

## SEXUAL ABUSE AND SEXUAL MISCONDUCT TOWARD PATIENTS

Type of Conduct	Classification	Consequences
Type of conduct described in the definition of sexual abuse with a patient	Sexual Abuse	Cancellation with no possibility of reinstatement
Type of conduct described in the definition of sexual misconduct with a patient	Sexual Misconduct	Hearing Tribunal must impose at least a suspension of any duration and can impose more severe sanctions. If cancelled because of sexual misconduct cannot apply for reinstatement for 5 years
Sexual conduct with a former patient within 1 year of the end of the physician-patient relationship (note special rules on episodic care).	Sexual Abuse	Cancellation with no possibility of reinstatement
Sexual conduct with a former patient beyond the 1 year period and a consideration of the factors leads to the conclusion that this was inappropriate	Unprofessional conduct	Hearing Tribunal has discretion to impose range of sanctions it considers appropriate given all the circumstances
Engages in the type of conduct described in the definition of Sexual Abuse at any time after providing psychotherapeutic care	Sexual Abuse – can never engage in sexual conduct with former patient regardless of how much time has passed since the end of the physician-patient relationship	Cancellation with no possibility of reinstatement
Episodic Care: Type of conduct described in the definition of sexual abuse or sexual misconduct with a patient <i>while physician is providing that episodic care</i>	Sexual Abuse or Sexual Misconduct, as case may be	Cancellation with no possibility of reinstatement
Episodic Care: Sexual conduct any time after conclusion of episodic care and a consideration of the factors leads to the conclusion that this was inappropriate.	Unprofessional conduct	Hearing Tribunal has discretion to impose range of sanctions it considers appropriate given all the circumstances
Providing health service to spouse, partner or person with whom physician has a pre-existing sexual relationship. Medical care is considered inappropriate unless prescribed conditions are met.	Unprofessional conduct	Hearing Tribunal has discretion to impose range of sanctions it considers appropriate given all the circumstances