

# Managing Conflicts and Ending the Dentist-Patient Relationship

Date:

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## Executive Summary

This Standard of Practice sets out requirements for dentists related to managing conflicts that can affect the dentist-patient relationship and ending the dentist-patient relationship<sup>1</sup> for reasons other than the natural or expected conclusion of the patient’s care. <sup>2</sup>

The expectations set out in this Standard apply to all treating relationships, including those where patients are also employees of the dentist or the dental practice. This Standard does not apply in circumstances where it is the patient who ends the dentist-patient relationship.

This Standard is supported by companion resources which provide supplementary information and guidance. These include FAQs, Case Scenarios, and a template patient dismissal letter (*to be developed*).

<sup>1</sup> In this Standard, “dentist-patient relationship” refers to the treating relationship that exists between a dentist and their patient. It does not address other relationships that may exist between a dentist and a patient, such as a personal, familial, or employment relationship.

<sup>2</sup> See FAQ concerning the application of this standard to acute care (e.g., short-term specialist care, consultations), and leaves of absence (*to be developed at a future date*).

## Definitions

**A breakdown in the dentist-patient relationship** occurs when the mutual trust and/or respect that is essential to an effective dentist-patient relationship has been lost and cannot be regained.

**A conflict** refers to a situation that can compromise safe and effective treatment and lead to a breakdown in the dentist-patient relationship. For the purpose of this Standard of Practice, a conflict is defined broadly to include the following situations:

- A disagreement between a dentist and a patient, or between a dentist and a person closely associated with a patient (a disagreement may be personal or related to the patient's care);
- Rude or otherwise disruptive behaviour by the patient or person closely associated with the patient toward the dentist, staff, or other patients; or
- A brief deviation from expected professional behaviour by the dentist, or from appropriate behaviour by the patient, that may be inadvertent or accidental but is unwanted (i.e., an unintentional boundary violation).

**Persons closely associated with a patient** include, but are not limited to:

- a spouse or partner of a patient;
- a friend of a patient;
- a parent or guardian of a patient;
- a substitute decision-maker for the patient; or
- a person who holds power of attorney for personal care for the patient.

For definitions of **emergency care**, **urgent care** and **non-emergent/non-urgent care** see the RCDSO [FAQs](#).

## Principles

The following principles form the foundation for the requirements set out in this Standard.

1. An effective dentist-patient relationship requires mutual trust and respect.
2. The paramount responsibility of a dentist is to the health and well-being of their patients. This includes addressing conflicts, behaviours, or circumstances that could compromise the provision of safe and effective care, facilitating continuity of care, and not abandoning their patients.<sup>3</sup>

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<sup>3</sup> Principle #1 in RCDSO's Code of Ethics states "the paramount responsibility of dentists is to the health and well-being of patients."

- 72 3. The principles above continue to apply when managing conflicts with patients and  
73 persons closely associated with patients, and when ending the dentist-patient  
74 relationship.  
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## 76 Managing Dentist-Patient Conflicts

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78 In some cases, conflicts can arise which can lead to a breakdown in the dentist-patient  
79 relationship and compromise the effective provision of care. This can occur, for example, when  
80 the patient or a person closely associated with the patient is rude or disruptive; repeatedly fails  
81 to comply with established office policies (e.g., concerning cancellation of appointments); or  
82 engages in fraud (e.g., prescription-based).  
83

84 The following requirements apply when conflicts arise that affect the dentist-patient  
85 relationship unless there are reasonable grounds to believe that the patient poses a genuine  
86 risk of harm to the dentist, staff, or other patients. In these circumstances, dentists are under  
87 no obligation to attempt to resolve the conflict with the patient.<sup>4</sup>  
88

- 89 1. Dentists must make reasonable efforts to resolve conflicts in the best interest of the  
90 patient and preserve the dentist-patient relationship. Reasonable efforts may include (as  
91 examples):<sup>5</sup>
- 92 a. having a direct conversation with the patient or person closely associated with  
93 the patient (where possible), either in person or virtually;<sup>6</sup>
  - 94 b. actively listening and trying to understand any conflicting points of view;
  - 95 c. acknowledging differing perspectives and/or concerns;
  - 96 d. identifying the underlying cause of the conflict;
  - 97 e. explaining to the patient or person closely associated with them:
    - 98 • the professional obligations of the dentist;
    - 99 • the issues negatively affecting the dentist-patient relationship;
    - 100 • how the issues are negatively affecting the relationship; and
  - 101 f. involving the patient or person closely associated with the patient in the  
102 development of a solution to address the conflict, including any expectations and  
103 next steps.
- 104
- 105 2. Dentists must communicate in a professional and empathetic manner when making efforts  
106 to resolve conflicts.  
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<sup>4</sup> Depending on a dentist's role in the dental practice, the dentist may have specific responsibilities related to workplace harassment and workplace violence, for example, under the [\*Occupational Health and Safety Act, R.S.O. 1990, c. O.1.\*](#)

