



**COLLEGE OF DIETITIANS
OF ALBERTA**

**STANDARDS OF PRACTICE:
Sexual Abuse and Sexual Misconduct Prevention**

March 2019

Introduction

This Standard of Practice addresses Sexual Abuse and Sexual Misconduct. This Standard of Practice establishes who is considered to be a “patient” for the purposes of a complaint of unprofessional conduct in relation to Sexual Abuse or Sexual Misconduct under the *Health Professions Act* (HPA).

Related CDA Standards of Practice

- Boundaries
- Consent
- Professional Practice Obligations

Standard 1.

Registered Dietitians abstain from conduct, behaviour, or remarks towards **patients**¹ that constitutes **sexual abuse** or **sexual misconduct** as defined in the *Health Professions Act*.

Indicators

To demonstrate this standard, Registered Dietitians will:

- a) Not engage in a **sexual relationship** with a patient (or their **immediate family** member) (constitutes sexual abuse) where:
 - i. An individual is a patient of the Registered Dietitian if there is a direct interaction between the Registered Dietitian and the individual and:
 - a. the Registered Dietitian has, in respect of health care/**professional service** to the individual, charged or received payment from the individual or third party on behalf of the individual, and/or
 - b. the Registered Dietitian has contributed to a health record or file for the individual, and/or
 - c. the individual has **consented** to the service or receiving the service recommended by the Registered Dietitian.
 - ii. An individual is not a patient if:
 - a. there is an ongoing, pre-existing sexual relationship between the individual and the Registered Dietitian, or the individual is the Registered Dietitian’s **spouse**; and/or
 - b. the Registered Dietitian provides the health care/professional service to the individual in **emergency circumstances**; and/or
 - c. the Registered Dietitian has taken reasonable steps to transfer the care of the individual to another Registered Dietitian or alternate service provider, or there is no reasonable opportunity to transfer care to another Registered Dietitian/service provider.
- b) Not engage in any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a **sexual nature** toward a patient (constitutes sexual misconduct).

¹ Words in the Glossary are **bolded** the first time they appear in each Standard.

Standard 2.

The Registered Dietitian or former Registered Dietitian does not engage in a **sexual relationship**¹ with a former **patient** (or their **immediate family** member) until at least one year has passed from the time of the last documented health care/**professional service** interaction.

Indicators

To demonstrate this standard, current or former Registered Dietitians will:

- a) Not engage in a sexual relationship with a former patient (or their immediate family member) for a **minimum of one year** from the date the professional relationship was terminated unless:
 - i. Professional service was provided as part of **episodic care** only, in which case, the professional relationship ended when the episode of care was concluded.
- b) Not engage in a sexual relationship with any former patient (or their immediate family member) who required psychosocial nutrition interventions as a result of an eating disorder diagnosis.
- c) Not engage in a sexual relationship with any former patient (or their immediate family member) when there is a risk that there will be a continuing power imbalance between the Registered Dietitian and the former patient, as determined by considering the following:
 - The number of times that the Registered Dietitian and the patient had a professional interaction;
 - The duration of the professional relationship;
 - The nature of the professional interactions;
 - Whether sufficient time has passed since the last professional interaction occurred (one year or more);
 - Whether the patient has confided personal information to the Registered Dietitian beyond that which was necessary for the purposes of receiving professional services;
 - Whether the patient was emotionally dependent on the Registered Dietitian; and
 - Whether the patient is particularly vulnerable as a result of factors such as: age, gender identity, socioeconomic status, or as a result of a mental, intellectual or physical disability.

Resources

- College of Dietitians of Alberta. (2008). *Code of Ethics*. Available at: <http://collegeofdietitians.ab.ca/wp-content/uploads/2017/01/Code-of-Ethics-Master-revised-April-2008.pdf>
- College of Dietitians of Alberta. (2014). *The Professional Practice Handbook for Dietitians in Alberta*. Available at: <http://collegeofdietitians.ab.ca/wp-content/uploads/2017/01/Professional-Practice-Handbook-for-Dietitians-in-Alberta-2014.pdf>
- College of Dietitians of Ontario. (2014). *Sexual Abuse Prevention Program*. Available at: [https://www.collegeofdietitians.org/resources/professional-practice/standards-of-practice/sexualabusepreventionmarch2017\).aspx](https://www.collegeofdietitians.org/resources/professional-practice/standards-of-practice/sexualabusepreventionmarch2017).aspx)

¹ Words in the Glossary are **bolded** the first time they appear in each Standard.

