

PROFESSIONAL LIABILITY PROGRAM: SURVEY RESULTS FROM CONSULTATION ON DIVESTMENT OPTIONS

December 2023



RCDSO distributed a survey to all registrants to identify their views on the elements of PLP, and what they consider important, as the divestment process is explored. The College distributed the survey to all registrants on November 2, 2023, and closed on November 17, 2023. RCDSO received 1,653 responses, indicating a response rate of 15% (which is high for RCDSO member surveys).

Demographic breakdown

We asked respondents to provide information on various demographic factors to determine the representativeness of the sample.

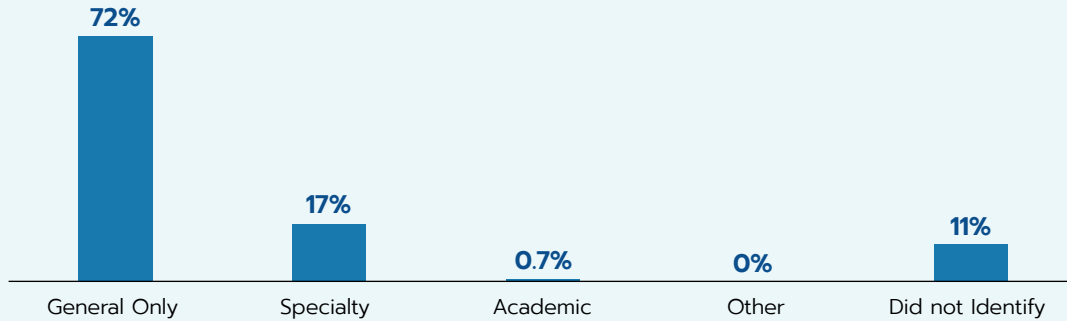
Most respondents (72%) were holders of the General Class license (only). Approximately 17% indicated they held a Specialty Class. This is higher than the

broader population (approximately 13% of dentists have at least one specialty certificate). Notably, 11% of respondents did not identify their class.

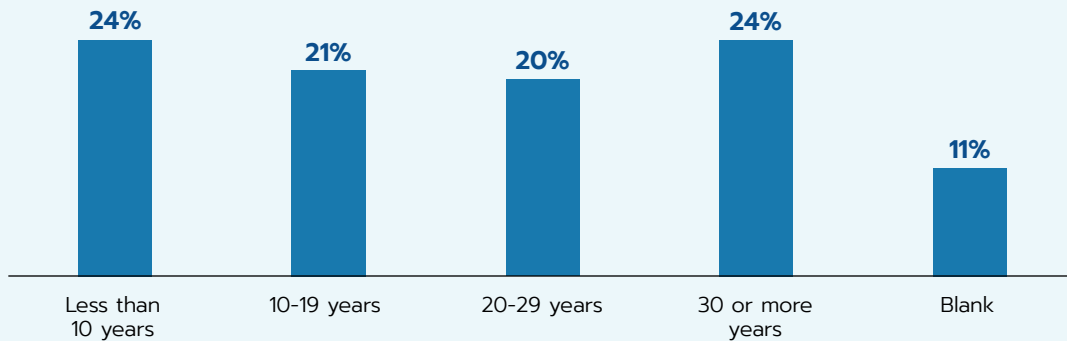
We received perspectives from a balanced representation of years in practice, and of familiarity with the PLP.

Overall, the results indicate that a varied and diverse group responded to the survey, providing results that may be representative of Ontario's dentists.

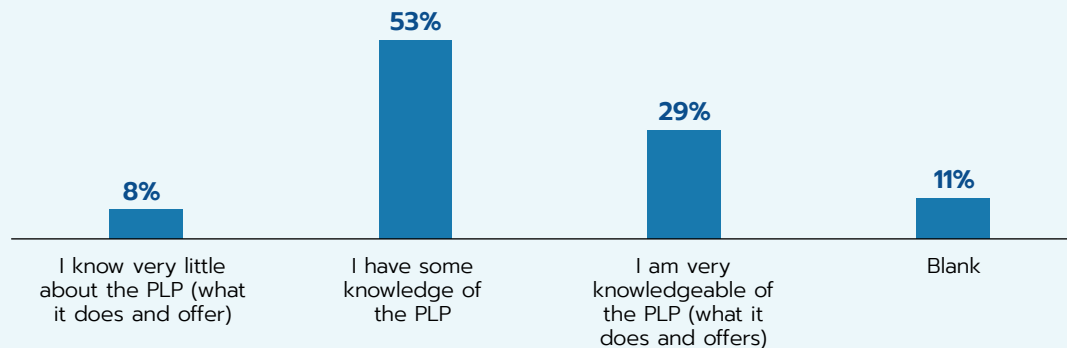
Breakdown by Class of Registration



How many years have you practiced dentistry in Ontario?