<sup>5</sup> See the Case Scenarios for Managing Conflicts with Patients for examples (*to be developed at a future date*).

<sup>6</sup> Dentists' are reminded that their obligations for professional conduct extend to non-regulated staff who work in the dental practice and non-regulated staff's communication with patients (e.g., when discussing matters related to consent to treatment on behalf of the dentist).

3. Dentists must only end the dentist-patient relationship due to a conflict where reasonable efforts to resolve the conflict in the best interest of the patient have failed.
4. Dentists must not disclose any personal health information when resolving conflicts with persons closely associated with patients without the patient's consent unless the person is the patient's substitute decision-maker.<sup>7</sup>
5. Dual relationships, conflicts of interest, and boundary violations with patients can lead to conflicts, complicate the treating relationship and risk undermining the provision of safe and effective care. Dentists must address these matters in accordance with relevant requirements set out in the RCDSO's [Prevention of Boundary Violations and Sexual Abuse Standard](#).

## Ending the Dentist-Patient Relationship

The following general requirements apply whenever a dentist ends the dentist-patient relationship prior to the natural or expected conclusion of the patient's care. In circumstances where there are reasonable grounds to believe that the patient poses a genuine risk of harm to the dentist, staff, or other patients, dentists are under no obligation to engage directly with the patient (e.g., in person) when ending the relationship.

Whether it is necessary or appropriate to end the dentist-patient relationship is often a matter of professional judgment which must be guided by this Standard of Practice, its accompanying resources, the facts of the situation, and the best interests of the patient.

### GENERAL REQUIREMENTS

In most circumstances, the dentist-patient relationship only ends when it has been formally ended by the dentist or the patient.<sup>8</sup>

6. To end the dentist-patient relationship, dentists must first:
  - a. formally notify the patient of the decision to end the relationship in a written notice (physical or electronic) that includes:<sup>9</sup>
    - the reason(s) for the decision;
    - the date when care will no longer be provided;<sup>10</sup>
    - whether they may return to the practice to receive treatment from any other oral health care professional who works at the practice;

<sup>7</sup> Legislative requirements for the collection, use, disclosure, and transfer of personal health information are set out in the [Personal Health Information Protection Act, 2004](#), S.O. 2004, c. 3, Sched. A.

<sup>8</sup> For greater clarity see the FAQ regarding when the dentist-patient relationship ends (*to be developed at a future date*).

<sup>9</sup> The requirement to provide a written notice does not preclude the dentist from also notifying the patient verbally that the dentist-patient relationship is ending.

<sup>10</sup> This may be a specific date or after stabilizing treatment has been provided, if applicable.

- 144                   • instructions for accessing or transferring dental records;<sup>11</sup> and  
145                   • any instructions regarding outstanding payments for treatment provided, or  
146                   payments that have previously been made for treatment that will not be  
147                   completed.<sup>12</sup>  
148           b. ensure any urgent or emergency treatment needs are addressed, and the patient's  
149           condition is stable;  
150           c. communicate to the patient any outstanding, non-urgent or non-emergent  
151           treatment needs, and when they should be addressed; and  
152           d. provide the patient with reasonable assistance in finding a new dentist.<sup>13</sup>  
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154   7. If the patient has a substitute decision-maker (e.g., the patient is a child or incapable  
155   adult), the dentist must provide the written notice to the patient's substitute decision-  
156   maker.  
157  
158   8. If the patient is undergoing active, long-term treatment (e.g., orthodontic treatment),  
159   dentists must also:  
160           a. inform the patient of their oral health status in relation to initial treatment goals,  
161           including the status of any dental services the dentist agreed to provide in an  
162           agreement, if applicable;  
163           b. inform the patient of options to stabilize their condition, if applicable; and  
164           c. offer and/or arrange a transfer or referral to another dentist for stabilizing or  
165           ongoing treatment, if appropriate (e.g., based the patient's treatment needs and the  
166           rationale for ending the dentist-patient relationship).  
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168   9. Dentists must establish and satisfy the terms of an agreement or arrangement with a  
169   patient and, if necessary, discontinue needed dental services in accordance with legal  
170   requirements.<sup>14</sup>  
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<sup>11</sup> Legislative requirements for the collection, use, disclosure, and transfer of personal health information are set out in the [Personal Health Information Protection Act, 2004](#), S.O. 2004, c. 3, Sched. A. Additional guidance for dentists related to personal health information, including the transfer of records, can be found in applicable RCDSO resources, including (among others) the College's Practice Advisory on [Release and Transfer of Patient Records](#).

