

CONSULTATION OUTCOMES

Consultation 015

Dec. 10-16, 2018

Boundary Violations: Sexual Issued April 1, 2019

Boundary Violations: Personal Reissued (name change only)
(formerly *Boundary Violations*) April 1, 2019

New Standard Approved

In November 2018, the Government of Alberta introduced Bill 21, "[An Act to Protect Patients](#)." Bill 21 amends the [Health Professions Act](#) governing physicians and the other regulated health professionals and mandates:

- **Permanent cancellation** of a practice permit for any health professional whose conduct is proven to be sexual abuse of a patient;
- **At a minimum, suspension** of a practice permit for any health professional whose conduct is proven to be sexual misconduct toward a patient; and
- **A five-year prohibition** on applying for reinstatement for any health professional whose permit is cancelled for sexual misconduct toward a patient.

Council approved the [Boundary Violations: Sexual](#) standard of practice at its winter meeting. Unlike other standards of practice, this one required approval by the Minister of Alberta Health; the standard was approved by the Minister to take effect April 1, 2019.

As mandated under the new legislation, the standard sets out:

1. Who is considered a patient for the purposes of our regulated members;
2. When a sexual relationship may occur between a regulated member and a former patient; and
3. When a person who is a spouse of or in an interdependent relationship with a regulated member may also be a patient.

CPSA worked closely with legal counsel to develop the standard to meet the letter of the law.

Note: The existing *Boundary Violations* standard was also amended, as certain clauses were incorporated into the new standard. *Boundary Violations* has been renamed [Boundary Violations: Personal](#) to reflect the content and differentiate from the *Boundary Violations: Sexual* standard.

“...it’s important for the profession to understand why this legislation was imposed, what the consequences are and to have their input into what the definition of a patient should be....”

- Dr. Karen Mazurek, Deputy Registrar

YOUR FEEDBACK WAS APPRECIATED

Despite the atypically short consultation period, we received feedback from 199 regulated members, 5 stakeholder organizations, 1 other healthcare professional, and 2 members of the public. 237 respondents completed the survey.

Due to the unique nature of this standard, we were unable to change the definitions or sanctions included in the legislation; however, we did share your feedback with Council and shared the overarching themes with Government.

Primarily, the suggestions requested clarification regarding hearing tribunals’ discretion where sexual misconduct is concerned, language linkages to the *HPA*, and addressing pre-existing sexual relationships. In an effort to address the questions and concerns raised by our members, an Advice to the Profession document has been published.

[Patient FAQs](#) were also developed to assist the public in navigating this sensitive topic.

[REVIEW THE NEW STANDARD OF PRACTICE](#)

The profession, stakeholders, other organizations and public members were invited to provide feedback from December 10-16, 2018. Council will consider non-nominal feedback when approving final amendments before the standard is submitted to the Minister for approval.

All feedback is subject to CPSA’s Privacy Statement. CPSA reviews all comments before publication to ensure there is no offensive language, personal attacks or unsubstantiated allegations.

If you have any questions or require further assistance, please contact Chantelle.Dick@cpsa.ab.ca.