What is your knowledge and understanding of the PLP?



Considerations for divestment

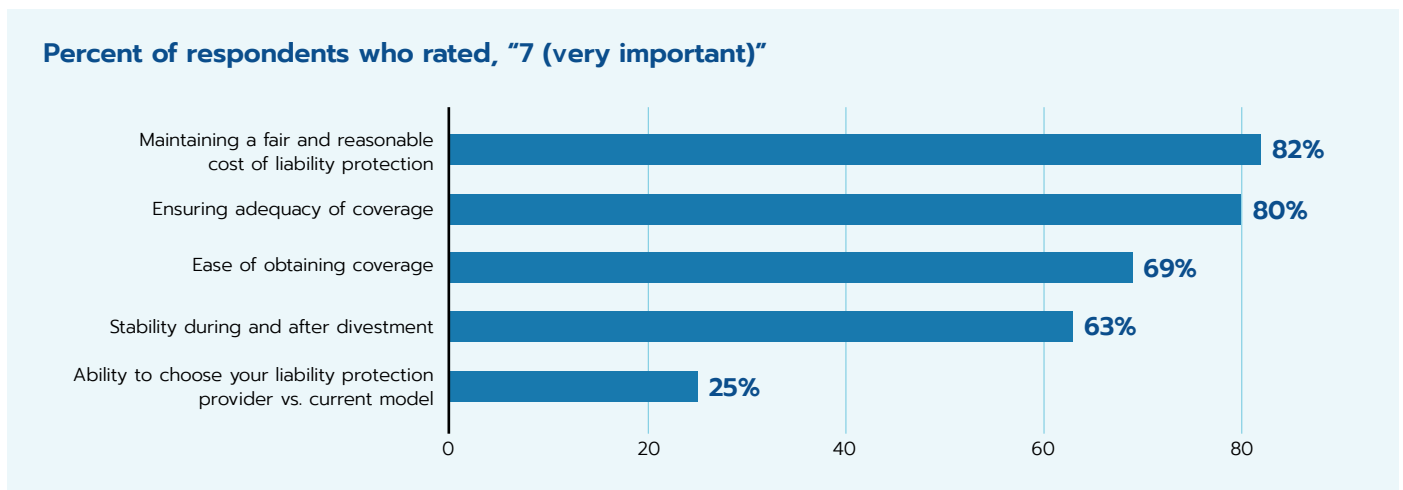
Respondents were asked to answer the question:

“As RCDSO explores options for divesting PLP, please tell us how important each of the following are to you, on a scale from 1 to 7 (1=not at all important; 7=very important)”

When asked what RCDSO should consider as it explores options for divesting the PLP, the themes most frequently reported as “very important” were:

- maintaining a fair and reasonable cost
- ensuring adequacy of coverage.

Approximately 82% and 80% of respondents rated these as “very important,” respectively. Ability to choose their own liability protection provider was identified as “very important” by the smallest number of respondents, with only 25% identifying this as “very important” (see [Supplemental Information](#) for a breakdown of each theme).