<sup>12</sup> Dentists are reminded that if they agree to provide a course of dental treatment on a fee for service basis and accept payment in advance of completion of the course of treatment, a failure to specify, in an agreement with the patient, obligations of the dentist and the patient in the event the dentist is unable to complete the course treatment could result in a finding of professional misconduct under s. 2(21) of the [Professional Misconduct Regulation](#) under the *Dentistry Act, 1991*, S.O. 1991, c. 24.

<sup>13</sup> Reasonable assistance involves, at the minimum, suggesting ways a patient may find a new dentist, including sharing online search tools or referring the patient to another dentist. See the FAQ regarding helping a patient to find a new dentist (*to be developed at a future date*).

<sup>14</sup> See s. 2 (14)-(16), s. 3, and s. 4 of the [Professional Misconduct Regulation](#) under the *Dentistry Act, 1991*, S.O. 1991, c. 24, and see FAQ/RCDSO resource for more detail (*to be developed at a future date*).

10. Dentists must not end the dentist-patient relationship in the following situations (this list is not exhaustive):

- a. where it is prohibited by legislation, including where it would constitute discrimination based on protected grounds under the Ontario *Human Rights Code, 1990*,<sup>15</sup>
- b. where patients are non-compliant with office policies, unless the policies were previously communicated to the patient and they apply to all patients of the practice (e.g., regarding missed appointments, non-payment of fees);
- c. prior to providing treatment that is needed to stabilize the patient;
- d. solely because the patient has chosen not to follow dentist's treatment advice or refuses treatment, unless it compromises the dentist's ability to meet the standard of care, comply with RCDSO's Standards of Practice, or signals that the dentist-patient relationship has broken down;<sup>16</sup>
- e. solely because a patient's treatment needs have changed, unless the entirety of the patient's needs for care exceed the dentist's knowledge, skills, and judgment, or their scope of practice;<sup>17</sup>
- f. solely because a patient has made a complaint about the dentist to the RCDSO or written a negative review (e.g., online), unless it signals that the dentist-patient relationship has broken down.

#### **ENDING THE RELATIONSHIP DUE TO RETIREMENT OR OTHER CIRCUMSTANCES RELATED TO THE DENTIST'S EMPLOYMENT**

This section sets out requirements for ending the dentist-patient relationship due to changes in the dentist's employment.

11. In addition to the general requirements for ending the dentist-patient relationship set out above, dentists must provide notice to patients, and, if applicable, the patient's substitute decision-maker as soon as reasonably possible, where the dentist-patient relationship will be ending due to:

- a. the dentist's retirement or ceasing to practice dentistry;
- b. the closing of a dental practice;

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<sup>15</sup> The Ontario *Human Rights Code, 1990*, prohibits actions that discriminate against people based on protected grounds in protected social areas (including goods, services, and facilities, such as hospitals and health services). Protected grounds include age; ancestry, colour, race; citizenship; ethnic origin; place of origin; creed; disability (including addictions to drugs or alcohol); family status; marital status; gender identity, gender expression; receipt of public assistance (in housing only); record of offences (in employment only); sex (including pregnancy and breastfeeding); and sexual orientation.

<sup>16</sup> See the Case Scenarios/FAQ regarding informed refusal (*to be developed at a future date*).

<sup>17</sup> The RCDSO's [Most Responsible Dentist](#) Practice Advisory provides guidance for referrals to specialists.

- c. a change in the business or ownership structure of the dental practice that results in changes in dental care providers or their capacity to see patients (e.g., selling the dental practice to a new owner, decreasing practice size);<sup>18</sup> or
- d. relocation of the dentist or dental practice.

