

## COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



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

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### PURPOSE

In the interests of transparency and safe, ethical care, this policy explains how the College of Respiratory Therapists of Ontario (CRTO) will provide financial support to an individual, other than a patient/client, who alleges that they were the subject of sexual misconduct by a Respiratory Therapist while the Respiratory Therapist was practicing the profession. The purpose of the financial support is to assist the individual in obtaining therapy or counselling for the alleged sexual misconduct and to assist in participating in the CRTO's investigation, complaints and/or disciplinary process(es). The CRTO is committed to treating individuals who bring forward allegations of sexual misconduct in a sensitive and respectful manner.

### SCOPE

This policy applies to individuals, other than patients/clients, where it is alleged, in a complaint or report to the CRTO that they were the subject of sexual misconduct by a Respiratory Therapist.

### BACKGROUND

According to a Statistics Canada, sexual assault is one of the most underreported crimes<sup>i</sup>. 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 stranger<sup>ii</sup>. The CRTO accepts this research and wishes to support all individuals who bring forward allegations of sexual misconduct to access the processes related to investigations, complaints and/or discipline. Historically, allegations of sexual abuse against Respiratory Therapists have been reported to the CRTO by individuals who were colleagues, peers or students rather than patients/clients. The CRTO recognizes the seriousness and extent of harm that sexual abuse may cause.

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 situations<sup>iii</sup>. 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<sup>iv</sup>.

The Patient Relations Committee (PRC) developed this policy to address the supportive measures designed to assist an individual (other than a patient/client) with the physical, psychological, emotional

and financial tolls of abuse. Should any individual allege, by way of complaint or report, sexual misconduct by a Respiratory Therapist, the CRTO wishes to ensure that assistance is provided to allow them to obtain therapy or counselling.

## 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 s/he has certain rights related to procedural fairness and must be provided with notice, disclosure, opportunity for submission and appeal.

**Funding Limitations:** the CRTO is offering the same amount of funding to non-patients/clients as set out in Ontario Regulation 59/94:

- (a) the maximum amount of funding that may be provided for a *patient/client* 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 misconduct 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-Patient/Client:** an individual who does not fulfill the definition of patient/client, but who brings forward allegations of sexual misconduct against a Respiratory Therapist related to the Member's practice. For example a Non-Patient/Client may be a Student Respiratory Therapist, family member of a patient/client, or a regulated or non-regulated health care peer or colleague of the Member.

**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 applicant and a receipt submitted to CRTO for reimbursement.

**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.

**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 Misconduct:** where allegations of sexual abuse, assault or harassment are brought forward against a Respiratory Therapist by a Non-Patient/Client the behaviour, if true, would be categorized as Professional Misconduct in accordance with Ontario Regulation 753/93<sup>v</sup>. Allegations of sexual misconduct brought forward by Non-Patients/Clients do not have the same mandatory requirements set out in legislation as sexual abuse of Patients/Clients, however, optional policy provisions may apply.

**Therapist or Counsellor:** for the purposes of this policy, an individual 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 s/he understands 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

The CRTO's Patient Relations Committee will permit an individual who is not a patient/client, about whom it is alleged in a complaint or report was the subject of sexual misconduct by a Respiratory Therapist while the Respiratory Therapist was practicing the profession, to receive funding for therapy or counselling equivalent to 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist<sup>vi</sup> and specified non-therapeutic expenses related to treatment stemming from the alleged sexual misconduct.

The CRTO is making available to non-patients/clients the same amount of funding that is available to patients/clients. According to the Ontario Health Insurance Plan's (OHIP) Schedule of Benefits and Fees<sup>vii</sup> 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 individual, to pay for therapy/counselling and specified supportive measures related to the individual's allegation of sexual misconduct against a Member. 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 the subject of sexual misconduct by a Respiratory Therapist; or, if the individual started receiving therapy or counselling after the alleged sexual misconduct 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.

The following are the circumstances upon which payment of funds initiated pursuant to this policy may cease:

- (a) The Inquiries, Complaints and Reports Committee makes a decision other than referring allegations of sexual misconduct to the Discipline Committee; or
- (b) The Inquiries, Complaints and Reports Committee makes a decision referring allegations of sexual misconduct to the Discipline Committee and the allegations of sexual misconduct are withdrawn; or
- (c) The Inquiries, Complaints and Reports Committee makes a decision referring allegations of sexual misconduct to the Discipline Committee and the Discipline Committee does not make a finding of sexual misconduct; and
- (d) The Patient Relations Committee determines that there are no special circumstances warranting continued funding.

Decisions regarding the cessation of funding will not be made until the period of time in which an appeal may be launched by a complainant or Member to the Health Professions Appeal and Review Board (HPARB) has passed.

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

- An individual must submit a recorded complaint alleging sexual misconduct by a CRTO Member, or

- The CRTO must receive a report in which it is alleged that the individual was the subject of sexual misconduct by a Member; and
- The individual must submit completed applications for funding for therapy/counselling and supportive measures (Appendices A & B)

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 misconduct 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 individual'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 individual and original receipts submitted to the CRTO for reimbursement to be considered. Funding 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 individuals for non-prescription medication. Reimbursement of non-therapeutic expenses is at the discretion of the PRC and is not guaranteed.

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

<sup>ii</sup> Ibid.

<sup>iii</sup> Ibid.

<sup>iv</sup> CRTO, Zero Tolerance Position Statement (February, 2014).

<sup>v</sup> O.Reg. 753/93, Professional Misconduct Regulation (February, 1999).

<sup>vi</sup> O.Reg. 59/94, Funding for Therapy or Counselling for Patients Sexually Abused by Members Regulation (February, 1994).

<sup>vii</sup> Ontario Ministry of Health and Long-Term Care, Physician Services-Schedule of Benefits (April, 2017).