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Protecting patients from sexual abuse or misconduct

Protection for patients, mandatory penalties for sexual abuse and misconduct and improved transparency.

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Overview

[Bill 21: An Act to Protect Patients](#) applies consistent penalties to all health professionals regulated under the Health Professions Act for findings of sexual abuse or sexual misconduct

New rules

- mandatory penalties for regulated health professionals, including:
 - cancellation of a practice permit for any health professional whose conduct is deemed to be sexual abuse of a patient

- suspension of a practice permit for any health professional whose conduct is deemed to be sexual misconduct toward a patient
- health professionals are prevented:
 - from applying for reinstatement if their practice permit has been cancelled as a result of conduct deemed to be sexual abuse, or cancelled as a result of one of the specified Criminal Code violations
 - from applying for reinstatement, for at least 5 years, if their practice permit has been cancelled as a result of conduct deemed to be sexual misconduct
- regulatory colleges are required to:
 - provide funding for treatment and counselling for patients who allege sexual abuse or sexual misconduct by a regulated health professional
 - post health professionals' discipline history for sexual abuse or misconduct on a public-facing website
 - establish a patient relations programs that includes training for health professionals and college staff to prevent and address sexual abuse and misconduct and information to help Albertans understand a college's complaints process
 - create new standards of practice for sexual abuse and sexual misconduct that must be approved by the Minister of Health
 - when holding a hearing for allegations of sexual abuse or sexual misconduct, make every reasonable effort to ensure that hearing tribunal members have received training on trauma informed practice and sexual violence, and that at least one member of every hearing tribunal has the same gender identity as the patient
- regulatory colleges are allowed to appeal a disciplinary decision to the Court of Appeal

What is sexual abuse and misconduct

Under the new legislation:

- Sexual abuse is defined as 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:
 - sexual intercourse between a regulated member and a patient of that regulated member
 - 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
 - masturbation of a regulated member by, or in the presence of, a patient of that regulated member
 - masturbation of a regulated member's patient by that regulated member
 - encouraging a regulated member's patient to masturbate in the presence of that regulated member
 - touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member
- Sexual misconduct is defined as 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 a regulated member knows, or should know, would cause offence, humiliation, or adversely affect the patient's health and wellbeing

If you need help

If you believe you have experienced sexual abuse or sexual misconduct by a health professional, please contact the [appropriate regulatory college](#). If you are unsure of which regulatory college to contact, call the Health Advocate at 310-0000 followed by 780-422-1812.

Next steps

Most changes came into effect on April 1, 2019. Some changes will come into effect upon Royal Assent.

Related

- [Alberta Mental Health Patient Advocate](#)
- [Association of Alberta Sexual Assault Services](#)
- [Sexual violence prevention](#)

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