



**College of Dental Technologists of Ontario**  
Ordre des Technologues Dentaires de l'Ontario

## **PATIENT RELATIONS PROGRAM**

### **Policy and Guidelines**

#### **Part I**

#### **Introduction**

Dental Technologists, as professionals, may come into contact with patients referred by dentists or other health practitioners on such occasions as “shade taking”, “shade adjusting” and “visual assessment”.

In April 1995, Council in recognition of the limited contacts between the profession and patients, formally approved that the College of Dental Technologists of Ontario’s (“CDTO” or the “College”) Patient Relations Committee broaden the scope of its program and guidelines to include, “measures that enhance the relation of the profession with not only patients, but also clients, and co-workers.”

Further in April 1998, the Health Colleges were advised by the Health Professions Regulatory Advisory Council (HPRAC) that complaints of “Professional Misconduct of a Sexual Nature” encompasses complaints of both patients and non-patients. HPRAC’s interpretation therefore reinforces the scope of the CDTO’s Patient Relations Program to include measures that enhance the relation of the dental technologists with patients, clients and co-workers.

## **Part II Policy Statement**

The CDTO's Patient Relations Committee has an obligation under the Regulated Health Professions Act (RHPA), 1991, to a) develop programs to educate members and staff on sexual abuse and harassment issues, b) develop guidelines for professional behavior, and c) administer a program of funding for therapy and counselling of a sexually abused patient (*RHPA, 1991, Sched. 2 s. 85*).

**The College has a policy of “zero tolerance” for sexual abuse, harassment and workplace violence of patients, clients, and co-workers in the practice of dental technology.**

The College's Policy on sexual abuse, harassment and workplace violence are set out below:

- 1) Prevent sexual abuse, harassment, and workplace violence by educating, encouraging open dialogue, assessing and investigating potential incidents and informing members of policy development, complaints processes and guidelines for proper professional relationships;
- 2) Train College staff, Council and Committee members to be proactive, responsive, sensitive and supportive to the needs of complainants and members; and
- 3) Inform the public and the target groups mentioned above of their rights, the College's policies and the complaints processes.

### **Definition**

**“Patient”** as an individual receiving professional treatment referred by a dentist or a health practitioner;

**“Client”** as a dentist or a health practitioner primarily responsible for the treatment of a patient;

**“Co-worker”** as a person working in the same place as the dental technologist, including employee of the dental technologist whether working under supervision or not, or a person working in a place where the dental technologist would have professional contact in his/her practice;

**“Sexual Abuse”** as defined in the *RHPA, 1991*:

- sexual intercourse or other forms of physical sexual relations between the member and the patient;
- touching, of a sexual nature, of the patient by the member; or
- behaviour or remarks, of a sexual nature, by the member towards the patient

**“Sexual Harassment in the workplace”**

Includes:

- unwelcome sexual advances (verbal, written or physical);
- requests or demands for sexual favours;
- any other type of sexually oriented conduct; and
- verbal abuse or “kidding” that is sex oriented.

When

- the conduct has the purpose or the effect of interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment/relation; and/or
- submission to such conduct is either an explicit or implicit term or condition of employment; and/or
- submission to or rejection of the conduct is used as a basis for making employment decisions.

For the purposes of this policy and guidelines the definition of sexual abuse and sexual harassment of patients apply to clients and co-workers.

- 1) The member must meet the legislative requirements and conditions of the College as they relate to dental technology practice.
- 2) The member supports the objectives and purpose of the College and is governed by its rules and regulations.
- 3) The member practices in a professional manner, being guided at all times by respect for human dignity.
- 4) The member keeps all information received in the course of the professional relationship confidential except:
  - a. when reporting is required by law; or
  - b. when the sharing of pertinent information is appropriate for collaboration with other health care providers involved.
- 5) The member continues education/training to improve his/her awareness of sexual abuse/harassment issues.
- 6) The member recognizes what the RHPA considers as “sexual abuse of a patient” and “abuse of a sexual nature” and does not engage in such professional misconduct.
- 7) The member recognizes that under the RHPA, it is mandatory for members to report information or incidents of suspected sexual abuse of a patient by a member of the same or of a different College to the governing College of the practitioner (*RHPA, 1991, Sched. 2, s. 85.1, 85.2 and 85.3*).

- 8) The member recognizes the College's definition of sexual harassment in the workplace and does not harass clients and co-workers.
- 9) The member cooperates with College investigations or inquiries into the professional conduct of any member of a regulated health profession.
- 10) No member shall falsely impugn the reputation of any colleague.
- 11) The member maintains professional relationship with patient, client and co-worker and does not exploit the relationship for personal advantage.
- 12) The member conducts himself/herself in an honourable and professional manner so as to merit the respect of the public for members of the Dental Technology profession.

