

## Funding for Therapy or Counselling Policy

This policy outlines the administration of the Program to provide funding for therapy or counselling for clients who were sexually abused by a Registered Dental Hygienist.

CDHO has a policy of zero tolerance for sexual abuse of clients. Throughout the process, CDHO 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* (“Code”) with “sexually abused” having a corresponding meaning. The Code defines sexual abuse as

- sexual intercourse or other forms of physical sexual relations between the Registered Dental Hygienist and the client;
- touching, of a sexual nature, of the client by the Registered Dental Hygienist; or
- behaviour or remarks of a sexual nature by the Registered Dental Hygienist towards the client.

Sexual abuse does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

### POLICY

1. Under the Code, CDHO must establish a program to provide funding for therapy or counselling for persons who, while clients, were sexually abused by registrants.
2. CDHO will maintain a fund to support the Program.
3. The Program is administered by the Patient Relations Committee.
4. The Patient Relations Committee delegates to CDHO staff the authority to process applications under the Program where the applicant is eligible for funding in accordance with the main eligibility criteria (1) or alternate eligibility criteria 2(a), 2(b), or 2(c), set out below.
  - a. CDHO staff will notify the Patient Relations Committee of any applications deemed eligible and refer all other applications to the Committee.
  - b. The Patient Relations Committee will review all applications where eligibility is in question or where funding is discretionary.
5. Funding must be provided in accordance with Ontario Regulation 67/06 (Funding for Therapy or Counselling), made under the *Dental Hygiene Act, 1991*, and Ontario Regulation 59/94 (Funding for Therapy or Counselling for Patients Sexually Abused by Members), made under the *Regulated Health Professions Act, 1991*.
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 they were sexually abused by a Registered Dental Hygienist while they were a client of the Registered Dental Hygienist<sup>1</sup>.

### ALTERNATIVE CRITERIA

2. Additionally, a person may be eligible for funding under the Program if one of the alternate criteria set out below<sup>2</sup> is met and the evidence indicates that the sexual abuse occurred in Ontario<sup>3</sup>:
  - (a) there is an admission made by a Registered Dental Hygienist in a statement to or in an agreement with CDHO that they sexually abused the person while the person was a client;
  - (b) a Registered Dental Hygienist has been convicted under the *Criminal Code* (Canada) of sexually assaulting the person while the person was a client and the facts supporting the sexual assault constitute sexual abuse within the meaning of the Code;
  - (c) there is a statement, contained in the written reasons of a committee of CDHO given after a hearing, that the person, while a client, was sexually abused by a Registered Dental Hygienist; or
  - (d) there is sufficient evidence presented to the Patient Relations Committee to support a reasonable belief that the person, while a client, was sexually abused by a Registered Dental Hygienist, such as<sup>4</sup>:
    - i. Evidence that a notice of hearing was issued by CDHO containing allegations that the person, while a client, was sexually abused by a Registered Dental Hygienist who died before the hearing was held;
    - ii. Evidence of mandatory reports made to CDHO by other regulated healthcare professionals or facility operators that the Registered Dental Hygienist sexually abused a client;
    - iii. Other evidence that corroborates the person's allegations of sexual abuse.
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 CDHO's resources<sup>5</sup>.

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<sup>1</sup> Code, s. 85.7(4)

<sup>2</sup> O. Reg. 67/06, s. 2(2)

<sup>3</sup> O. Reg. 67/06, s. 2(4)

<sup>4</sup> O. Reg. 67/06, s. 2(3)

<sup>5</sup> O. Reg. 67/06, s. 3

## CHOICE OF THERAPIST/COUNSELLOR

1. An applicant for funding for therapy or counselling may choose any therapist or counselor except one who:
  - a. is a family member; or
  - b. to CDHO'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<sup>6</sup>.
2. CDHO strongly recommends that applicants select a regulated health professional for provision of their therapy/counselling; however, this is not a requirement for funding.
3. Where an applicant selects a non-regulated practitioner, the applicant must submit an acknowledgement that the therapist/counsellor is not a regulated professional and therefore not subject to oversight and discipline by a regulatory authority<sup>7</sup>.

## FUNDING

1. Funding is paid directly to the chosen therapist/counsellor and may only be used to pay for therapy or counselling<sup>8</sup>. Funding is available for a maximum period of five years from the date on which the applicant became eligible<sup>9</sup>.
2. The maximum amount of funding that may be provided is the amount that the Ontario Health Insurance Plan (OHIP) would pay for 200 half-hour sessions of individual out-patient psychotherapy with a psychiatrist on the day the person becomes eligible (approximately \$17,000).
3. If the applicant has private insurance or access to OHIP coverage, the funding provided by CDHO is reduced by the amount covered by private insurance or OHIP<sup>10</sup>.
4. CDHO is entitled to recover funding from:
  - a. reimbursement orders made by the Discipline Committee against a Registered Dental Hygienist found guilty of sexually abusing the client;
  - b. a civil action against the Registered Dental Hygienist to recover funding<sup>11</sup>.

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<sup>6</sup> Code, s. 85.7(7)(1), (2)

<sup>7</sup> Code, s. 85.7(7)(3)

<sup>8</sup> Code, s. 85.7(8), (9)

<sup>9</sup> O. Reg. 59/94, s. 1(b)

<sup>10</sup> Code, s. 85.7(11)

<sup>11</sup> Code, s. 85.7(12)

## SUPPLEMENTARY SUPPORTIVE FUNDING

1. CDHO offers supplementary supportive funding for applicants eligible for funding for therapy/counselling under the Program. The purpose of the supplementary supportive funding is to cover reasonable and necessary costs directly related to accessing therapy/counselling, such as transportation, accommodation, dependent care, or other incidental costs.
2. Supplementary supportive funding is limited to a maximum of \$7,500 per applicant.
3. Requests for supplementary supportive funding will be reviewed by the Patient Relations Committee and must be accompanied by appropriate supporting documentation, such as receipts.

## PROCEDURE

1. An applicant for funding must submit a completed application, including a signed acknowledgement from their therapist/counsellor.
2. Upon receipt of an application for funding, CDHO staff will determine if the applicant meets the eligibility criteria or if the application must be referred to the Patient Relations Committee for review.
3. If an application is referred to the Patient Relations Committee, CDHO staff will notify the applicant in writing. The Patient Relations Committee will review the application and any supporting documentation and determine eligibility in keeping with the Code, applicable regulations, and this policy.
4. Where an applicant is deemed eligible, CDHO staff will notify the applicant in writing.
5. Where an applicant is found not eligible, the Patient Relations Committee will provide written reasons for its decision.

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