RCDSO RISK ASSESSMENT FRAMEWORK

September 2024

Purpose:

The RCDSO Risk Assessment Framework guides the decisions of regulatory committees and staff. The goal of the framework is to enable risk-based decision-making. It has been developed as a common framework across all programs areas to ensure transparent, consistent and fair decision-making. Each regulatory program will customize the Risk Assessment Tool and develop associated tools to drive area-specific decisions and outcomes.

Regulatory program-specific inputs



Common Risk
Assessment
Framework, with
area-specific
customization and
implementation



Regulatory program-specific outcomes

The framework includes:

- GUIDING PRINCIPLES ground Committees in a common approach to assessing risk.
- STEPS TO REGULATORY PROGRAM DECISIONS outline the process to assess risk using a common framework supported by Committee-specific resources.
- **RISK TERMS AND DEFINITIONS** define each level of concern that decision makers may identify with regards to each specific area assessed when reviewing a file and are used to identify an overall level of risk presented in the situation.
- **OUTCOMES MAP** maps outcomes to levels of risk with the intent of consistent and transparent responses that are proportionate to the concern or risk identified.
- RISK ASSESSMENT TOOL allows committees to systematically consider types of concerns that may be raised in cases, applications or in response to information received by the College where the public interest is affected. It includes an assessment for aggravating and mitigating factors and is followed by an algorithm specific to each regulatory area used to guide selection from possible outcomes.
- GLOSSARY OF OUTCOMES

GUIDING PRINCIPLES

The RCDSO programs' approach to risk-based regulation will be grounded in the following principles:

1. This Risk Assessment Framework and Tool is intended for use by RCDSO Committees and Programs, including:

- **FIP** Facility Inspection Program
- ICRC Inquiries, Complaints and Reports Committee
- QAC Quality Assurance Committee
- Reg Registration Committee

2. The RCDSO's regulatory programs will:

- a) identify risks in its regulatory work
 - The identification of risk will be informed by the College's mandate and its objects, as set out in the Regulated Health Professions Act, 1991 and may be informed by the vision and mission of the RCDSO strategic plan
- b) adopt a common lexicon and associated definitions across departments (e.g., probability (likelihood), severity (impact))
- c) qualify and quantify risks to defined categories of risk level
- d) prioritize those risks that have potential negative implications
 - for patient or public harm or safety
 - on the public's interest
 - on the College's reputation

3. Regulatory responses or activities will:

- a) apply principles of right touch regulation and will be proportionate to identified risks. Areas identified with low or inconsequential risk may not require any action
- b) be outcome-focused and specific to the identified risks
- 4. Regulatory program decisions will be:
- a) made using a risk-based framework and/or tools
- b) supported by a clearly articulated rationale

