

Proposed Regulation Extending Definition of Patient/Client in Relation to Sexual Abuse

Background

The proposed regulation would extend the definition of “sexual abuse” to include conduct toward any individual who was a member’s client within the past five years. This would make sexual intercourse, as well as touching, behaviour or remarks of a sexual nature¹ by a member toward the individual subject to mandatory penalties, including suspension or revocation of one’s membership. Currently, the definition of “sexual abuse” applies to current clients and individuals who were clients within the past year; however, CRPO’s Council believes a longer time period is necessary to protect the public.

The text of the proposed regulation is on the following page.

Relevant References

[Health Professions Procedural Code \(schedule 2 of the Regulated Health Professions Act, 1991\).](#)

[Patient Criteria Under Subsection 1 \(6\) of the Health Professions Procedural Code.](#)

¹ “Sexual nature” does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

Draft Regulation Defining Client for Sexual Abuse Provisions

Ontario Regulation XX/XX

1. For the purposes of subsection 1 (6) of the Health Professions Procedural Code in Schedule 2 of the *Regulated Health Professions Act, 1991*, “patient”, without restricting the ordinary meaning of the term, includes an individual who was a member’s patient within five years from the date on which the individual ceased to be the member’s patient.