

March 4, 2015

Minister's Task Force on the Prevention of Sexual Abuse of Patients and the Regulated Health Professions Act, 1991 (Sexual Abuse Task Force)
Ministry of Health and Long-Term Care
Health System Labour relations and Regulatory Policy Branch
SATaskforce@ontario.ca

Dear Members of the Sexual Abuse Task Force:

I am writing in response to your request for information, dated February 6, 2015, regarding the College of Optometrists of Ontario's processes, including complaints and outcomes, related to sexual abuse, boundary violations of a sexual nature or other matters that pertain to the mandate of the Task Force.

Each of the Task Force's questions will be addressed by referencing the number assigned to it in your letter. *For efficiency, I will repeat the question in italics, prior to the College's response.*

- 1. Using the attached spreadsheet #1, summarize complaints and outcomes from 2004 to present related to sexual abuse, boundary violations of a sexual nature or other matters that pertain to the mandate of the Task Force.*

The spreadsheet is attached to this e-mail response as "Optometrists-Spreadsheet 1". As you are aware, Colleges have an obligation to keep confidential all information that comes to their knowledge under Section 36 of the *Regulated Health Professions Act*. This spreadsheet contains information that is not available on the public register of the College and the information provided should be treated as confidential. Accordingly, the Task Force is asked to maintain discretion by not disclosing, or making public, the contents of this spreadsheet as such disclosure may inadvertently make public the identity of the complainant.

- How many complaints related to sexual abuse and or boundary violations, in total, were received in each year from 2004 to present?*

The College received the following number of complaints:

2004 – 2 complaints

2009 – 1 Executive referral-(information that came to the attention of the Registrar)

2010 – 1 complaint

2012 – 1 complaint

- *What is the average length of time between complaint submission and complaint resolution for all complaints received?*

Approximately 150 days.

What is the average length of time between complaint submission and complaint resolution for complaints related to sexual abuse and/or boundary violations?

Approximately 150 days.

- *What percentage of the complaints are withdrawn? 0%*
- *What percentage of the complaints are abandoned? 0%*
- *What percentage of the complaints are closed prior to the end of the complaint process for any other reason? 0%*

- *What is your policy and process for cases where a member of the profession resigns or is no longer available following the submission of a complaint?*

Should this occur, the College would follow the complaint through the process to a conclusion, as much as reasonably possible.

2. *Using the attached spreadsheet #2, summarize the complaints and outcomes from 2004 to present where the subject of the complaint is the regulatory college or its processes.*

The College does not track this type of information and accordingly spreadsheet #2 has not been submitted to the Task Force. Generally, the College will respond appropriately and in a timely manner to any concerns that a complainant or member may have with respect to College processes. The parties to a complaint are informed, at the time they receive an ICRC decision, that they have the right to request a review, by the Health Professions Appeal and Review Board, if they are dissatisfied with the adequacy of the investigation or the reasonableness of the decision. They are also reminded of their right to review if they contact the College with concerns regarding the process.

3. *Please describe how individuals are made aware of the process for making a complaint. Is assistance provided if it is required when an individual is making a complaint? Are there other types of supports available to individuals?*

The College website, www.collegeoptom.on.ca, provides detailed information, for the public, about the complaints process, including how to file a complaint with the College. On the home page, the public clicks on “Public” and the first tab is “Complaints”.

A link to this page can be found at the following link:

<http://www.collegeoptom.on.ca/index.php/public/complaints>

The public also regularly contacts the College by telephone to make inquiries regarding complaints. College staff makes every effort to respond to all phone inquiries in person. The College is able to provide information and communicate by phone with the public in

a number of different languages, including English and French. All complaints or inquiries to the College are forwarded to the Coordinator, Investigations and Resolutions, who provides information and help to complainants over the phone or by e-mail. If a complainant is unable to communicate their complaint in writing or on tape, film disk or other medium, then they are invited to come to the College office where staff will assist the complainant in the recording of the complaint to be processed.