Key elements

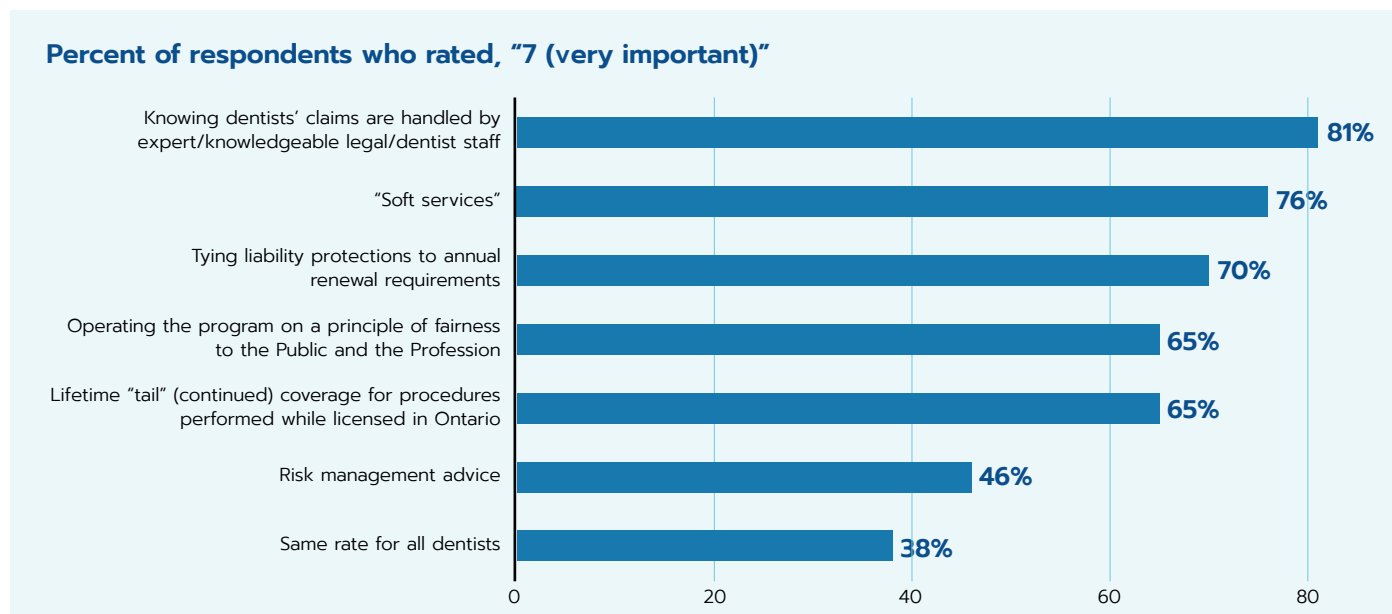
Respondents were asked to answer the question:

“Please tell us how important each of the following attributes of professional liability coverage are to you, on a scale from 1 to 7 (1 = not at all important; 7 = very important)”

The percent of respondents who rated each element as “very important” is shown in the following charts. The elements most frequently identified as “very important” were:

- peace of mind (knowing that claims are handled by expert and knowledgeable legal and dental staff)
- “soft services” (i.e. the support, guidance and advice dentists can access to guide them through the litigation process, de-escalate situations, obtain legal release documents for goodwill refunds, etc.).

Offering the same rate for all dentists was identified as “very important” by the smallest number of respondents (38%). The results are summarized below (see [Supplemental Information](#) for a breakdown of each element).



Additional input

At the end of the survey, respondents were asked whether they had any additional input for RCDSO as it explores options for divesting the PLP.

Of the 1,653 survey respondents, 533 provided input. It should be noted that this represents one third of survey respondents. Although they provide contextual detail, the comments are not necessarily reflective of the overall membership.

An overview of the main themes is provided below (see [Supplemental Information](#) for more detail).

General themes

- Overall, respondents provided positive input regarding the PLP, with respondents providing far more positive comments than negative.
- The diversity of comments and division among members regarding the best path forward for PLP highlights the complexity of the decision.
- The main topics of concern were cost implications and fear of the repercussions associated with private sector insurance. For example,
 - “I do not oppose the PLP program be separated from the RCDSO per se. I just worry about the costs increasing dramatically (they are expensive enough already) if it becomes divested.”
 - “I would anticipate a division in the fee structure moving forward, ie. half the fee to renew with college and half the fee to renew for PLP.”