### **Suggested Preventive Measures – When Contacting Patients**

This section of the policy and guidelines suggests measures that may be considered when dental technologists see patients. Council has adopted the preventive measures set out below as a minimum standard. The objective is to protect public interest and eliminate the risk of sexual abuse allegations.

- 1) Whenever possible, schedule patient appointments for procedures prescribed by a dentist or another health practitioner during normal business hours.
- 2) If appointments must be made before or after normal laboratory hours, make sure that at least one other staff member - preferably, of the same sex as the patient - is present.
- 3) It may not be possible to avoid physical contact with patients during dental technology procedures, such as, "shade taking", but **avoid**
  - a. unnecessary touching, pinching, etc.;
  - b. gestures, tone of voice or behaviour that may cause awkwardness or embarrassment;
  - c. unwelcome remarks/jokes about a person's body, attire or sex; and
  - d. displaying pornographic or other offensive materials in the laboratory.
- 4) Explain procedures in detail to the patient and obtain the patient's **written** consent before providing service.
- 5) Dress appropriately, in a professional manner. Both female and male dental technologists are advised to wear laboratory coats or smocks.
- 6) While you are expected to treat the patient pleasantly and with courtesy, be sensitive to cultural and individual differences. Avoid familiarity, pleasantries need be limited to businesslike manner. These preventative measures should also be adopted when dental technologists contact clients and co-workers.

## **Mandatory Reporting**

The RHPA requires all regulated health professionals, including dental technologists and employers to report the health professional, who committed the alleged abuse of a patient, to the governing College concerned. The report must be made in writing within thirty days of learning or witnessing of the incident. If there are reasonable grounds to believe that the health professional will continue to sexually abuse the patient or other patients, the report must be filed immediately. On the other hand, if the identity of the health professional is not known, it is not necessary to report.

The RHPA states that failure to report, when a health professional had reasonable grounds to do so, is an offence punishable by a fine of not more than \$50,000 for an individual.

## **Complaints, Investigation and Penalties**

The College of Dental Technologists of Ontario will not tolerate sexual abuse or harassment of any kind committed by its members. On receipt of any complaint, the College will:

- 1) Promptly appoint an independent investigator to interview the complainant to verify and gather facts.
- 2) The investigator will interview in person the alleged RDT, present allegations made by the complainant and collect relevant information.
- 3) On completion of the investigation, the investigator will present a report to the College.
- 4) The Complaints, Inquiries and Reports Committee (ICRC) will assess the facts to decide whether to refer the case to the Discipline Committee, take another action appropriate of the ICRC such as requiring the member to appear before the panel to be cautioned or to take no further action.

## **Penalties**

The legislation states that when a panel of the Discipline Committee finds a member guilty of committing an act of professional misconduct by “sexually abusing” a patient, at a minimum, it must:

- 1) Reprimand the member.
- 2) Suspend the member’s certificate of registration if the sexual abuse does not consist of or include conduct listed in paragraph 3 and the panel has not otherwise made an order revoking the member’s certificate of registration under subsection (2).
- 3) Revoke the member’s certificate of registration if the sexual abuse consisted of, or included any of the following:
  - a. sexual intercourse;
  - b. genital to genital, genital to anal, oral to genital, or oral to anal contacts;

- c. masturbation of the patient by the member; or
- d. encouragement of the patient by the member to masturbate in the presence of the member
- e. Touching of a sexual nature of the patient's genitals, anus, breasts or buttocks; and/or
- f. Other conduct of a sexual nature prescribed in regulations made pursuant to clause 43 (1) (u) of the Regulated Health Professions Act, 1991. 2017, c. 11, Sched. 5, s. 19 (3).

In addition, it may make an order doing any one or more of the following:

- 1) Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
- 2) Require the member to reimburse the College for funding provided for therapy and counselling for patients who were "sexually abused" by the member up to the actual cost of the therapy provided.
- 3) Require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse.
- 4) Require the member to reimburse the college for an amount up to the actual cost of the college investigation and the hearing, including all legal costs incurred by the college.

### **Funding for Therapy and Counselling**

- 1) As required by the RHPA, the Patient Relations Committee is responsible for developing criteria and managing funding for therapy and counselling of patients who are sexually abused by dental technologists. Council has guaranteed the Patients Relations Committee access to the College's general contingency funds for the purpose of obtaining funding for therapy and counselling of patients (*RHPA, 1991, Sched. 2 s. 85.7(2) and 85.7(3)*).
- 2) Funding for therapy and counseling will be made available to a patient if it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member; or the alternative requirements prescribed in the regulations made by the Council are satisfied. The Patient Relations Committee will administer the program.
- 3) A person's eligibility for funding is not affected by an appeal from the panel's finding.