

Funding for Therapy or Counselling Policy

The purpose of this policy is to outline the administration of the program to provide funding for therapy or counselling for persons who, while patients/clients, were sexually abused by a registrant of the College of Dental Hygienists of Ontario (CDHO).

The CDHO has a policy of zero tolerance for sexual abuse of patients/clients. Throughout the process, the College is committed to treating applicants for funding in a sensitive and respectful manner.

In this policy, the term “sexual abuse” means sexual abuse as defined in the *Health Professions Procedural Code* (the “Code”) with “sexually abused” having a corresponding meaning.

POLICY

1. Under section 85.7 of the Code, the College must establish a program to provide funding for therapy or counselling for persons who, while patients/clients, were sexually abused by registrants.
2. CDHO will maintain a fund to support the Program providing therapy or counselling for persons sexually abused by a registrant while they were a patient/client of the registrant.
3. The program is administered by the Patient Relations Committee.
4. The Patient Relations Committee will review every application for funding.
5. Funding must be provided in accordance with Ontario Regulation 67/06 (Funding for Therapy or Counselling) and Ontario Regulation 59/94 (Funding for Therapy or Counselling for Patients Sexually Abused by Members).
6. The Committee will report to Council on the funding being provided and on the status of the fund itself.

ELIGIBILITY FOR FUNDING

MAIN CRITERIA

1. A person is eligible for funding under the program if it is alleged, in a complaint or report, that the applicant was sexually abused by a registrant while the applicant was a patient/client of the member. (This is the main criteria set out in section 85.7 of the Code.)

ALTERNATIVE CRITERIA

2. Additionally, a person may be eligible for funding for therapy or counselling (subject to section 4 regarding the location of the abuse) if one of the alternate criteria set out below¹ are met, namely:

¹ These criteria are found in Ontario Regulation 67/06 made under the *Dental Hygiene Act, 1991*.

- (a) there is an admission made by a registrant in a statement to the College or in an agreement with the College that s/he sexually abused the person while the person was a patient/client of the registrant;
 - (b) a registrant has been convicted under the *Criminal Code* (Canada) of sexually assaulting the person while the person was a patient/client of the registrant and the facts supporting the sexual assault constitute sexual abuse within the meaning of the *Health Professions Procedural Code*;
 - (c) there is a statement, contained in the written reasons of a committee of the College given after a hearing, that the person, while a patient/client, was sexually abused by a registrant; or
 - (d) there is sufficient evidence presented to the Patient Relations Committee to support a reasonable belief that the person, while a patient/client, was sexually abused by a member, such as:
 - corroboration of the applicant's allegations of sexual abuse, e.g., such as witness statements, emails, letters, phone messages, texts, etc.
 - the applicant has filed a report with a law enforcement agency that did not result in criminal findings of guilt for reasons such as:
 - the alleged behaviour did not constitute a criminal offence but may still meet the definition of sexual abuse within the Code;
 - the criminal burden of proof could not be met but there is evidence that supports a reasonable belief that sexual abuse occurred; or
 - the charges were reduced to a non-sexual charge as part of a plea bargain;
 - the applicant originally made a complaint to the College but withdrew it because of an inability to participate in the proceedings (for reasons such as stress).
3. If the abuse occurred before 1993, the Committee is not required to, but may, provide funding if the Committee believes it would be just and equitable to do so having regard to the following: whether the need for therapy or counselling results directly or indirectly from the alleged sexual abuse; the availability of other sources of funding; and the College's resources.
 4. A person is eligible for funding under the alternative criteria above only if the evidence indicates that the sexual abuse occurred in Ontario.
 5. A person seeking funding for therapy or counselling must complete the CDHO application form *Funding for Therapy and Counselling*.

CHOICE OF THERAPIST/COUNSELLOR

1. A person who is applying for funding for therapy or counselling may choose any therapist or counselor except one who:
 - i. has a family relationship with the applicant; or
 - ii. to the College'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.

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2. If the therapist/counsellor is not a registrant of a regulated health profession or of the Ontario College of Social Workers and Social Service Workers, the College will require the applicant to sign a document stating that s/he understands that the therapist/counsellor is unregulated and therefore the CDHO cannot verify, with any degree of certainty, whether the unregulated therapist/counsellor has ever been found guilty of sexual abuse, etc.
3. The therapist/counsellor must complete a CDHO form, which includes information about the therapist's or counsellor's training and experience.

FUNDING

1. Funding shall be paid only to the therapist/counsellor chosen by the person and will be used only to pay for therapy or counselling. Funding is available for a maximum period of five years commencing from the date of the first treatment after becoming eligible.
2. Under the Minister's Regulation (Ontario Regulation 59/94), the maximum amount of funding that may be provided 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. As at 2021, this is deemed to be equal to approximately \$17,370.
3. The funding that is provided to a person shall be reduced by the amount paid by the Ontario Health Insurance Plan or a private insurer during the relevant time period.
4. The College is entitled to recover funding from:
 - i. reimbursement orders made by the Discipline Committee against a registrant found guilty of sexually abusing the patient/client;
 - ii. a civil action against the registrant to recover funding.

PROCEDURE

1. A copy of this policy will be included in correspondence to a person who initiates proceedings related to sexual abuse with the College.
2. An application for funding must include:
 - i. the name and address of the applicant;
 - ii. the period for which funding for therapy/counselling is required, if known, and when that period commenced (i.e., from the date the sexual abuse is alleged to have occurred);
 - iii. if the funding is for a retroactive request, copies of invoices for therapy/counselling already provided;
 - iv. disclosure of alternative sources of funding that cover therapy/counselling e.g. private health insurance;
 - v. the name and address of the therapist/counsellor;

- vi. a statement that the patient/client does not have a family relationship with the therapist/counsellor;
 - vii. if the therapist is unregulated, a document signed by the applicant confirming that s/he understands the therapist is not subject to professional discipline and the CDHO cannot verify, with any degree of certainty, whether an unregulated therapist/counsellor has ever been found guilty of sexual abuse, etc., and that the applicant recognizes the significance of this.
 - viii. the name of the registrant who is alleged to have sexually abused the applicant;
 - ix. the location where it is alleged that the sexual abuse took place;
 - x. the date on which the sexual abuse took place or it is alleged that the sexual abuse took place;
 - xi. verification from the therapist/counsellor that treatment is for sexual abuse by a registrant of the CDHO.
 3. Upon receipt of an application for funding eligibility, CDHO staff will compile all required information for presentation to the Patient Relations Committee at its next meeting.
 4. The Patient Relations Committee will review the documentation and determine eligibility in keeping with the Code and its regulations and COHO regulation, bylaws and policies.
 5. Where an applicant is deemed eligible, CDHO staff will notify in writing the applicant of the Committee's decision respecting eligibility for funding.
 6. In accordance with the bylaws, it is a standing direction of the Patient Relations Committee that the therapist/counsellor must complete a CDHO form which includes:
 - i. details of the therapist's or counsellor's training, experience and registration status where applicable;
 - ii. a statement that s/he has not 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;
 - iii. a statement that the therapy or counselling will be, or is being provided, and that funding is being used only for that purpose (i.e., a statement that the therapy being provided is related to practitioner sexual abuse);
 - iv. a statement that where the therapy provided to the applicant is eligible for reimbursement from other sources (i.e., OHIP, private insurance), the invoice will be reduced by that amount; and
 - v. a statement that the therapist/counsellor does not have a family relationship with the patient/client.
 7. Once eligibility for funding has been established by the Patient Relations Committee, the claim will be handled at the staff level.
 8. Should funding be denied, written reasons will be provided to the applicant.
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