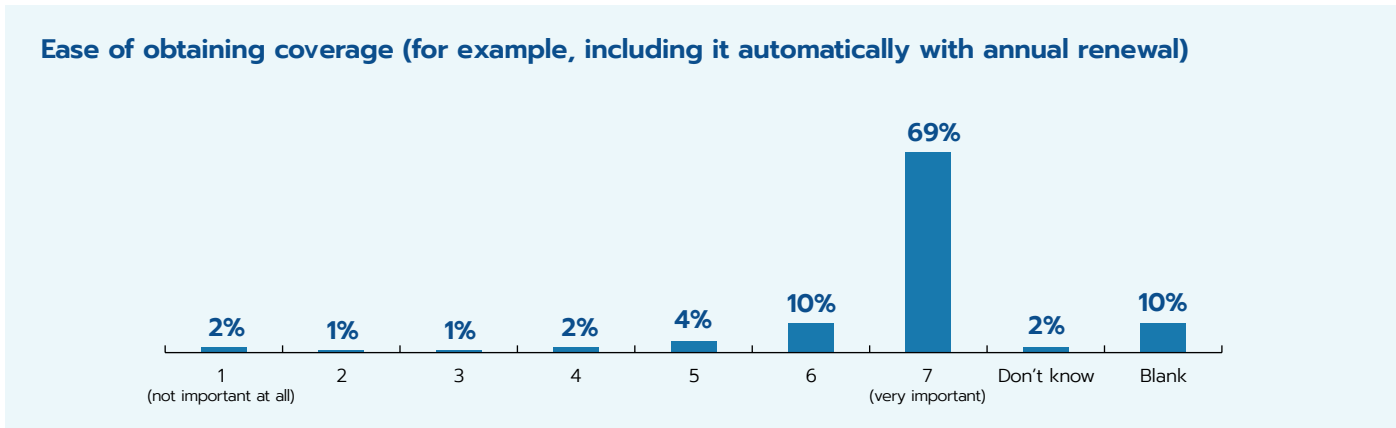
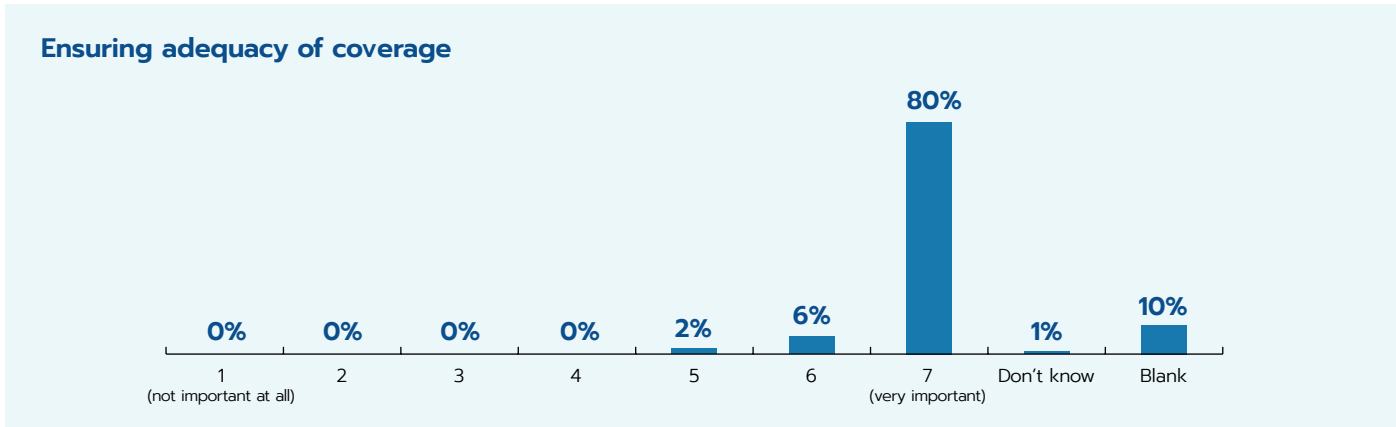
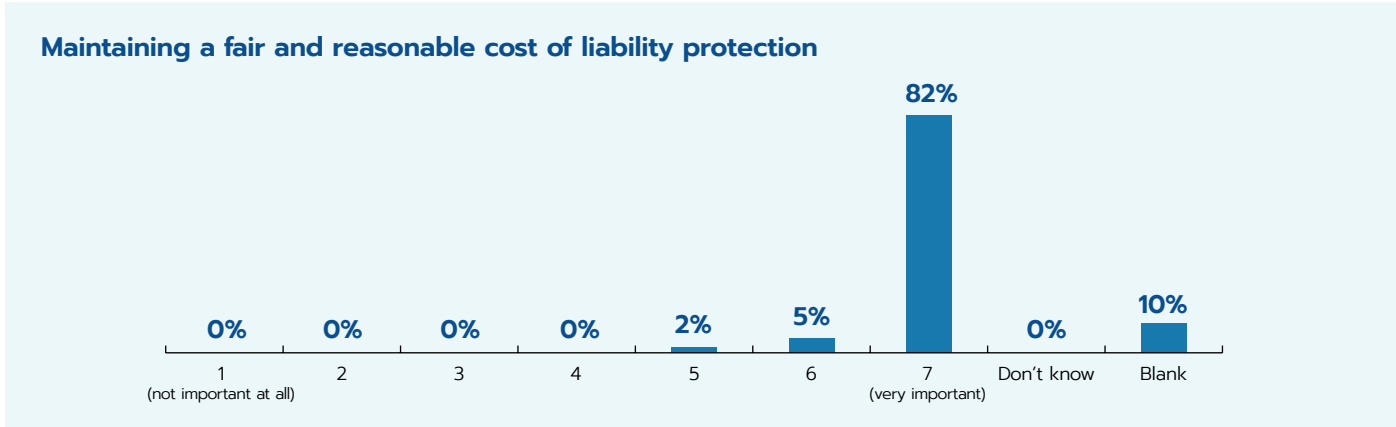
- “We need to avoid, at all costs, the type of insurance climate that exists for professionals in the US, where coverage is run by for-profit enterprises and where the absence of a judicious governing body which monitors and provides input has created a ‘wild west’ of fees for coverage.”
- Advice was provided regarding the liability protection policy, and options were divided regarding whether choice in provider should be available, whether premiums should vary based on procedures performed/previous claims, or whether there should be one liability provider with one rate that guarantees comprehensive coverage for all. For example,
- “Having a choice among multiple carriers would create competition and translate to affordable costs for everyone. If divesting only leads to one or two companies to choose from, that’s not necessarily better than what we have now.”
 - “I feel I am paying for others’ risk. I believe this should be paid individually and based upon previous experience.”
 - “Gives me peace of mind knowing all dentists have the same coverage and I don’t have to pick and choose what gets covered and price-shop.”
 - “It is vital that PLP remains comprehensive and fair for everyone.”
- Overall, many respondents highlighted the value in maintaining aspects of the PLP model. For example,
- “If the program can be maintained as it currently functions but be independent from the college it would be a valuable service to the dentists of Ontario.”
- A great deal of constructive input was provided, which will be used to inform the next steps.

