



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

- 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;
- If it is alleged in a complaint or report that the person was sexually abused by a member while the person was a patient of the member;

A person is not required to undergo a psychological or other assessment before receiving funding.

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 at any time after the alleged sexual abuse took place

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.

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
- 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)

