



Guidelines for Dental Hygienists in Alberta

**Preventing Sexual Abuse of
and Sexual Misconduct
Towards Patients**

September 2023



Guidelines for Preventing Sexual Abuse of and Sexual Misconduct Towards Patients

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The Alberta College of Dental Hygienists (the College) provides guidelines to support dental hygienists in understanding and meeting their legislated requirements, Standards of Practice, and Code of Ethics. Guidelines establish professionally accepted means by which dental hygienists can achieve compliance with the College's standards.

Failing to comply with a guideline may be considered unprofessional conduct if the dental hygienist did not achieve compliance with the standard, or if the departure from the guideline compromises the quality of dental hygiene services or the integrity and/or credibility of the dental hygiene profession.

A dental hygienist may only depart from a guideline if they can demonstrate their chosen conduct:

- Achieves compliance with the applicable standard;
- Maintains the safety, effectiveness, or appropriateness of care required by the standard; and
- Upholds the integrity of the dental hygiene profession.

While these guidelines reflect the requirements for dental hygienists at the time of development, these requirements may change from time to time. Dental hygienists remain responsible for ensuring their practice meets current legislative requirements, Standards of Practice, and Code of Ethics.



Guidelines for Preventing Sexual Abuse of and Sexual Misconduct Towards Patients

Unprofessional Conduct

Section 135.7 of the *Health Professions Act* (HPA) mandates the development of a program for preventing and addressing sexual abuse of and sexual misconduct towards patients by dental hygienists. Under the HPA, both sexual abuse and sexual misconduct are considered acts of unprofessional conduct. The HPA requires regulated members of health professions to report sexual abuse and sexual misconduct committed by other health professionals.

The Alberta College of Dental Hygienists (ACDH) is committed to providing dental hygienists with information and resources to assist them in treating their patients responsibly, consistent with the HPA, and in a manner that reflects the profession's commitment to respecting personal dignity.

Zero Tolerance

The ACDH has a policy of zero tolerance for sexual abuse of or sexual misconduct towards patients.

Professional misconduct of a sexual nature is a blatant and abusive misuse of power that violates the human dignity of patients seeking dental hygiene care for themselves and their relatives. It is characterized as a violation of the relationship of trust and confidence that exists between patients and health care professionals. Such unprofessional conduct by any regulated member—providing any type of dental hygiene care, in any practice setting—will NOT be tolerated by the ACDH.

Definition of Sexual Abuse and Sexual Misconduct

Section 1(1)(nn.1) of the HPA defines **sexual abuse** as follows:

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:

- (i) sexual intercourse between a regulated member and a patient of that regulated member;
- (ii) 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;
- (iii) masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
- (iv) masturbation of a regulated member's patient by that regulated member;
- (v) encouraging a regulated member's patient to masturbate in the presence of that regulated member;
- (vi) touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.

Section 1(1)(nn.2) of the HPA defines **sexual misconduct** as follows:



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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.

The interpretation of **sexual nature** (Section 1(1)(nn.3) of the *HPA*) within the definitions of sexual abuse and sexual misconduct:

Does not include any conduct, behaviour or remarks that are appropriate to the service provided.

Providing Dental Hygiene Care to a Spouse or Partner

According to Section 4 of the [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#) a spouse, adult interdependent partner or individual with whom the dental hygienist has a pre-existing sexual relationship that is ongoing is NOT considered a "patient" for the interpretation of sexual abuse and sexual misconduct. This means a dental hygienist can provide care for these individuals without automatically breaching the standards around sexual abuse and sexual misconduct. This does not, however, prevent a spouse or partner from making a complaint to the ACDH about a regulated member. The complaint would be addressed through the ACDH complaints process.

Professional Conduct with Patients

Many patients feel particularly vulnerable in an oral health care setting and some practice settings require dental hygienists to be physically near their patients. Therefore, dental hygienists must use their professional judgment to determine the patient's comfort level and whether the presence of an additional person is advisable. If in doubt, a witness to the provision of care is advised.