SUPPLEMENTAL INFORMATION

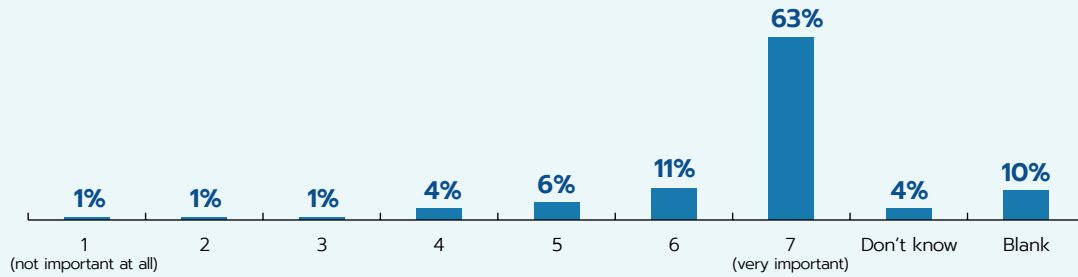
Considerations for divestment

Respondents were asked to answer the question:

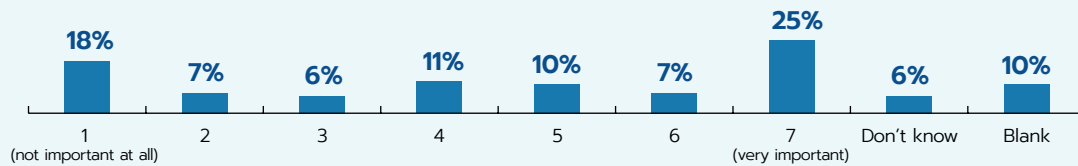
“As RCDSO explores options for divesting PLP, please tell us how important each of the following are to you, on a scale from 1 to 7 (1=not at all important; 7=very important)”



Stability during and after divestment (maintaining all, or as much of the current program as possible)



Ability to choose your liability protection provider vs. current model (i.e. mandatory inclusion in PLP)