- Government of Alberta. (2002). *Adult Interdependent Relationships Act*. Available at: <http://www.qp.alberta.ca/documents/Acts/A04P5.pdf>
- Government of Alberta. (2018). *Bill 21: An Act to Protect Patients*, with amendments. Available at: http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=021&legl=29&session=4
- Government of Canada. (2018). *Marital status*. Available at: <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/about-your-tax-return/tax-return/completing-a-tax-return/personal-address-information/marital-status.html>
- Government of Ontario (1991). *Regulated Health Profession Act*. Patient criteria under subsection 1(6) of the Health Professions Procedural Code. Available at <https://www.ontario.ca/laws/regulation/180260>

Glossary

Consent refers to “the consent or agreement of a client to undergo an assessment process or treatment intervention, after gaining an understanding of the relevant facts and risks involved.” Consent in this document refers to informed consent. Consent may be “implied” (by participating in a dialogue and agreeing to the continuation of a consultation, the client has implied their consent to treatment) or “expressed” (stated verbally or in writing) by the client. Consent must be documented.¹

Emergency circumstances related to nutrition care are limited to glucagon injection for acute, life threatening hypoglycemia.

Episodic care is a single interaction with a patient in which professional services are provided, however past this interaction, neither the Registered Dietitian nor the patient have the expectation of an ongoing professional relationship.²

Immediate family refers to a spouse/adult interdependent partner (as defined by Government of Alberta), child, parent, guardian, sibling, grandchild or grandparent, foster child, foster parent, dependent relative, and/or any person who lives with the patient as a family member.³ For example, having a sexual relationship with a pediatric patient’s parent may constitute sexual abuse.

Minimum of one year: Although one year is the minimum time frame, greater than one-year may be required based on how long the professional relationship existed and the degree of vulnerability of the former patient. Registered Dietitians should consider the factors noted in Standard 2. A Registered Dietitian might resolve that it would never be appropriate to engage in a sexual relationship with a former patient.

¹ Adapted from College of Dietitians of Alberta. (2014). *The Professional Practice Handbook for Dietitians in Alberta*. Available at: <http://collegeofdietitians.ab.ca/wp-content/uploads/2017/01/Professional-Practice-Handbook-for-Dietitians-in-Alberta-2014.pdf>

² Adapted from College of Physicians and Surgeons of Alberta (2015). *Episodic Care Standard of Practice*. Available at: <http://www.cpsa.ca/standardspractice/episodic-care/?highlight=Episodic%20care>

³ Adapted from Government of British Columbia. (2018). *Definitions Immediate Family*. Available at: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/igm/esa-definitions/esa-def-immediate-family?keyword=definition&keyword=immediate&keyword=family>

Patient: An individual is a patient of the Registered Dietitian if there is direct interaction between the Registered Dietitian and the individual and:

- a. the Registered Dietitian has, in respect of a health care/**professional service** to the individual, charged or received payment from the individual or third party on behalf of the individual, and/or
- b. the Registered Dietitian has contributed to a health record or file for the individual, and/or
- c. the individual has **consented** to the health care/professional service recommended by the Registered Dietitian.

An individual is not considered a patient of the Registered Dietitian if professional services were provided once, and there is no expectation of an ongoing professional relationship on the part of the Registered Dietitian or patient. This is considered **episodic care**.

Professional services refer to “all actions and activities of a dietitian in the context of their professional practice.”⁴

Sexual Abuse refers to 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 patient and regulated member; genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient; masturbation of a regulated member by or in the presence of a patient; masturbation of a regulated member's patient; encouraging a regulated member's patient to masturbate; touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.⁵

Sexual Misconduct refers to 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 the regulated member knows or ought reasonably to know will or would cause offence or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse.⁶

Sexual nature does not include any conduct, behaviour or remarks that are appropriate to the services provided;⁷ if inappropriate to services provided, it is considered sexual abuse.

Sexual relationship means a relationship involving sexual intimacy, including communications of a sexual nature, and engaging in conduct of a sexual nature.

Spouse refers to someone the Registered Dietitian is legally married to, in a common-law relationship with (as defined by Government of Canada), or is otherwise considered the Registered Dietitian's adult interdependent partner.⁸

⁴ College of Dietitians of Alberta. (2007). *Code of Ethics*. Available at: <http://collegeofdietitians.ab.ca/wp-content/uploads/2017/01/Code-of-Ethics-Master-revised-April-2008.pdf>

⁵ Government of Alberta. (2018). *Bill 21: An Act to Protect Patients*. (s. 2(b) Bill 21, s. 1(1)(nn.1) HPA)

⁶ Government of Alberta. (2018). *Bill 21: An Act to Protect Patients*. (s. 2(b) Bill 21, s. 1(1)(nn.2) HPA)

⁷ Government of Alberta. (2018). *Bill 21: An Act to Protect Patients*. (s. 2(b) Bill 21, s. 1(1)(nn.3) HPA)

⁸ Government of Alberta. (2002). *Adult Interdependent Relationships Act*. Available at: <http://www.qp.alberta.ca/documents/Acts/A04P5.pdf>