

WAC 246-847-210 Unprofessional conduct—Sexual misconduct. (1)

The occupational therapist and occupational therapy assistant shall never engage in sexual contact or sexual activity with current clients or a key party.

(2) "Key party" in this section means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient or client and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian and person authorized to make health care decisions of the patient or client.

(3) Sexual contact or sexual activity is prohibited with a former client or key party for two years after cessation or termination of professional services.

(4) The occupational therapist and occupational therapy assistant shall never engage in sexual contact or sexual activity with former clients or a key party if such contact or activity involves the abuse of the occupational therapy practitioner-client-key party relationship. Factors the board may consider in evaluating if the occupational therapy practitioner-client-key party relationship has been abusive include, but are not limited to:

- (a) The amount of time that has passed since therapy terminated;
- (b) The nature and duration of the therapy;
- (c) The circumstances of cessation or termination;
- (d) The former client's or key party's personal history;
- (e) The former client's or key party's current mental status;
- (f) The likelihood of adverse impact on the former client, key party and others; and

(g) Any statements or actions made by the occupational therapist or occupational therapy assistant during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the former client or key party.

(5) Sexual misconduct includes, but is not limited to, activities listed in WAC 246-16-100.

(6) These rules do not prohibit:

(a) The provision of occupational therapy services on an urgent, unforeseen basis where circumstances will not allow an occupational therapist or occupational therapy assistant to obtain reassignment or make an appropriate referral;

(b) The provision of occupational therapy services to a spouse or any other person who is in a preexisting, established relationship with the occupational therapist or occupational therapy assistant where no evidence of abuse of the occupational therapy practitioner-client relationship exists.

[Statutory Authority: RCW 18.59.130. WSR 18-09-032, § 246-847-210, filed 4/11/18, effective 8/1/18. Statutory Authority: RCW 18.59.130 and 18.130.180. WSR 05-24-106, § 246-847-210, filed 12/7/05, effective 1/7/06.]