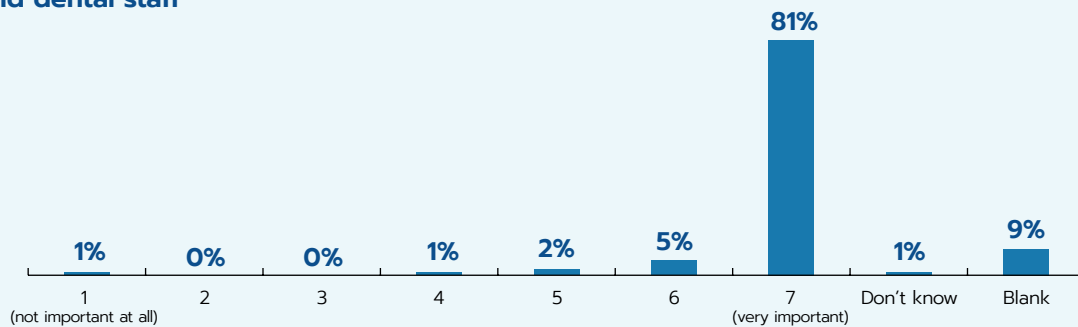


Key elements

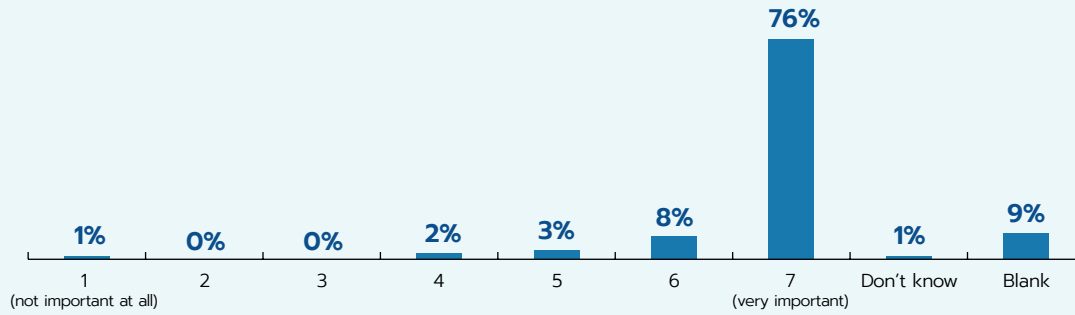
Respondents were asked to answer the question:

“Please tell us how important each of the following attributes of professional liability coverage are to you, on a scale from 1 to 7 (1 = not at all important; 7 = very important)”

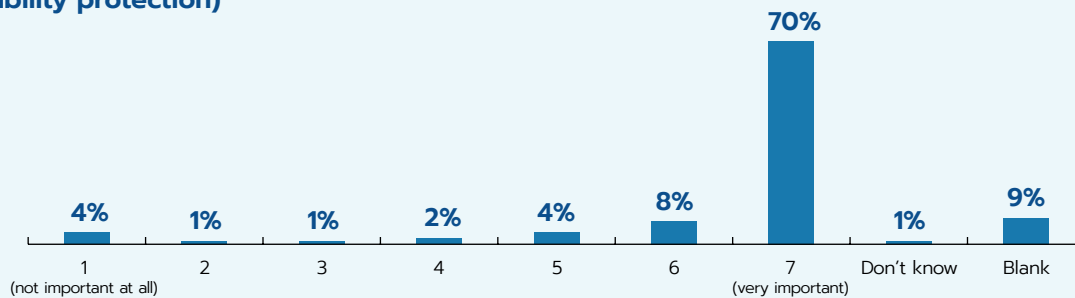
Peace of mind knowing that dentists’ claims are handled by experienced, expert and knowledgeable legal and dental staff



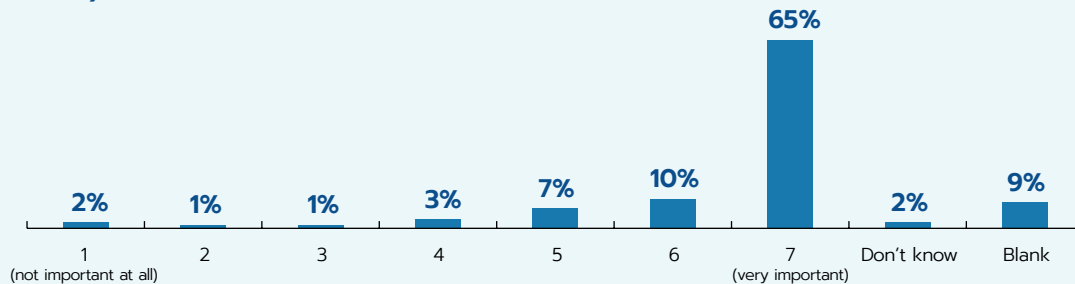
“Soft services” (i.e. the support, guidance and advice dentists can access to guide them through the litigation process, de-escalate situations, obtain legal release documents for goodwill refunds, etc.)



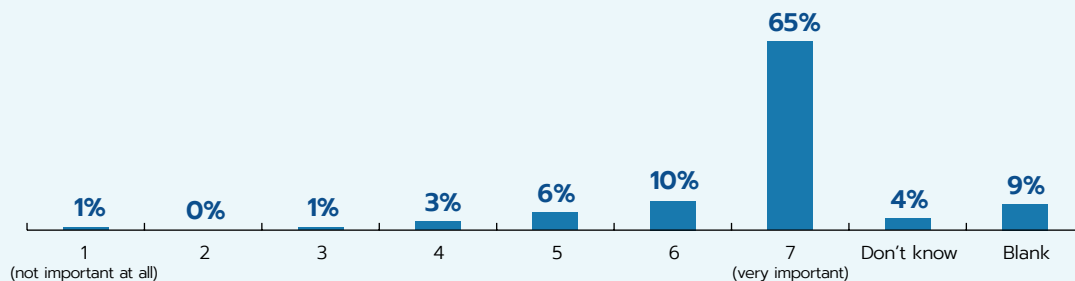
Tying liability protection to annual renewal requirements (ensuring all dentists who are registered have liability protection)



