

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Funding for Supportive Measures
(Patient/Client)**

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PURPOSE

In the interests of transparency and safe, ethical care, this policy sets out how the College of Respiratory Therapists of Ontario (CRTO), through the Patient Relations Program, will provide financial support to an individual who alleges that they were sexually abused by a Respiratory Therapist while a patient/client of that Member. The purpose of the financial support is to assist the individual in obtaining therapy or counselling for the alleged sexual abuse and to assist in participating in the CRTO's investigation, complaints and/or disciplinary process(es). The CRTO is committed to treating individuals who access the Patient Relations Program in a sensitive and respectful manner.

SCOPE

This policy applies to all patients/clients where it is alleged, in a complaint or report, that they were sexually abused by a Respiratory Therapist.

BACKGROUND

According to Statistics Canada, sexual assault is one of the most underreported crimesⁱ. Research has attributed this to a wide range of reasons, including the shame, guilt and stigma of sexual victimization, the normalization of inappropriate or unwanted sexual behaviour, and the perception that sexual violence does not warrant reporting. Most often, offenders were a friend, acquaintance or neighbour, then a strangerⁱⁱ. The CRTO accepts this research and wishes to support patients/clients who bring forward allegations of sexual abuse to access the investigations, complaints/discipline process(es).

Furthermore, the CRTO recognizes the seriousness and extent of harm that sexual abuse and other forms of abuse can cause patients/clients, their family members and members of the healthcare team. Sexual assault can have serious and traumatic consequences for victims, including deterioration of their health, weaker social supports, feelings of anger, fear and anxiety, substance abuse, depression and suicidal thoughts. Victims are also less satisfied with their personal safety from crime and less likely to feel safe in certain situationsⁱⁱⁱ. The CRTO has a position of zero tolerance for any form of abuse (sexual, physical, verbal, emotional, financial or cyber) by its Members and will endeavour to ensure all Respiratory Therapists understand that abuse in any form is unacceptable and will not be tolerated^{iv}.

Should a patient/client bring forward an allegation of sexual abuse against a Member, the CRTO wishes to ensure that the patient/client is provided with assistance to allow them to obtain therapy or counselling for sexual abuse. The Patient Relations Committee (PRC) developed this policy to address the CRTO's regulatory requirement to provide funding for therapy for a patient/client alleging sexual abuse by a

Member as well as alternate supportive measures designed to assist the individual with the physical, psychological, emotional and financial tolls of abuse.

DEFINITIONS

Complaint: in accordance with the *Health Professions Procedural Code S.25.4*, a complaint must be submitted to the CRTO in writing or recorded on a tape, film, disk or other medium. The individual who submits the complaint (the “complainant”) is a party to processes of the Inquiries, Complaints and Reports Committee, meaning that they have certain rights related to procedural fairness and must be provided with notice, disclosure, opportunity for submission and appeal.

Funding Limitations: in accordance with *Ontario Regulation 59/94*:

- (a) the maximum amount of funding that may be provided for a person in respect of a case of sexual abuse is the amount that the Ontario Health Insurance Plan would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist on the day the person becomes eligible under Ss.85.7(4) of the *Code*; and
- (b) the period of time within which funding may be provided for a person in respect of a case of sexual abuse is five (5) years from,
 - i) the day on which the person first received therapy or counselling for which funding is provided under Ss.85.7(10) of the *Code*, or
 - ii) if funding is not provided under Ss.85.7(10) of the *Code*, the day on which the person becomes eligible for funding under Ss.85.7(4) of the *Code*.

The intent of the CRTO’s support is to relieve some of the financial burden resulting from care or services required due to the alleged sexual abuse by a Respiratory Therapist. It may not off-set all costs.

Health Professions Procedural Code: or “the *Code*,” is Schedule 2 to the *Regulated Health Professions Act*, setting out the roles and requirements for all health regulatory Colleges and their statutory committees.

Inquiries, Complaints and Reports Committee: or ICRC, is a statutory committee established under the *RHPA* that is responsible for investigating formal complaints submitted to the CRTO, mandatory reports by employers, Members and other regulated healthcare professionals, and Registrar’s reports regarding information coming to the attention of Colleges wherein there are reasonable and probable grounds to believe that a Member has committed an act of professional misconduct, is incompetent or incapacitated.

Member: a Respiratory Therapist who holds a certificate of registration with the College of Respiratory Therapists of Ontario (CRTO). May also refer to a formerly registered Respiratory Therapist as the CRTO maintains jurisdiction over a person related to the period they were registered.

Non-Therapeutic Expenses: incidental costs incurred directly as a result of therapy/counselling (e.g., travel expenses) that are not covered by insurance or other programs. Expenses must be pre-paid by the patient/client and a receipt submitted to CRTO for reimbursement.

Patient/Client: in accordance with the *Code Ss.1(6)*, without restricting the ordinary meaning of the term, a patient/client includes an individual who was a Respiratory Therapist's patient within one year (or longer as may be prescribed in regulation), from the date on which the individual ceased to be the Member's patient.

Patient Relations Committee: or PRC, is a statutory committee established by the *Regulated Health Professions Act* that is tasked with developing, implementing and maintaining a Patient Relations Program. The PRC reviews and approves applications for funding for therapy or counselling and supportive measures. The PRC also monitors the reserve fund to ensure adequate funds are available. Funding for therapy or counselling and supportive measures reserve will be approved by Council in accordance with *Ontario Regulation 59/94*, CRTO Policies and By-Laws.