Dental hygienists are responsible for communicating effectively by paying attention to the ways in which information is conveyed by their words and actions. They must also be compassionate listeners and be sensitive to the concerns and needs of patients. Awareness of cultural and physical barriers that may interfere with clear communication and respect for these differences will help dental hygienists practise in a responsive and responsible manner.

- Dental hygienists must be aware of the definition of sexual abuse and sexual misconduct, and the ACDH Guidelines for Professional Boundaries.
- Dental hygienists should demonstrate professional supportive behaviour. If this includes physical contact, patient consent must be obtained.
- Dental hygienists should recognize cultural diversity. They should seek opportunities to learn about multicultural attitudes and behaviour that are appropriate so professional misconduct of a sexual nature does not occur as a result of ignorance.



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- Dental hygienists should use clear and direct communication with patients, should use correct terminology for body parts, and should use an interpreter whenever necessary.
- Dental hygienists should be sensitive to the discomfort a patient may feel from the dental hygienist's words or behaviour and should change such words or behaviour.
- Dental hygienists should use a tone that is professional and yet conveys genuine caring, promotes a sense of safety, and helps to establish and maintain appropriate boundaries.
- Dental hygienists should ensure that their conversations carried on in the presence of patients, or where the conversation may be overheard by patients, are not offensive to patients in any way whatsoever.
- Dental hygienists must never initiate or participate in conversations or jokes with patients regarding sexual experiences, preferences, or fantasies.
- Dental hygienists must never place instruments or other materials on a patient's body.
- Dental hygienists must not exhibit behaviour, gestures, expressions, or comments that are seductive or sexually demeaning to a patient.
- Dental hygienists must never judge or criticize sexual orientation or expression.

Considerations while interacting with patients

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| <ul style="list-style-type: none">• Obtain consent prior to touching• Avoid inappropriate comments• Explain your procedures carefully• Treat each patient as an individual• Never make assumptions• Reserve judgement• Speak directly to the patient• Maintain patient confidentiality and dignity | <ul style="list-style-type: none">• Respect the patient and the patient's personal space• Respect cultural diversity• Never place instruments or other materials on a patient's body• Remember that patients can withdraw consent• Avoid causing unnecessary discomfort to a patient by inappropriate touching• Avoid hesitant movements by being deliberate and efficient (e.g., while palpating head and neck in an exam) |
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Mandatory Reporting

Dental Hygienist's Duty to Report Other Health Professionals

Section 127.2(1) of the HPA stipulates that it is mandatory for a regulated member to file a report if they have reasonable grounds to believe that the conduct of another regulated



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member of the ACDH or any other college constitutes sexual abuse or sexual misconduct.

Failure by a regulated member to report sexual abuse or misconduct of a patient by another health professional is considered a failure to meet their responsibilities under the HPA and the ACDH Duty to Report Standard of Practice and would be considered grounds for a complaint of unprofessional conduct.

Penalties for Sexual Abuse and Sexual Misconduct

Section 82 of the HPA outlines the penalties for a regulated member who has been found guilty by the Hearing Tribunal of an act of unprofessional conduct due to sexual abuse or sexual misconduct of a patient. The Hearing Tribunal must:

- In the case of sexual abuse, order the permanent cancellation of the regulated member's practice permit and registration.
- In the case of sexual misconduct, order the suspension of the regulated member's practice permit and registration. Further, if the individual's practice permit and registration are cancelled due to a finding of sexual misconduct, they cannot apply for reinstatement for at least five years.

In addition to the above penalties, the ACDH can:

- Recover the costs for a patient's treatment and counselling from the regulated member when there is a finding of unprofessional conduct related to sexual abuse or sexual misconduct.

Acknowledgements

The ACDH gratefully acknowledges the College of Dental Hygienists of Ontario and the British Columbia College of Oral Health Professionals for information found in their parallel documents.