The College has a Patient Relations program for funding for therapy for victims of sexual abuse by optometrists. The process for this funding is fully explained on the College website, including how to access the program. All College staff members receive training annually in responding appropriately to phone calls from the public related to allegations of sexual abuse by an optometrist.

4. *When a complaint of any kind is investigated, what information is shared with the complainant? For example, in cases where the subject of the complaint is a member of your organization, is the submission of the member to the ICRC shared with the complainant?*

The College provides a copy of the member's response to the complainant and the complainant is invited to comment on the response. The ICRC reviews and considers any comments received. Complainants are encouraged to contact the College for status updates and these inquiries are responded to promptly. If the complaint is not disposed of within 150 days from filing, the complainant and the member are informed in writing about the delay.

The College does not have a different process or protocol for the handling of complaints about its members and complaints about members of the organization (interpreted here as College volunteers or staff of the College who are also members of the profession). The sharing of information is as noted in the paragraph above. With respect to conflicts of interest, the College ensures that any conflict of interest, or appearance of bias, is identified and dealt with early in the process. The conflicted panel member will not be involved in the discussion or decision-making process and will not receive any materials related to the complaint.

5. *What internal process is used when appointing an ICRC panel? For example, what criteria are used to determine the suitability of panel members? Do panel members receive training to investigate complaints of sexual abuse or boundary violations of a sexual nature? Who conducts the training and what materials are provided? How do panel members stay current in their approach to these complaints?*

There are two standing ICRC panels. Council members and appointed professional members are selected by Council to sit on the ICRC and an appropriate composition of experienced panel members and new panel members is considered. With respect to training, staff provides an orientation to each ICRC panel at the first meeting of each

Council year that familiarizes the panel members with the ICRC process, including the handling of complaints or boundary violations of a sexual nature. At times, College legal counsel will assist in the orientation. Discipline Committee members do not sit on a Discipline Panel unless they have received in-depth training delivered by the Federation of Health Regulatory Colleges of Ontario (FHRCO). The Patient Relations Committee (in charge of administering the funding for therapy program) receives an in-depth training session, by an expert in this area, on sexual abuse and boundary violations. Consideration will be given to providing similar training to ICRC panels.

6. *Please describe what you do to obtain feedback on complainants' level of satisfaction with respect to the complaints process. Do you assess the level of satisfaction of individuals who make enquiries but are not referred to the complaints process?*

Currently, the College does not have a process to formally obtain feedback from complainants on their level of satisfaction with the complaints process. The College does not assess the level of satisfaction of individuals who make enquiries but are not referred to the complaints process.

7. *Has your organization identified areas within your legislated or discretionary processes where improvements could be made for victims of sexual abuse or boundary violations of a sexual nature? Please describe.*

No, the College has not identified any of these areas for improvement.

8. *Identify the most recent occasion when a sexual abuse complaint was referred to an alternative dispute resolution process.*

An amendment made in 2007 to the *Health Professions Procedural Code* expressly prohibits the reference of a complaint to an ADR process if the matter involves an allegation of sexual abuse. (s.25.1(b) of the Code).

9. *Please summarize the information included in your annual reports for 2011, 2012, 2013 and 2014 to the Minister of Health and Long-Term Care regarding sexual abuse.*

Under the Patient Relations Committee report, the following was reported in the 2011 Annual report of the College (similar wording was used in 2012, 2013):

Administers the Patient Relations program and provides advice regarding the patient/practitioner relationship and public communications.
The Patient Relations Committee promotes awareness among the

public and members of zero-tolerance expectations regarding sexual abuse of patients by optometrists. The Committee also administers the Patient Relations Fund for therapy and counselling for victims of sexual abuse by optometrists, provides advice to optometrists and members of the public regarding the patient/practitioner relationship, provides advice to the College on privacy issues, and provides some oversight to public communication initiatives.

The College has not yet published its 2014 Annual Report to the Minister of Health and Long-Term Care.