12. Dentists must inform patients of the plan for their continuity of care, including who will take over their care and if there will be a transition period when the dentist will remain with the dental practice and can continue to provide care.<sup>19</sup>

13. Where the outgoing dentist is unable to notify patients that the dentist-patient relationship is ending (e.g., due to the dentist's incapacity, restrictions on the dentist's license, or death),<sup>20</sup> the incoming dentist or the dentist who takes over the patient's care must provide the notification.

## **EMERGENCY TREATMENT**

14. As part of the ending of the dentist-patient relationship, dentists must advise patients of how they can seek care in case of an emergency after the dentist-patient relationship has ended.<sup>21</sup> As examples, advice could include:

- offering to provide emergency care directly;
- offering to make arrangements for emergency care; and
- advising the patient of where they can obtain emergency dental services (e.g., provide the address or phone number of a local dental practice or hospital).

15. Dentists must use their professional judgement when deciding:

- a. which option(s) for emergency dental services are the most appropriate to advise or offer to patients when ending of the dentist-patient relationship; and
- b. if it is appropriate, based on the patient's circumstances, to set a time limit for the offer of emergency dental services.<sup>22</sup>

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<sup>18</sup> Dentists are reminded that changes in practice ownership must be made in accordance with the all applicable legal and professional obligations including the [Change of Practice Ownership Practice Advisory](#).

<sup>19</sup> Dentists who continue to work at the practice are reminded that in these circumstances they must communicate professionally with patients and avoid any misleading statements, disparaging remarks about colleagues, or attempts to inappropriately solicit patients. Soliciting, causing, or permitting the solicitation of a principal member's patients, except as otherwise agreed in writing, could result in a finding of professional misconduct under the O. Reg. 853/93: Professional Misconduct under the *Dentistry Act, 1991*, S.O. 1991, c. 24.

<sup>20</sup> For more information about what happens when a dentist dies, see the [Change of Practice Ownership and Retiring FAQs](#) and [Dental Record Keeping FAQs](#).

<sup>21</sup> Dentists are reminded that failing to make arrangements for emergency dental services for a dentist's patients, or to advise a patient how to obtain emergency dental services could result in a finding of professional misconduct under the [Professional Misconduct Regulation](#) made under the *Dentistry Act, 1991*, S.O. 1991, c. 24.

<sup>22</sup> Both decisions will depend on the nature of care the patient requires as well as their ability to obtain care from another dentist. For more information related to putting a time limit on the offer to see a patient on an emergency basis, see the [Professional Dentist-patient Relationship FAQs](#) (may be revised at a future date).



## Record Keeping Requirements

16. When ending the dentist-patient relationship, dentists must ensure appropriate documentation in accordance with RCDSO's [Dental Recordkeeping Guidelines](#) and [Electronic Records Management Guidelines](#).
17. When there has been a conflict and/or when ending the dentist-patient relationship, dentists must document the following information:
  - a. details concerning any conflicts that affect the dentist-patient relationship, including any instances where the patient does not follow the dentist's treatment advice or refuses treatment;
  - b. details concerning any communication with the patient in relation to the conflict (e.g., in-person discussion, e-mails, phone calls with the dentist or staff members)
  - c. any efforts made to resolve the conflicts;
  - d. steps taken to stabilize the patient's condition prior to ending the relationship, if applicable;
  - e. a copy of the written notice provided to the patient to end the dentist-patient relationship;
  - f. any obligations that were met by the dentist and patient in relation to dental services that were not completed when the relationship ended (e.g., any refunds of paid fees, or transfer of paid fees to another dentist for completion of treatment);<sup>23</sup>
  - g. the date the relationship ended; and
  - h. any advice provided to the patient related to seeking ongoing treatment or care in case of an emergency.

## Appendices

- Template Dismissal Letter (*to be developed at a later date*)
- Case Scenarios on Managing Conflicts and Ending the Dentist-Patient Relationship (*to be developed at a later date*)
- FAQs (*to be developed at a later date*)

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<sup>23</sup> Dentists are reminded that a failure to record information in the patient record related to a course of dental treatment where they have accepted payment in advance of the completion of the course of treatment could result in a finding of professional misconduct under s. 2(21) of the [Professional Misconduct Regulation](#) under the *Dentistry Act, 1991*, S.O. 1991, c. 24.