rcdso risk assessment framework 2

STEPS TO REGULATORY PROGRAM DECISIONS

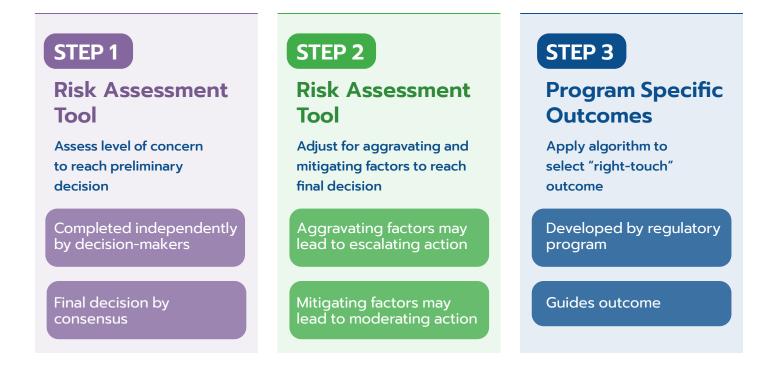


Figure 1. Steps to Regulatory Program Decisions: Assess, Adjust, Apply

RISK TERMS AND DESCRIPTIONS

LEVEL	DESCRIPTION
Inconsequential	Concerns about the dentist's conduct and/or practice have no or minimal impact on patient care, public safety or on public trust in the College
Low	Likelihood: Concerns about the dentist's conduct and/or practice are unlikely to have a direct impact on patient care, public safety, or on public trust in the College Impact: If the conduct and/or event did occur, it is unlikely to be significant
Moderate	Likelihood: Concerns about the dentist's conduct and/or practice may have a direct impact on patient care, public safety, or on public trust in the College Impact: If the conduct and/or event did occur, it may be significant
High	Likelihood: Concerns about the dentist's conduct and/or practice are likely to have a direct impact on patient care, public safety, or on public trust in the College Impact: If the conduct and/or event did occur, it is likely to be significant

RCDSO RISK ASSESSMENT FRAMEWORK

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OUTCOMES MAP

Inconsequential Low Moderate High

	F	TIP		TRATION MITTEE	ICRC	QA COMMITTEE
No action	√				✓	✓
Register or issue authorization or permit	,	/	,	/		
Advice and recommendations	,	/			✓	
Warning	,	/				
Remedial agreement					✓	✓
Undertaking to remediate			√	✓	Public	
Caution					Public	
Specified Continuing Education or Remediation Program (SCERP)					Public	✓
Undertaking to restrict	Public		✓ Public		Public	√
Refuse to issue certificate of registration, authorization or facility permit	√	✓	,	/		
Refer to Registrar	,	/				
Impose Terms, Conditions and Limitations (TCLs) or interim order	ions (TCLs) or		Pu	blic	Public	✓
Refer to Discipline Committee					Public	
Refer to Fitness to Practice Committee					Public	
Refer to Inquiries, Complaints and Reports Committee (ICRC)						✓

RCDSO RISK ASSESSMENT TOOL

STEP 1: ASSESS level of concern

Please note: A response is only required where the concern has been identified. If the specific area was not assessed or was not relevant to the specific assessment, then the row should be left blank.

1. Demonstrates knowledge, skill and judgment in clinical practice (in accordance with the standards, etc.)

LEVEL OF CONCERN

	LEVEL OF CONCERN				
	None/ Inconsequential	Low	Moderate	High	
Treatment and Care					
Medical history					
Dental history					
Assessment					
Diagnosis					
Radiographic findings					
Treatment plan					
Informed consent					
Fee estimate provided and discussed					
Progress notes					
Follow-up plan					
Billing					
Other					
Medication Administration					

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
Transfer of Care				
Care is transferred where appropriate				
Transfers of care are timely and complete				
Controlled Acts/Non-controlled Acts				
Controlled acts are not delegated				
Non-controlled acts are appropriately assigned				
Care (including documentation) is consistent with RCDSO Standards of Practice, Guidelines and Advisories, including:				
Dental CT Scanners				
Dental Recordkeeping				
Electronic Records Management				
Implant Dentistry				
Infection Prevention and Control				
Informed Consent				
Medical History Recordkeeping Guide				
Most Responsible Dentist				
Role of Opioids				
Use of Sedation and General Anesthesia				
<u>Virtual Care</u>				
Other				

2. Practices within scope

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
CARE PROVIDED IS:				
Within scope of registration type (e.g., generalist, specialist)				
Consistent with authorizations/facility permits				
Other				

3. Upholds duties of confidentiality and privacy

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
PERSONAL HEALTH INFORMATION IS:				
Accessible to patient on request				
Disclosed with consent ¹				
Safeguarded				
Secure, including digital records and communications				
Policy for breach is in place				
Other				

¹ PHI doesn't always need to be disclosed with consent. For instance, privacy law contemplates situations where disclosure is required by law (i.e., mandatory report) or permitted by law (e.g., in duty to warn situations).