Patient Relations Program: in accordance with the *RHPA S.84*, the Patient Relations Program must include measures for preventing and dealing with sexual abuse of patients, including:

- (a) educational requirements for members;
- (b) guidelines for the conduct of members with their patients;
- (c) training for the College's staff; and
- (d) the provision of information to the public.

Regulated Health Professions Act: or *RHPA*, is the umbrella legislation that governs 26 regulated health professions in Ontario. Included in the *RHPA* is the *Health Professions Procedural Code*.

Report: is a report filed by the Registrar under section 79(a) of the *Health Professions Procedural Code* and occurs as a result of information coming to the attention of the CRTO in a manner other than a "complaint".

Sexual Abuse: in accordance with the *Health Professions Procedural Code*, "sexual abuse" of a patient by a member means,

- (a) sexual intercourse or other forms of physical sexual relations between the member and the patient,
- (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.

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

Therapist or Counsellor: for the purposes of the Patient Relations Program and this policy, a patient/client who is applying for funding may obtain funding relating to therapy or counselling from any therapist or counsellor except for one whom:

- (a) has a family relationship with the applicant; or
- (b) to the CRTO's knowledge has, at any time or in any jurisdiction, been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature.

If the therapist or counsellor is not a member of a regulated health profession, the CRTO will require the applicant to sign a document stating that they understand that the therapist or counsellor is

unregulated, and therefore, the CRTO cannot verify with any degree of certainty, whether the unregulated therapist or counsellor has ever been found guilty of sexual abuse, etc.

The therapist or counsellor must complete a CRTO form which includes information about the therapist or counsellor's training and experience, contact and billing information. Funding will only be paid directly to the therapist or counsellor.

POLICY

In addition to the mandatory provision of funding for therapy, which is equivalent to 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist^v, the CRTO's Patient Relations Program will permit an individual, about whom it is alleged in a complaint or report was sexually abused by a Respiratory Therapist while a patient/client of that Respiratory Therapist, to receive reimbursement for specified non-therapeutic expenses related to treatment stemming from the alleged abuse.

According to the Ontario Health Insurance Plan's (OHIP) Schedule of Benefits and Fees^{vi} the approximate cost for the maximum allowable 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist is currently <\$17,000. The CRTO will allot \$25,000 funding per patient/client to pay for therapy/counselling and specified supportive measures related to their allegation of sexual abuse against a Member under the Patient Relations Program. Reimbursement for non-therapeutic expenses are only payable to individuals who are receiving funding for therapy/counselling. Only the balance of funds remaining from \$25,000 less 200 half-hour sessions of individual out-patient psychotherapy is able to be used for non-therapeutic expenses (i.e., approximately \$8,000).

Funding is available for five (5) years from the date on which it is alleged in a complaint or report that the applicant was sexually abused by a Respiratory Therapist while a client/patient of the Respiratory Therapist; or, if the applicant started receiving therapy or counselling after the alleged sexual abuse took place but before a complaint or report was made to the CRTO, five (5) years from the date on which the person first started receiving therapy for which funding is provided. Fees for therapy/counselling are paid directly to the therapist/counsellor. If OHIP or a private insurance plan provides coverage for some of the costs, the CRTO will only pay the amount not covered elsewhere.

In order to receive funding for therapy/counselling and supportive measures:

- A patient/client must submit a recorded complaint alleging sexual abuse by a CRTO Member, or
- The CRTO must receive a report in which it is alleged that the patient/client was sexually abused by a Member; and
- A patient/client must submit completed applications for funding for therapy/counselling and supportive measures (Appendices A & B), and

The PRC will endeavour to review the application for funding (Appendix A) within three (3) business days from the date of receipt of the completed form.

The CRTO recognizes that sexual abuse may have significant consequences for an individual and their immediate family. For example, attending therapy or counselling may require absence from work or home, and may take place in a location that requires travel or even accommodation. Therefore, the PRC

will consider requests for reimbursement of any reasonable expenses related to the patient/client's therapy or counselling so long as a direct, obvious link can be made. The following list provides examples of the types of expenses commonly incurred:

- Travel expenses, including bus, cab/taxi, ride-sharing programs (such as Uber or Lyft), etc.;
- Child care expenses, including babysitting, daycare, etc.;
- Accommodation, including hotel, accommodation-sharing services (such as AirBnB) etc.;
- Prescription medication prescribed by therapist/counsellor as part of treatment program not covered by other insurance (including OHIP); or,
- Incidental costs incurred directly as a result of therapy/counselling.

All non-therapeutic expenses must be pre-paid by the patient/client and original receipts submitted to the CRTO for reimbursement to be considered. The Patient Relations Program is intended to lessen the financial impact associated with obtaining therapy or counselling however, it may not offset all costs.

The CRTO will not provide funding for fees charged on late or missed appointments with a therapist or counsellor. The CRTO will not reimburse patients/clients for non-prescription medication. Reimbursement of non-therapeutic expenses is at the discretion of the PRC and is not guaranteed.

ⁱ Conroy and Cotter for Statistics Canada, Self-reported sexual assault in Canada, 2014 (July, 2017).

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} CRTO, Zero Tolerance Position Statement (February, 2014).

^v O.Reg. 59/94, Funding for Therapy or Counselling for Patients Sexually Abused by Members (February, 1994).

^{vi} Ontario Ministry of Health and Long-Term Care, Physician Services-Schedule of Benefits (April, 2017).