

Professional Boundaries Standards

Opticians must be aware of and honour professional boundaries toward patients.

Patient Expectations

The **patient**¹ can expect that opticians establish professional boundaries and maintain a professional relationship that treats their patients with respect and dignity.

Background

The Government of Alberta enacted legislation to protect patients from **sexual abuse** and **sexual misconduct** and **female genital mutilation**. All health regulatory colleges in Alberta are required to create and implement standards of practice.

The College of Opticians of Alberta (COA) has defined a “patient” for the provision of sexual abuse and sexual misconduct as a person who has received **opticianry services** from a **regulated member**² of the COA within the last 6 months.

An individual receiving opticianry services from an optician is not considered a ‘patient’ as outlined in the regular definition of patient in the COA standards IF the optician is their **spouse**, in an **adult interdependent relationship**, or in an ongoing, pre-existing sexual relationship with the optician.

According to the *Health Professions Act* (2000) (HPA), a finding of sexual abuse by a hearing tribunal against the regulated member mandates cancellation of their practice permit with no opportunity of reinstatement.

Regulated Member Requirements

1. An optician is accountable and responsible for establishing a professional relationship with their patients when providing opticianry services.

An optician must:

- 1.1. understand that the definition of “patient” for the provision of sexual abuse and sexual misconduct according to the COA is six months;
- 1.2. maintain sound professional judgment in all encounters with patients; and
- 1.3. be responsible for establishing and maintaining professional boundaries.

2. An optician must not engage in a sexual relationship with their patients.

An optician must:

- 2.1. not socialize or communicate with a patient for the purpose of pursuing a sexual relationship;
- 2.2. acknowledge and maintain that the optician-patient relationship remains professional for six months following the last professional encounter; and
- 2.3. ask permission, according to best practice, prior to performing an opticianry service that involves physical touching.

¹ Words in bold font are listed in the glossary.

² The term “regulated member” and “registrant” may be used interchangeably

3. An optician must not engage in sexual abuse or sexual misconduct toward a patient

An optician must:

- 3.1. avoid any behaviour that can be identified as sexual abuse or sexual misconduct toward a patient; and
- 3.2. only provide physical contact with a patient that is appropriate for the opticianry services being provided.

4. An optician is responsible for understanding the definition of female genital mutilation and must not procure or perform it.

An optician must:

- 4.1. not procure or perform female genital mutilation.

5. An optician is accountable and responsible for reporting any instances of or reasonable grounds to believe sexual abuse, sexual misconduct, or the procurement or performance of female genital mutilation of a patient to the Complaints Director.

An optician must:

- 5.1. report, in writing to the Complaints Director, as soon as reasonably possible, any decision of unprofessional conduct found against them related to sexual abuse or sexual misconduct, or the procurement or performance of female genital mutilation by any regulatory college in Alberta or in any other jurisdiction;
- 5.2. report any charges and convictions under the Criminal Code (RSC 1985, c C-46) after April 1, 2019; and
- 5.3. report to the Complaints Director any regulated member of any regulated profession if they have reasonable grounds to believe that the conduct constitutes unprofessional conduct, is sexual abuse, sexual misconduct, or the procurement or performance of female genital mutilation.

Glossary Terms:

Adult interdependent relationship: a person is the adult interdependent partner of another person if:

- a) the person has lived with the other person in a relationship of interdependence
 - i. for a continuous period of not less than three years, or
 - ii. of some permanence, if there is a child of the relationship by birth or adoption, or
- b) persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 3.

Adult Interdependent Relationships Act (2002)

Female genital mutilation: the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora, clitoral hood or clitoris of a person, except where valid consent is given, and

- i. A surgical or other procedure is performed by a regulated member under this Act for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function, or
- ii. The person is at least 18 years of age and there is no resulting bodily harm

Opticianry Service: a service that comes within the practice of the regulated opticianry profession. In their practice, opticians do one or more of the following:

- Based on an optical prescription, design, supply, prepare, adjust, and dispense optical appliances and prostheses, including corrective lenses;
- Promote eye health and the correct use of optical appliances and prostheses through education of consumers and regulated members;
- Perform refractions and identify the need for corrective lenses;
- Conduct or collaborate in optical related research;
- When providing opticianry services referred to in this section, conduct assessments and make referrals where appropriate;
- Provide restricted activities authorized by the regulations.

(HPA, 2000, *Opticians Profession Regulation*, 2011)

Patient: a person receiving opticianry services from a regulated member of the College

Patient (for the provision of sexual abuse and sexual misconduct): a person who has received opticianry services from a regulated member of the COA within the last 6 months

Regulated member: an optician registered as a member of the College of Opticians of Alberta under section 33(1)(a) of the HPA (2000).

Sexual abuse: the threatened, attempted or actual conduct of a regulated member toward 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 members

Health Professions Act (2000)

Sexual misconduct: 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 (HPA, 2000)

Spouse: a person to whom one is married

Related Documents:

College of Opticians of Alberta *Code of Ethics* (2000)

College of Opticians of Alberta *Professionalism Standards*

College of Opticians of Alberta *Therapeutic Relationships and Professional Boundary Guidelines*

Health Professions Act (2000)

References:

Health Professions Act, RSA 2000, c H-7

Adult Interdependent Relationships Act, SA 2002, c A-4.5

For more information:

albertaopticians.ca

info@albertaopticians.ca

DRAFT