4. Upholds regulatory responsibilities, including legal, ethical and professionalism principles

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
OBSERVED OR DOCUMENTED				
Demonstrates effective communication				
With patients				
With other professionals				
With the RCDSO				
Cooperates with College				
Complies with committee decisions/orders				
Complies with regulatory requirement				
Documented violation of professionalism:				
Acting while in a <u>conflict of interest</u>				
Dishonesty/misrepresentation/falsification of information				
Ethical breach				
Failure to report				
Financial integrity/responsibility				
<u>Charges</u>				
Convictions				

5. Practice Management

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
OFFICE INSPECTION				
Safety equipment available and accessible (e.g., fire extinguisher, emergency bag-valve-mask)				
Medical emergency kit (medications available and unexpired, stored properly), naloxone available				
Controlled substances and register secured				
CPR, ACLS certificates available as required				
HARP certificates available				
Policies and procedures available as required				
INFECTION PREVENTION AND CONTROL				
Sterilization procedures available				
IPAC self-assessment completed				
MAINTENANCE RECORDS AVAILABLE				
General equipment (e.g., compressor, suction, I/O camera)				
CT and X-ray equipment (e.g., panoramic x-ray, Cone Beam CT)				
Sedation / anesthetic equipment (e.g., N ₂ O/O ₂)				
RADIOGRAPHY EQUIPMENT				
Daily X-ray testing completed and recorded				
RCDSO SEDATION AUTHORIZATION (IF APPLICABLE)				
RCDSO facility permit (sedation) available				
Sedation authorization certificate available				
RCDSO CT AUTHORIZATION (IF APPLICABLE)				
CT authorization certificate available				
RCDSO facility permit (CT) available				

6. Maintains professional boundaries

Note: where this rises to level of moderate or high then becomes driver of decision

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
OBSERVED OR DOCUMENTED				
Boundary crossings/violations				
Abuse (physical, psychological, emotional)				
Sexual abuse				
Professional Use of Social Media				
<u>Other</u>				

7. Mentally competent and physically able to safely practice dentistry

Note: where this rises to level of moderate or high then becomes driver of decision

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
OBSERVED OR DOCUMENTED CONCERNS WITH				
Physical health				
Mental health (including addiction)				

8. Preliminary Decision

Based on responses to questions 1-7 and the definitions of levels of concern described on page 1, please assess the following criteria and indicate your overall level of concern:

LEVEL OF CONCERN

	None/ Inconsequential	Low	Moderate	High
OVERALL ASSESSMENT				
Conduct or practice may cause harm to a patient				
Risk to the public or public trust in the College				
OVERALL LEVEL OF CONCERN				

STEP 2: ADJUST for aggravating and mitigating factors

Please check the aggravating and mitigating factors observed in the materials.

MITIGATING FACTORS (MAY REDUCE RISK)	AGGRAVATING FACTORS (MAY INCREASE RISK)
No prior history	Prior history
No intent	Intent
No intent to deceive/dishonesty	Deception/dishonesty
Willingness to address the issue(s)	No willingness to address the issue(s)
Cooperation	Lack of cooperation
Years of experience	Years of experience
Insight	No insight
Reflection	No reflection
Character/reputation	Character/reputation
No harm to the patient/public	Harm to the patient/effect on public interest
Voluntary admission	No admission
Remediation in progress/openness to remediation	Lack of rehabilitation potential
Number of concerns/allegations	Number of concerns/allegations
No financial gain/no economic harm	Financial gain/economic harm
Likelihood of recurrence	Likelihood of recurrence
Not practicing/resignation while under investigation	Currently practicing
	Conscious avoidance

Final Decision

Based on the aggravating and mitigating factors, please indicate your overall assessment of risk:

LEVEL OF RISK

	None/ Inconsequential	Low	Moderate	High
OVERALL ASSESSMENT				
OVERALL LEVEL OF RISK				

STEP 3: APPLY algorithm to determine outcome

- 1. Each regulatory program has established an algorithm to guide consistent and transparent decisions.
- 2. Possible outcomes are identified below, noting that not all outcomes may be included for all regulatory programs.

