



Alberta College of Dental Hygienists

# Guidelines for Dental Hygienists in Alberta

**Professional Boundaries**

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# Guidelines for Professional Boundaries

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The Alberta College of Dental Hygienists (the College) provides guidelines to support dental hygienists in understanding and meeting their legislated requirements, Standards of Practice, and Code of Ethics. Guidelines establish professionally accepted means by which dental hygienists can achieve compliance with the College's standards.

Failing to comply with a guideline may be considered unprofessional conduct if the dental hygienist did not achieve compliance with the standard, or if the departure from the guideline compromises the quality of dental hygiene services or the integrity and/or credibility of the dental hygiene profession.

A dental hygienist may only depart from a guideline if they can demonstrate their chosen conduct:

- Achieves compliance with the applicable standard;
- Maintains the safety, effectiveness, or appropriateness of care required by the standard; and
- Upholds the integrity of the dental hygiene profession.

While these guidelines reflect the requirements for dental hygienists at the time of development, these requirements may change from time to time. Dental hygienists remain responsible for ensuring their practice meets current legislative requirements, Standards of Practice, and Code of Ethics.



## Unprofessional Conduct

Section 135.7 of the *Health Professions Act (HPA)* mandates the development of a program for preventing and addressing sexual abuse of and sexual misconduct towards patients by dental hygienists.

Under the *HPA*, both sexual abuse and sexual misconduct are considered acts of unprofessional conduct.

- The *HPA* stipulates the mandatory lifetime cancellation of a regulated member's practice permit and registration when a Hearing Tribunal makes a finding of unprofessional conduct due to sexual abuse.
- When a Hearing Tribunal makes a finding of unprofessional conduct due to sexual misconduct, a regulated member's practice permit and registration are suspended.

## Definition of Sexual Abuse and Misconduct

Section 1(1)(nn.1) of the *HPA* defines **sexual abuse** as follows:

The threatened, attempted or actual conduct of a regulated member towards 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 member.

Section 1(1)(nn.2) of the *HPA* defines **sexual misconduct** as follows:

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.

The interpretation of **sexual nature** (Section 1(1)(nn.3) of the *HPA*) within the definitions of sexual abuse and sexual misconduct:

Does not include any conduct, behaviour or remarks that are appropriate to the service provided.



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When referring to sexual abuse and sexual misconduct, the [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#) defines an individual patient as:

An individual awaiting or receiving oral health care services and/or treatment where the dental hygienist knew or ought to have known that they were providing care to the individual and satisfies any of the following conditions listed below:

- (a) The dental hygienist has charged or received payment from the individual or a third party on behalf of the individual.
- (b) The dental hygienist has contributed to a health record or file for the individual.
- (c) The individual has consented to oral health care services and/or treatment by a dental hygienist.
- (d) The dental hygienist prescribed a drug for which a prescription is needed for the patient.

## Providing Dental Hygiene Care to a Spouse or Partner

According to Section 4 of the [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#), a spouse, adult interdependent partner or individual with whom the dental hygienist has a pre-existing sexual relationship that is ongoing is NOT considered a “patient” for the interpretation of sexual abuse and sexual misconduct.

- This means a dental hygienist can provide care for these individuals without automatically breaching the standards around sexual abuse and sexual misconduct.
- This does not, however, prevent a spouse or partner from making a complaint to the ACDH about a regulated member. The complaint would be addressed through the ACDH complaints process.

## The Dental Hygienist/Patient Relationship

The dental hygienist/patient relationship is a professional relationship defined by the *HPA* and the College’s Code of Ethics and Standards of Practice.

- All dental hygienists are empowered and bound by these laws and have a corresponding duty and obligation to uphold these laws as a condition of their registration with the College.
- The law presumes that where there is a benefit bestowed on a person, such as the privilege of practicing dental hygiene, there exists a corresponding obligation to society in the exercising of that benefit.

## Defining Professional Boundaries

By mutual consent, some professional relationships develop into personal friendships or social relationships. However, it is inappropriate for a personal relationship to develop between dental hygienists and patients.

- Common sense and respect for others should guide the dental hygienist’s behaviour.



# Guidelines for Professional Boundaries

- The primary concern must always be for the welfare of the patient.
- Only the highest standard for professional behaviour should occur in all practice settings.

In keeping with the ethical principle of beneficence, dental hygienists must maintain a therapeutic and professional dental hygienist/patient relationship. Inherent to establishing therapeutic relationships is knowing where to draw the line between a professional relationship and a personal one, and how to avoid crossing that line.

To do so, the dental hygienist must acknowledge:

- The power imbalance inherent in the relationship.
- The profession's expectation for appropriate behaviour.
- The dental hygienist's duty of care.

## Warning Signs for Boundary Violations

Some examples of warning signs include the dental hygienist:

- Thinking of the patient when away from work.
- Sharing too much personal information with the patient.
- Providing personal contact information to the patient for non-clinical reasons.
- Acting or feeling possessive of the patient.
- Giving special attention or preferential treatment to the patient that is different from normal practices, including scheduling more time.
- Being defensive, embarrassed, or making excuses when someone comments on or questions the dental hygienist's interactions with the patient.
- Giving or accepting gifts that may cause a sense of obligation or convey a special relationship.

Boundary violations often occur gradually and unintentionally; minor transgressions tend to lead to more significant ones if left unchecked.

May not be appropriate	Never appropriate
<ul style="list-style-type: none"><li>• Treating patients with whom you have a pre-existing social relationship</li><li>• Developing social relationships with former patients</li><li>• Developing social relationships with current patients</li><li>• Romantic relationships with former patients*</li></ul>	<ul style="list-style-type: none"><li>• Physical, verbal, sexual, or emotional abuse</li><li>• Sexually explicit language or innuendos, even if instigated by the patient</li><li>• New sexual relationships with a current patient</li><li>• Entering into business relationships with existing patients</li></ul>

\*only if 365 days have past since last professional interaction and there is no continuing power imbalance



# Guidelines for Professional Boundaries

## Dating Patients

The [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#) stipulates the following:

The dental hygienist may not enter into a close personal relationship or sexual relationship with a former patient until at least one year (365 days) has passed since the last professional interaction occurred and the professional relationship has ended, and there is minimal risk of a continuing power imbalance as a result of the professional dental hygienist/patient relationship.

In determining whether there is a risk of a continuing power imbalance, the following factors will be considered:

- (a) The number of times that the dental hygienist and the patient had a professional interaction;
- (b) The duration of the professional relationship;
- (c) The nature of the professional interactions;
- (d) Whether sufficient time has passed since the last professional interaction occurred;
- (e) Whether the patient has confided personal information to the dental hygienist beyond that which was necessary for the purposes of receiving professional services;
- (f) Whether the patient was emotionally dependent on the dental hygienist; and
- (g) Whether the patient is particularly vulnerable as a result of factors such as age, gender identity, socioeconomic status, or as a result of a mental, intellectual, or physical disability.

It is the responsibility of the dental hygienist to maintain ethics, demonstrate respect for and sensitivity to personal and professional boundaries, and clarify the roles and goals in the dental hygienist/patient relationship.

***Ultimately, the dental hygienist is responsible for using their professional judgement to determine when relationships become unacceptable.***

*If the dental hygienist feels that their professional judgement is affected by a personal relationship, the dental hygienist should cease providing care to that patient and should refer them to another dental hygienist or health care professional.*

## Acknowledgements

The ACDH gratefully acknowledges the College of Dental Hygienists of Ontario, the British Columbia College of Oral Health Professionals, and the College of Physiotherapists of Alberta for information found in their parallel documents.