

A Guide to Obtaining Patient/Client Consent to being Named in a Mandatory Report of Sexual Abuse

Below is information for reporters when seeking consent from a patient/client to being named in a mandatory report of sexual abuse.

Note: all references in this Guide to "patient/client consent" should be considered to include consent that may be provided by the patient/client's representative in circumstances where the patient/client is incapable.

Under the [Health Professions Procedural Code](#), a mandatory report should be filed with the College if there are reasonable grounds, obtained during the course of practicing the profession, that a patient/client has been sexually abused by a regulated healthcare practitioner. The name of the patient/client who was the victim of the alleged sexual abuse is only required to be included **if the patient/client consents to being named.**

The following applies to mandatory reporting:

1. The grounds to be included in the mandatory report must come to the attention of the Kinesiologist during the course of practicing the profession.
2. The name of the regulated healthcare practitioner that allegedly committed the sexual abuse must be known.
3. The patient/client, the victim of sexual abuse, is to be advised of the Kinesiologist's mandatory reporting obligation.
4. Where a patient/client consents to being named in the mandatory report, then if the College that receives the report proceeds with an investigation into the matter, it may contact the patient/client. The College may notify the patient/client of their individual right to file a complaint against the regulated healthcare practitioner alleged to have abused them and also provide the patient/client with information about the complaints process.
5. Where the patient/client does not consent to being named within the mandatory report, the College receiving the mandatory report may have difficulty in investigating the matter. Without a patient/client to substantiate the information in the mandatory report, it may not be possible for an investigation to proceed.



Before obtaining patient/client consent to being named in a mandatory report, the reporter should make their best effort to ensure the patient/client understands the following:

1. The mandatory report will be sent to the regulatory College of the regulated health care practitioner that is alleged to have abused them.
2. Where the patient/client consents to their name being included in the mandatory report, the regulatory College may take steps to prevent the practitioner from abusing other patients. For example, the practitioner may be disciplined.
3. Where the patient/client does not consent to their name being included in the mandatory report, it may be more difficult for the regulatory College to investigate the information in the report without a patient/client substantiating the information.
4. Where the patient/client consents to their name being disclosed, the patient/client may be approached by a representative of the regulatory College that receives the report. The College representative will explain the College's processes, including funding that may be available to the patient/client for therapy, and next steps in regard to the College's response to the practitioner who allegedly abused them. The patient/client may direct any questions they have to the College.
5. Where the patient/client consents to their name being disclosed to the College, and where the patient/client requests that their name remain confidential, the College is able to ensure confidentiality. However, there are circumstances where the patient/client name will be required for internal College processes to facilitate the investigation. Notwithstanding this, the patient/client name will be kept private from the public.

The following is a sample Patient/Client Consent Form, which a reporter can use to document and/or collect a patient/client's consent to being named in a mandatory report.

**This guide was inspired by the work created by the College of Massage Therapists of Ontario (CMTO).*



Patient/Client Consent to Being Named in a Mandatory Report of Sexual Abuse

I _____ was a patient/client of _____ (name of
the regulated healthcare practitioner) and this person sexually abused me.

The reporter _____ has informed me that they must report my case of
sexual abuse by the above-mentioned practitioner. I consent to my name being included in the
mandatory report.

(Signature of Witness)

(Signature of Patient/Client)

(Print Name of Witness)

(Print Name of Patient/Client)

(Date)

(Date)

For Reporters: It is recommended that this form be kept for your records. It does not have to be
provided to the College.

For client/patients: If you have any questions or concerns before deciding whether or not to
sign this consent form, please contact the College of Kinesiologists of Ontario.