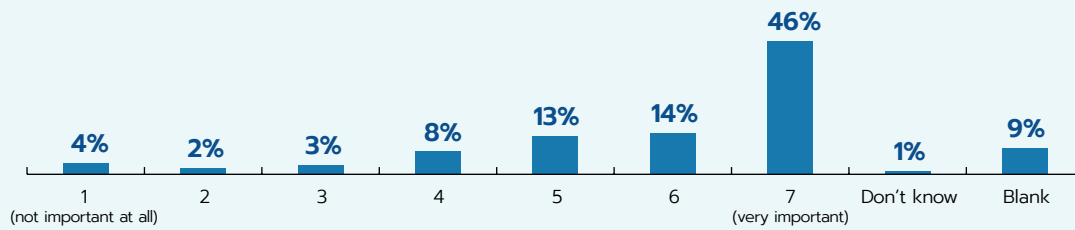
That the liability protection program operates on a principle of fairness to the Public and the Profession)



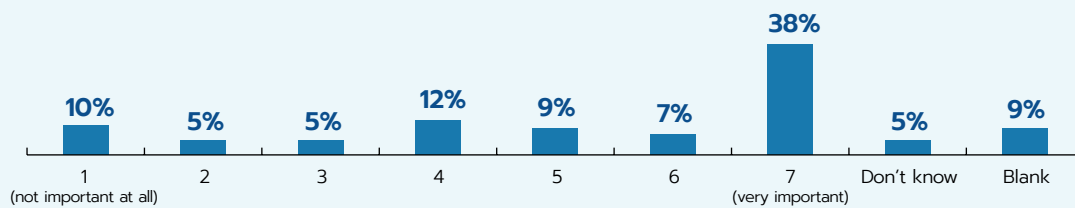
Lifetime “tail” (continued) coverage for procedures performed while licensed in Ontario (e.g. a dentist moves to a different jurisdiction, retires, or passes away)



Risk management advice through Category 1 (core) continuing education courses, advisories, and publications



Same rate for all dentists, regardless of whether they are general dentists, specialists, or of the procedures performed



Additional input

At the end of the survey, respondents were asked whether they had any additional input for RCDSO as it explores options for divesting the PLP.

ANALYSIS OF OPEN-ENDED COMMENTS

Of the 1,653 survey respondents (as of November 17, 2023), 533 provided input. A summary of themes is provided in the table below.

THEME	#	SAMPLE QUOTES
GENERAL VIEWS		
Positive view of PLP as it is	144	<p>"Current PLP Is a wonderful resource."</p> <p>"I feel that the PLP program is one of the most valuable assets our college has and loss of control of this program should not be taken lightly."</p>
Negative views of PLP	14	<p>"PLP as the only game in town is a very poor idea. There is an inherent quality problem with this model of provision of any service."</p> <p>"There are very few benefits the RCDSO provides as compared to other provincial dental colleges."</p>
INPUT ON COUNCIL DECISION TO DIVEST		
Divesting is for the best	50	<p>"PLP should be completely separate from the RCDSO and a means to provide the dentist with unbiased liability coverage."</p> <p>"I support this step as I know a lot of dentists who hesitate to proactively ask questions to PLP due to fear around RCDSO discipline since it is not viewed as truly independent and I think this undermines both the RCDSO's and PLP's missions."</p>
Keep College oversight	128	<p>"Why is the RCDSO divesting itself of this valuable program? It has worked well for all parties."</p> <p>"This has been the gold standard for 50 years, I see no need to change it."</p>
Want more info/explanation for the change	12	<p>"Why are we doing this? What is the issue we are trying to resolve? Is it a possible perceived issue or a true, 'has occurred,' issue. Is it dentists on the RCDSO that are driving this or an outside force?"</p>
ADVICE FOR THE TRANSITION		
Maintain aspects of the PLP model	69	<p>"Although divesting is likely a wise thought, please do not change the format, I think it works well! "</p> <p>"I have had to use the services of PLP [several] times... The process was simple, efficient and very helpful. Any changes should maintain that model."</p>
Advice for how to run the current program	38	<p>"If would be great if there was a bonus program for the dentists who never had any history of claim against them."</p> <p>"Additional coverage available with the program not with a third party as it is currently the case."</p>
Keep coverage in annual fees	30	<p>"Just keep it simple and include it in the member renewal."</p> <p>"I appreciate being forced to have liability coverage every time I renew my RCDSO license."</p>
Additional research is required	3	<p>"[Obtain] an outside Forensic Accounting Firm to review the "real costs of divesting PLP to College Members before you complete the transaction- especially the reserve Fund."</p>

