



Patient Therapy and Counselling Fund

The *Regulated Health Professions Act, 1991*, (Procedural Code, Section 85.7) requires that a fund be established by each College to provide reimbursement for therapy or counselling to a patient who has been sexually abused by a member of the College. The following guidelines indicate situations where reimbursement may be provided and how the fund is to be administered.

ELIGIBILITY FOR FUNDING

The College will be developing regulations for providing funding for victims of abuse in the following circumstances:

- if there is a finding by a panel of the Discipline Committee that the person, while a patient, was sexually abused by a member of the College of Chiropodists of Ontario, or who has been acknowledged by a member of the College, as part of a statement to or an agreement with the College, as a person who was sexually abused by the member while a patient of the member;
- who has been found by a court to have been sexually assaulted by a member within the meaning of the Criminal Code of Canada while a patient of the member;
- who satisfies the Patient Relations Committee that he or she, while a patient, was sexually abused by a member and that the Executive Committee concludes that the public interest would not be served by holding a hearing before the Discipline Committee; or
- who was alleged to have been the subject of sexual abuse which was referred to the Discipline Committee for the purposes of holding a hearing, and where the member dies before the allegations are determined.

Eligibility for funding for therapy or counselling for the complainant is not affected by an appeal of the decision of a Discipline Panel (in accordance with section 85.7 (5) of the *RHPA, Schedule 2*).

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CHOICE OF THERAPIST OR COUNSELLOR

A person who is eligible for funding is entitled to choose any therapist or counsellor, subject to the following restrictions:

- The therapist or counsellor must not be a person to whom the eligible person has any family relationship.
- The therapist or counsellor must not be a person who, to the College'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 any act of a similar nature.
- If the therapist or counsellor is not a member of a regulated health profession, the College of Chiropractors of Ontario will request the person seeking treatment to sign an acknowledgment that he or she understands that the therapist may not be subject to professional discipline.
- The Patient Relations Committee will only make payments directly to the therapist or counsellor chosen by the person upon presentation of an itemized invoice for each visit and/or treatment session and confirmation that the payment is for therapy or counselling and that it shall not be applied directly or indirectly for any other purpose.
- Funding may be used to pay for therapy or counselling that was provided before the person became eligible based on a decision by the Discipline Committee and recommendations from the Patient Relations Committee.

ADMINISTRATION OF THE FUND

The College of Chiropractors of Ontario's Patient Relations Committee is responsible for the administration of the *Therapy & Counselling Fund*.

A minimum fund of \$10,000 shall be invested and held for the purpose of therapy and counselling. When the Patient Relations Committee has more than one patient who is eligible for funding, it will advise the Executive Committee to take whatever actions necessary to increase the fund to a maximum of \$10,000 per eligible patient.

Any funds paid to a patient for therapy and counselling with respect to sexual abuse, will be reduced by the amount payable from the Ontario Health Insurance Plan (OHIP) or any other private insurance plans.

Patients will be asked to provide copies of all health insurance coverage, and consent to the release of information with respect to insurance coverage.

FUND SIZE

In keeping with the College's philosophy that cost recovery, in itself, might act as a further deterrent for members and thereby act to further protect the public (see *Regulated Health Professions Act*, Section 85.7 (12)), the College will endeavour to recover all costs to maintain the fund size. In the event of any agreement between the College and a member, or former member, through an Alternate Dispute Resolution or mediated settlement, the Patient Relations Committee, using the previously established criteria, will administer any payments. An agreement to make payments to the *Therapy & Counselling Fund* does not carry an implication of guilt.

If the College determines that it is necessary to increase membership fees in order to cover the costs of the *Therapy & Counselling Fund*, it shall do so by way of a special levy as required. Although the levy may be collected during the annual registration period, it shall be clearly

identified and explained as a separate cost to members. The purpose of clearly identifying the levy as separate from the College's general operational costs is to highlight the importance of sexual abuse prevention and to promote awareness of its financial costs and emotional costs to society and the profession.

Financing the funding program can come from one or more of the following:

- The patient therapy and counselling fund
- Allocation of funds from any other unencumbered reserve funds of the College. (RHPA Code Sect. 85.7(12))
- Reimbursement Order made by the Discipline Committee¹
- Mandatory insurance or other arrangements for members where the insurer will reimburse the College for funding paid²
- A civil action against the practitioner to recover funding paid under the program³
- A levy on members of the College
- Increase in membership fees in a subsequent year(s)

¹ RHPA, Code, s. 51(2), para 5.1

² Ibid, 95(1) para. 31.2.

³ Ibid, s. 85.7(12)