

Good afternoon. My name is Dr. Peter Trainor.

I am the President of the Royal College of Dental Surgeons of Ontario.

With me today is Mr. Irwin Fefergrad who is the Registrar of the College.

First, let me state the obvious. We believe that sexual abuse of patients by a dentist or any health care professional is a very serious matter.

It involves a breach of trust that is the bedrock of the patient/professional relationship.

Simply put: It is abhorrent.

As a health care regulatory college, RCDSO has a critical role to play in public protection by doing our utmost to prevent the sexual abuse of any dental patient.

It is our fundamental responsibility to deal with reported cases of sexual abuse in a sensitive, respectful but yet effective manner.

And we do that.

To demonstrate how we put those values into action, I want to refer to a recent decision from a panel of our Discipline Committee.

The case involved allegations of professional misconduct against a Toronto dentist.

Those allegations included, and I now quote right from the panel's final decision:

“Disgraceful, dishonourable, unprofessional and unethical conduct” for engaging in the sexual abuse of the patient.

This abuse included, among other things, sexual intercourse with a patient.

The panel’s decision was clear. It found that, and again I quote,

“the member’s conduct in his admitted sexual abuse of a patient was disgraceful and that this conduct dishonoured the profession.”

The penalty decision by the panel was a five year revocation of the member’s certificate of registration, effective immediately.

This case demonstrates that this Standing Committee and indeed the public of Ontario should have full confidence in our ability to deal with sexual abuse matters with all integrity and vigour as intended in the original RHPA legislation.

I want to assure you that spousal abuse as one would define it in the statute is not a problem within the dental profession.

For decades, starting way before the decision of the Court of Appeal in 2009, thousands and thousands of dentists have treated their spouses.

And they have done so safely and without any cause for concern.

Since 1993, at our College there has only been one complaint about a dentist treating a spouse – and that complaint was filed by someone other than the spouse.

It will be no surprise then to know that RCDSO is in support of this Bill. We are pleased that it gives each regulator the discretion to deal with this matter in a way that is appropriate for them.

At our College, we believe that these matters belong with the Discipline Committee.

This statutory committee is composed of both professional members and public representatives appointed by government.

This committee is more than able to use its judgement in these situations, as it does with other serious matters of professional misconduct.

The committee can make a reasoned decision on the evidence before it, taking into account any aggravating or mitigating circumstances.

We know from experience that this in no way will weaken or jeopardize our ability as a regulator to fulfill our mandate of public protection.

I believe that this is not the time for false humility.

The Royal College of Dental Surgeons is a responsible regulator. We have demonstrated that year after year after year since our founding over 140 years ago.

In fact we are so responsible that, in January 1995, under the then NDP Minister of Health, the Honourable Ruth Grier, our College received a letter from the Ministry about the Regulated Health Professions Act.

It stated (and I am quoting directly from that letter now):

*You asked for assurance that nothing in the RHPA would prohibit a dentist from treating his or her spouse.*

*While the RHPA does provide a broad definition of sexual abuse of a patient, it is not the intention of the legislation to regulate the relationship between spouses.*

*In answer to your question, you can advise your membership that they can continue to provide dental treatment to their partners.*

Even in 2009, when there was a massive review of the Act, government did not waiver or rescind that advice given to our College that its members could continue to provide dental treatment to their partners.

RCDSO has always demonstrated that we take our legislated mandate of public protection with extreme seriousness.

We continue to excel at fulfilling the full intention and the spirit of the Regulated Health Professions Act.

At the beginning of the year, the College commissioned an external unbiased review of our regulatory operations by the No. #1 expert in the world on regulation.

His name is Harry Cayton, O.B.E.

Mr. Cayton is the Chief Executive of the Professional Standards Authority for Health and Social Care in the United Kingdom.

He and his team benchmarked our approach to and compliance with 28 international standards of good regulation covering three regulatory functions:

- The setting of guidance and standards
- Registration
- Complaints.

His final report stated unequivocally that RCDSO meets or exceeds all relevant standards of good regulation.

He described our College as an “effective regulator” that is “strongly focused on patient safety and the public interest.”

As an aside, it is important to note that RCDSO is the only regulator in Ontario, and indeed in Canada, to have willingly undertaken this type of external review.

I believe that government and the public of Ontario should have full confidence that we understand our mandate of regulating in the public interest.

Our College has a long record of excellence in public protection. We have not wavered from that path.

We only ask to be able to continue to shoulder that same responsibility and accountability in this particular situation.

In closing, I want to reiterate our College's support for Bill 70 as proposed.

However, I would like to add one caveat, and it is this:

We would ask for some assurances that once this Act receives Royal Assent the accompanying regulations can be fast tracked.

As many of you may know, this part of the process can sometimes stretch out for years.

That kind of indeterminate delay would be a disservice to the dentists of Ontario.

I want to thank the committee members for their full attention and we would welcome any questions that you might have.