

TO: Council

FROM: Patient Relations Committee

DATE: January 30, 2018

SUBJECT: Updating the Jurisprudence Module 1– Professional Boundaries and Sexual Abuse Handbook

ATTACHED: Update to Jurisprudence Module 1– Professional Boundaries and Sexual Abuse Handbook

Background:

The Patient Relations Committee was tasked with developing the Jurisprudence and Sexual Abuse Prevention Self-Evaluation Tools to be utilized by optician members for inclusion within their Quality Assurance Professional Portfolio materials. The “Jurisprudence Module: Professional Boundaries and Sexual Abuse”, which includes a handbook and test questions, was developed in concert with Richard Steinecke, and was first implemented on March 9, 2016.

Bill 87, the *Protecting Patients Act, 2017*, received royal assent on May 30, 2017. The bill made significant amendments to the *Regulated Health Professions Act*, including numerous provisions that relate to sexual abuse. Certain amendments took immediate effect, while others have not yet been proclaimed into force. In brief, the main amendments relating to the sexual abuse of patients are as follows:

Amendment	Status
1. Expansion of the Minister's power to make regulations that specify how Colleges are to investigate and prosecute sexual abuse cases	In force (but requires regulations to be operational)
2. Expansion of the availability of funding for therapy for patients who were sexually abused	Not yet in force

3. Changes to orders of the Discipline Committee: a. No gender-based restrictions b. Expansion of mandatory revocation offences c. Mandatory suspension pending a penalty hearing for a mandatory revocation offence d. Mandatory suspension for all sexual abuse findings	In force
4. Former patients deemed a “patient” for the purposes of sexual abuse provisions for a period of 1 year	Not yet in force
5. Expansion of mandatory self-reporting obligations for members	Not yet in force
6. Earlier interim order powers of the ICRC	In force

In light of Bill 87, the Patient Relations Committee met on January 17, 2018 to review draft updates to the Jurisprudence Module that would bring the text in line with the amended legislation. The draft updates were prepared by Richard Steinecke, and include updates that are recommended to be implemented immediately as well as updates to be implemented once an amended provision is proclaimed into force. The Committee voted in favour of approving the draft updates as presented. The Committee also voted in favour of directing staff to integrate the proposed further updates once the corresponding legislative provisions are proclaimed into force at some future date without requiring additional Committee/Council approval.

The Patients Relations Committee also reviewed and approved a set of updated test questions. In accordance with the Sexual Abuse Prevention Training Policy approved by Council on December 5, 2017, all Council and non-Council Committee Members are required to complete these test questions as part of their onboarding process and every three years subsequently. Accordingly, the updated test questions have not been included with this briefing note.

Action Required:

1. Does Council approve the updated version of the Jurisprudence Module?
2. Does Council agree to direct staff to integrate the proposed further updates once the corresponding legislative provisions are proclaimed into force at some future date without requiring further Committee/Council approval?