10. *Please provide as many details as possible regarding the curriculum offered in the Ontario educational institutions that prepare your members for practice related to sexual assault, sexual abuse of patients, and boundary violations, including amount of time spent on the topic and whether the student is tested on the topic. In addition, please provide details on other ways your members demonstrate knowledge of Ontario jurisprudence related to sexual abuse of patients, practitioner-patient boundaries and other relevant ethical topics (e.g. entrance exam, jurisprudence exam, application for registration, continuing education, etc.)*

The Ontario educational institution that prepares the College's members for practice is the University of Waterloo School of Optometry and Vision Science (WOVS).

This College has no input into the curriculum at WOVS. Accordingly, the faculty at WOVS provided the following information when asked the above question:

In first year, students take OPTOM 152 (Clinical Techniques 1); which includes a one hour lecture on professional boundaries and part of that lecture addresses requirements regarding the reporting of: child abuse/neglect by others and sexual abuse presented by regulated members. In 2nd year, students take OPTOM 250 (Optometric Jurisprudence). Specifically, sexual abuse of patients is covered extensively in a lecture on Mandatory Reporting (along with reporting of child abuse). Details as to how sexual abuse of a patient is defined, when a report must be filed, the information which must be included in a report of sexual abuse of a patient, and to whom the report is sent are covered. In addition, the basis for the Province's "zero tolerance" policy is discussed along with the consequences for regulated health professionals who sexually abuse their patients. Students are examined on this material. Time spent on this topic during the lecture would amount to 30 minutes. In addition, a court decision is

included as part of the assigned readings for this lecture. In 3rd year, students take OPTOM 360 (Professional Ethics and Optometric Communication); this topic tends to come up in the group case study, which is an ethical dilemma. Usually one of the cases address abuse or neglect (the case may not always be about sexual abuse but the issue will often come up in the question period following the presentation, if it is not explicitly addressed within the presentation). This issue of patient abuse also comes up in the communication portion of the course, often as a discussion point during the lecture.

Approximately half of new registrants to the province are educated at WOVS; the remaining half are educated in schools of optometry in the United States or internationally. The College has no knowledge of these other curricula with respect to these issues.

Applicants must successfully challenge the College's jurisprudence examination in order to be registered with the College. Materials, in the form of a binder, are provided to applicants to prepare them for the exam. A copy of the binder can be found on the College website under "Resources". Topics covered in the exam include a review of legislation related to sexual abuse of patients, mandatory reporting, practitioner-patient boundaries and other relevant ethical topics. The jurisprudence examination includes questions related to sexual abuse provisions in the RHPA, including mandatory reporting. The College offers an optional jurisprudence seminar twice a year in which these topics comprise an important part of the seminar. Participants have an opportunity to ask questions about these and other topics.

11. Provide current membership numbers for 2013/14 including gender breakdown.

The College's membership numbers for the years 2013 and 2014 are as follows:

2013- Male-1008
Female-1102
Total: 2110

2014- Male-1030
Female-1157
Total-2187

12. Describe any research or program development planned, in progress, published or implemented since 2004 on the prevalence or incidence of sexual abuse by health professionals.

N/A

13. Provide contact information for a staff member who can be reached if questions arise.

Contact information: Ms. Mina Kavanagh, Director, Investigations and Resolutions
E-mail: MKavanagh@collegeoptom.on.ca
Phone: 416-962-4071 X 30

14. If there is other data or information that is relevant to the work of the Task Force, as outlined in the Minister's letter to you of December 17, 2014, please share it.

The College has added to this response, the College's report to Mr. John Amodeo, dated January 23, 2015 and written in response to the Minister's letter of December 17, 2014.

The College would like to restate its support for the mandate of the Task Force and the important work it has undertaken at the request of the Minister. I trust this report contains the information you have requested from the College. Should you have any questions, please contact either Ms. Kavanagh or me.

Sincerely



Paula Garshowitz, OD
Registrar

Cc: Dr. Thomas-A. Noël, President, College of Optometrists of Ontario

Encl. (2): Letter to Mr. John Amodeo, dated January 23, 2015 (included with this letter)
Optometrists-Spreadsheet #1 (attached to e-mail).