

WHAT SHOULD I DO IF I HAVE A PROBLEM WITH MY DENTIST?

Patients are encouraged to discuss the problem with their dentist. If you still have concerns, please contact us.



Royal College of
Dental Surgeons of Ontario

Ensuring Continued Trust

THE ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO (RCDSO)

is one of the province's over 20 health care regulatory colleges. We are called a college, but we are not a school. We are a regulatory body established by a provincial law called the *Regulated Health Professions Act, 1991* (RHPA) to protect your right to safe, effective and ethical dental care.



As the regulatory college for dentists, one of our important responsibilities is to address concerns about the conduct or practice of dentists. We have been given legal powers by the provincial government to investigate any complaint we receive, whether from a patient or another person. These powers cover dentists in all branches of dentistry, including general dentistry and specialty practice. This is perhaps one of the most significant protections that consumers have under the RHPA.

We take this responsibility very seriously. Every complaint about a dentist that is received by the College is thoroughly and objectively investigated. Dentists in Ontario are accountable to us for the way they perform their work. The formal process for investigation of a complaint is outlined in the legislation.

The College's philosophy is to work through a responsive and respected process that is perceived by both the profession and the public as fair, transparent and accessible.

? How do I make a complaint?

You can discuss your concerns with us at any time. If you decide to make a formal complaint you need to write or e-mail us, or to record your complaint on audio tape, videotape, film, computer disc or some other medium. We cannot accept a complaint by phone.

We will need to have the following information:

- a clear statement that you are submitting a complaint;
- the full name of the dentist;
- as much detail as possible about your concerns;
- the names of any other dentists, health care practitioners or other persons that may have relevant information;
- your daytime phone number and your mailing address.

? Is there a time limit for making a complaint?

No, you can make a complaint at any time.

? Do I need a lawyer?

No, however, you are entitled to have legal representation if you wish.

? Who deals with my complaint?

The College's Inquiries, Complaints and Reports (ICR) Committee will consider your complaint. The mandate of this Committee is outlined in provincial law. The Committee members include both dentists and members of the public who are appointed by the provincial government to represent the views of consumers.

? How does the process begin?

We investigate all complaints. When the College receives your complaint, a copy will be forwarded to the dentist. Then the dentist has 30 days to submit a written response to the College. You will have an opportunity to review the dentist's response and to make any further comments.

? What happens next?

Your complaint is fully and impartially investigated by College staff, with the investigation limited to your specific complaint. This investigation includes written submissions from both you and the dentist. Any other dentists or health care practitioners who have treated you or consulted on your treatment may be contacted. An investigator may also formally get in touch with any third-party insurers involved, such as your insurance company.

As part of this process, we usually request relevant records, x-rays, dental charts and other information from the dentist. The dentist has a duty to co-operate fully with the investigation. The ICR Committee may also engage a dental expert to help it.

You are kept informed at every step of the process.

After the investigation is complete, and all the supporting documentation is received, College staff will present the complete file of information to the ICR Committee for its review. The Committee then makes a decision based on the documentation placed before it.

? How will the ICR Committee deal with my complaint?

There are a number of options available to the Committee under the *Regulated Health Professions Act, 1991* (RHPA).

- Take no further action if the dentist's conduct and/or actions meet reasonable and acceptable standards of practice, or if there is insufficient information for the Committee to take action.
- Require the dentist to appear to be cautioned about his/her practice or conduct. The ICR Committee will discuss its concerns with the dentist and make suggestions that it believes the dentist must take to avoid future difficulties.

- Provide guidance to the dentist on how to improve his/her practice. For example, sometimes the dentist will enter into an agreement with the College to undertake remedial educational programs or upgrading.
- Require the dentist to complete a specified continuing education or remediation program.
- Refer the dentist to another panel of the ICR Committee for investigation of possible mental or physical health concerns that might interfere with the dentist's ability to practise.
- Refer the matter to the Discipline Committee to hear specified allegations of professional misconduct or incompetence.

If a panel of the Discipline Committee, during a formal and public hearing, finds that a dentist has committed an act of professional misconduct, it may:

- ▶ suspend or revoke the dentist's licence;
- ▶ impose terms, conditions and limitations on the dentist's licence;
- ▶ reprimand the dentist;
- ▶ require the dentist to pay a fine;
- ▶ publish a summary of the matter.

? What happens once a decision is made?

Once the panel of the ICR Committee reaches a decision, both you and the dentist will be sent a copy

of the decision. College staff are not members of the Committee, nor are they involved in any way in the Committee's decision-making.

? **Is there an appeal process?**

In most cases, there is an appeal process available that provides additional protection for both the patient and the dentist. On request of either party, an arm's-length provincial board called the Health Professions Appeal and Review Board may review the Committee's decision.

? **Can the ICR Committee award money or damages?**

The law governing health professionals only permits the Committee to make a decision about the dentist's conduct. The Committee cannot, by law, award compensation, damages, or refunds of any kind. Only the courts have that authority.

If you are considering suing a dentist for compensation as a result of negligence or malpractice, the law requires that legal action must be commenced within two years after you knew, or ought to have known, the facts on which your suit is based. Your legal advisor can answer any questions that you might have about your rights to sue a dentist.

? **Are the decisions of the ICR Committee available to the public?**

All information relating to the investigation and resolution of a complaint is held in the strictest confidence, as required by current legislation.

? **Is there another option instead of the complaints process?**

The College offers a voluntary and confidential program for the resolution of some complaints as an alternative to the formal complaints process. It is called alternate dispute resolution (ADR). It provides an opportunity for you and the dentist to reach a negotiated settlement.

? **Is ADR always an option?**

ADR is not suitable for all complaints. College staff will decide if your complaint is appropriate for ADR. Then both you and the dentist must agree to participate for ADR to proceed.

? **How does ADR work?**

A facilitator will meet with you and the dentist to assist you in communicating and negotiating more

effectively. The facilitator is a neutral person who is not a member of the College's staff or of a College committee. The College pays for any reasonable costs and expenses of the facilitator.

The facilitator's goal is to work with you and the dentist in a respectful and confidential way to simplify the issues, and enhance your ability to reach a settlement that is agreeable to both of you.

ADR is usually much faster than the complaints process. There is also usually less correspondence and documentation involved. For some, these factors may be an important consideration. However, there is no right of appeal of the final settlement.

If, for some reason, the ADR process does not result in a negotiated settlement, your complaint will be processed in the usual way through the normal complaints process.

Patients must be able to put their trust in dentists. Dentists themselves rank this as one of the profession's highest priorities. In fact, the College is totally funded by the fees paid by each dentist in the province.

Dentists believe that it is important for the profession to demonstrate through its honesty and integrity that they deserve that trust.

How do I contact the College?

You can contact the College in a number of ways.

MAIL

Royal College of Dental Surgeons of Ontario
6 Crescent Road
Toronto, ON M4W 1T1
Attention: Complaints

PHONE

416-961-6555
1-800-565-4591

FAX

416-961-5814

E-MAIL

info@rcdso.org



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Toll-Free: 1-800-565-4591 www.rcdso.org