sexually abuses a client, they betray that duty of care, causing harm not only to the person they abuse, but to all Ontarians. Abuse erodes the public's trust in the profession and undermines the skill and credibility of all RPs who provide safe, effective and ethical care.

Given the harmful impacts of abuse, the College must impose penalties that will deter abuse, ensuring that individual clients and the broader public are better protected.

Purpose

Sexual abuse of a client is defined in the *Health Professions Procedural Code* (HPPC), which is Schedule 2 to the *Regulated Health Professions Act, 1991* (RHPA), as:

- a) *sexual intercourse or other forms of physical sexual relations between the member and the patient¹,*
- b) *touching, of a sexual nature, of the patient by the member, or*
- c) *behaviour or remarks of a sexual nature by the member towards the patient.*

Once proclaimed, a recent change to the RHPA will establish a mandatory post termination of care period under which there may be no sexual conduct toward a former client for at least one year. The RHPA will allow individual colleges to extend this post termination of care period. CRPO's Council has determined that a five-year post termination of care period is appropriate for its members and will be using its regulation-making authority to make this period mandatory.

While working through the process for creating a regulation, this policy is intended to establish the five-year time as the expected **minimum** post termination of care period for sexual contact with a former client. In cases where a complaint or report is referred for a discipline hearing and involves allegations of sexual abuse by a member within five years post-termination of the client-therapist relationship, the College will refer to this policy and urge the Discipline Committee to impose the most serious penalty available, revocation of the member's certificate of registration.

The College will consult with stakeholders about this before asking the Ontario government to bring this into law.

¹ The Regulated Health Professions Act uses the term "patient." In keeping with the terms common to the profession of psychotherapy, CRPO uses the term "client" instead of "patient."

Guiding Principles

Principle 1:

CRPO's Professional Practice Standard on the Client-Therapist Relationship ([section 3](#)) identifies that the client-therapist relationship itself is the foundation of psychotherapy. RPs are expected to place client well-being at the forefront of this relationship, relying on their knowledge, skill and judgement to do so safely, ethically and effectively.

Principle 2:

Because RPs possess and use professional knowledge, skill and judgment to establish and maintain the therapeutic relationship, an inherent power imbalance exists between RPs and their clients. As a result, it is not possible for an RP to have a sexual relationship with a client where the balance of power can be considered equal.

In light of the principles described above, the College believes sexual contact between an RP and their client (including with an individual who received therapy or other services from the RP within the past five years) must be strictly prohibited.

Members should understand that it may never be appropriate to enter into a romantic or sexual relationship with a former client, specifically where a power imbalance continues to exist between the member and the former client, which places the former client at risk of undue influence, harm or exploitation.

Mandatory Penalty: Sexual Abuse of Current and Former Clients (Within the Past Five Years)

The College believes sexual conduct by a member toward a current client or former client (within five years of termination) must be strictly prohibited. Once the College makes a regulation to this effect, the mandatory penalty will be a reprimand and revocation of the member's certificate of registration for five years, regardless of the circumstances. Prior to this, the College will rely on this policy in recommending revocation and a reprimand in discipline cases involving allegations of sexual misconduct by a member toward a former client.