ADVICE ABOUT THE POLICY

Offer choice of provider	9	<p>"Having a choice among multiple carriers would create competition and translate to affordable costs for everyone. If divesting only leads to one or two companies to choose from, that's not necessarily better than what we have now."</p> <p>"Australia works on a system whereby dentists seek out their own coverage... This has eliminated the monopoly and fostered competition amongst liability coverage providers. Each provider offers... similar services offered by PLP. I support this system as it has led to significantly lower fees."</p>
Maintain one liability provider and one rate	23	<p>"I believe the current program works to best protect the public... This makes sure there is a level playing field for getting protection for a dentist - ie you don't have to read all the fine print about what may be left out with a competitor that is trying to insure you."</p> <p>"Gives me peace of mind knowing all dentists have the same coverage and I don't have to pick and choose what gets covered and price-shop."</p>
Vary premiums based on procedures performed/previous claims	31	<p>"I feel I am paying for others' risk. I believe this should be paid individually and based upon previous experience."</p> <p>"If a dentist is semi retired and billings are 10% of a specialist we should not be paying the same premium!"</p>
Offer guaranteed, comprehensive coverage	15	<p>"it is vital that PLP remains comprehensive and fair for everyone."</p> <p>"As a dentist, I would not know where to start if I was looking for liability insurance on my own. How exactly would I choose an insurance provider? I like to know that my College has done the research and recommends someone."</p> <p>"It is extremely important that regardless of the situation, dentists are always Insurable. This must be the case with PLP or by law with any other insurance provider. This will protect the public to always be able to recover damages."</p>
Tail coverage is important	9	<p>"Dentists should still be covered for life time for all the procedures performed even if RCDSO divests PLP."</p>
Maintain option for excess malpractice insurance from other providers	5	<p>"[Offer] Additional coverage available with the program not with a third party as it is currently the case."</p>
Oral radiologist issues re: cross-province coverage	5	<p>"The requirement for a dentist to be physically located in Ontario for PLP coverage should not be applied to indirect patient care - for example, it is irrelevant whether an oral radiologist or an oral pathologist is physically located in Ontario when a radiographic report or a histopathology interpretation is provided. This has no impact on patient care or on the level of service provided, and should have an exemption under the current geographical requirement in the PLP (similar to the Teledentistry Endorsement)."</p>

ADDITIONAL FEATURES		
Value of PLP staff's advice and soft services	10	"It is critical that we maintain, in any new program, the functions of guidance, support and claims prevention that dentists have come to rely on PLP for."
Cost of new program is important	52	"I do not oppose the PLP program be separated from the RCDSO per se. I just worry about the costs increasing dramatically (they are expensive enough already) if it becomes divested."
Want more education on PLP (e.g. lessons learned from other cases)	12	"we need a lot if in person sessions to clarify a lot of things related to liability as some of the internationally trained dentist need more information."
BUSINESS CONSIDERATIONS		
Program staff should have expertise in dentistry	8	"Ensure that program has involvement of dentists/those who understand the needs of such coverage/the practice of dentistry as opposed to general liability."
Annual RCDSO fee should decrease if PLP is paid separately.	57	"I would anticipate a division in the fee structure moving forward, ie. half the fee to renew with college and half the fee to renew for PLP."
Concern about private sector insurance and increasing costs	19	"once you put the insurance into the private sector it will make it more difficult for patient to have a fair settlement. The insurance company's lawyers will drag the process on for years and add cost to the dentists." "Private insurers have no real connection with the dental profession and if allowed to insure us the cost and safeguards of the current system will be abandoned."
What happens to the reserve fund?	7	"We have all put extra funds into the program to build it up to what it currently is. How will these funds be disbursed if PLP is no longer? Will it go back to the dentists that placed the funds in the program or will it be absorbed into the College?"
Consider transitioning to the ODA / CDSPI / CDPA	13	"I think PLP should be transferred to ODA." "I am happy with current situation but appreciate the liability risks and conflict of interest. Perhaps the CDSPI can manage the program?" "I work in Ontario and another province. Due to coverage limitations outside Ontario, I have to buy coverage from CDSPI for this... I almost exclusively use CDPA. This organization is far more effective than the resources from PLP. That, or a similar program, could fill the void of PLP closing."