

## New legislation coming to protect patients from sexual abuse

September 15, 2016

The Ontario government intends to propose legislation that would uphold and reinforce a zero tolerance policy on the sexual abuse of patients by regulated health professionals

This fall, the provincial government intends to propose legislation that would uphold and reinforce a zero tolerance policy on the sexual abuse of patients by regulated health professionals. **The proposed amendments will result in changes at all levels – for regulatory colleges, health care institutions, individual practitioners and patients.** These changes arise from the recommendations made last December by the government-appointed Task Force on the Prevention of Sexual Abuse of Patients and the Regulated Health Professions Act, 1991.

The government has not yet released the specific amendments it intends to make to existing legislation, but [its recent news release](#) and [task force recommendations](#) provide some indication of expected changes.

**First, the amendments will address what actions by a professional are prohibited – both while care is being provided and after the patient-provider relationship has ended.** The government intends to expand the list of acts that will result in the mandatory revocation of a professional's license. It has also indicated that it will clarify when individuals formerly in a patient-provider relationship are permitted to engage in sexual relations.

Second, the amendments will address the complaints, investigation and discipline process. **Fines – for both professionals and organizations – will be increased if suspected cases are not appropriately reported.** The Task Force has recommended that fines fall between \$100,000 and \$250,000. Further, regulatory colleges will be prohibited from allowing a professional to continue to practice on patients of the opposite gender of the complainant. Their approach will be strictly zero tolerance.

Finally, the amendments seek to improve patient support, transparency and public education. The government intends to fund patient therapy as of the time the allegation is made. Further, in an effort to improve transparency, the government will increase obligations on regulatory colleges to report to the public. Then, in the winter, the government plans to introduce additional amendments to increase patient participation

in the complaints process and enhance education for the public, patients and professionals.

In the interim, the province intends to consult with key partners and will engage an expert to assist in improving how colleges deal with sexual abuse complaints, investigations and discipline. At the moment, it appears that the government is not adopting the Task Force's recommendation to create an independent body dedicated to investigating and adjudicating complaints of sexual abuse by regulated health professionals. However, Health Minister Dr. Eric Hoskins has noted that the door is not closed on the possibility of implementing that recommendation in the future.

We will keep an eye on this developing legislation and will provide further updates as it progresses.

By

[John McIntyre, Patrick J. Hawkins](#)

Expertise

[Health Law, Health Care & Life Sciences](#)

---

## **BLG | Canada's Law Firm**

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](#)

## **BLG Offices**

### **Calgary**

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

### **Ottawa**

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

### **Vancouver**

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

### **Montréal**

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

### **Toronto**

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or

guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG's privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.