Inconsequential	Low	Moderate	High
No action (ICRC, QAC, FIP) Register (Reg) Issue authorization or permit (FIP)	Advice and recommendations (ICRC, FIP) Warning (FIP) Remedial agreement (ICRC) Undertaking to remediate (Reg)	Caution (ICRC) SCERP (ICRC) Undertaking to remediate (Reg, ICRC) Remedial agreement (QAC) Undertaking to restrict (QAC, Reg) Refuse to issue authorization/facility permit (FIP)	SCERP (QAC) Undertaking to restrict (ICRC, Reg, FIP) Refuse to register (Reg) Refuse to issue authorization/facility permit (FIP) Referral to Registrar (FIP) Impose TCLs (Reg, QAC) Refer to Discipline (ICRC) Refer to Fitness to Practice (ICRC) Impose interim order (ICRC) Refer to ICRC (QAC)

Rationale for Outcome (decision):

GLOSSARY OF OUTCOMES

POSSIBLE OUTCOME	DESCRIPTION
Advice and recommendations	Provided when there is room for improvement in registrant's conduct.
	Can include advice on practice reform or reviewing College standards, or guidelines and/or practice advisories
Caution	The registrant appears before the ICRC Panel to be formally cautioned, which involves the Panel stating their concerns with the registrant's conduct and providing recommendations for the future.
Direct the Registrar to impose terms, conditions or limitations (TCLs) s. 80.2 (QAC) s. 18(2)(4) (Reg)	A committee directs the Registrar to impose a term, condition or limitation on an applicant or registrant's certificate of registration.
Interim order s. 25.4 (ICRC) s. 62 (ICRC)	A term, condition or limitation is placed on the registrant's certificate of registration, or the registrant is suspended pending the outcome of a professional conduct matter.
No action	No regulatory action is taken by the College or Committee.
Refer to Discipline Committee	The registrant is referred to the Discipline Committee for a public hearing.
Refer to Fitness to Practise Committee	The registrant is referred to the Fitness to Practise Committee for a hearing.
Refer to Inquiries, Complaints and Reports Committee (ICRC)	The QA Committee may refer to the ICRC if it thinks the registrant may have committed an act of professional misconduct or may be incompetent or incapacitated.
Refuse registration	Registration Committee refuses to register an applicant where the dentist does not meet registration requirements and/or is not safe and/or competent to practice dentistry.
Refer to Registrar	Registrar may consider appointment of investigator under s.75 of the Health Professions Procedural Code.
Refuse to issue certificate of authorization or facility permit	Registrar refuses to issue a certificate of authorization where the dentist does not currently meet all requirements for authorization or facility permit, or where there are concerns with the registrant's competence or prior conduct as relates to sedation or dental CT scans.
Register	Register without limitations or restrictions (voluntary or imposed).

POSSIBLE OUTCOME	DESCRIPTION
Remedial agreement	A voluntary agreement between a registrant and the College for some remedial activities, such as self-reflection and peer review
Specified Continuing Education or Remediation Program (SCERP)	ICRC: Used to address situations where a registrant requires remediation to improve their practice. May involve completing a course or courses, one-on-one instruction, clinical supervision, and/or practice monitoring which includes practice/chart reviews and meetings with a College-approved practice monitor. QAC: Used to address situations where the registrant requires significant improvement in an area that has a direct impact on patient safety or registrant has been in breach of the terms of a voluntary Remedial Agreement or Undertaking Agreement.
Undertaking to remediate	The registrant agrees to participate in remedial measures to improve aspects of their conduct or practice.
Undertaking to resign and never reapply	A registrant acknowledges and agrees to resign their certificate of registration with the College and agrees to never reapply.
Undertaking to restrict practise	A registrant or applicant voluntarily acknowledges and agrees to restrict their practise, or withdraw from practice, with terms, conditions or limitations placed on their certificate of registration based on identified concerns.
Warning	The College issues a warning to a registrant who has not completed all steps/actions required comply with a Standard and/or College by-law (i.e. requirement to apply for authorization).
FIP	Facility Inspection Program
ICRC	Inquiries, Complaints and Reports Committee
QAC	Quality Assurance Committee
Reg	Registration Committee