

PRACTICE ADVISORY

The Practice Advisories published by the Royal College of Dental Surgeons of Ontario (RCDSO) contain practice parameters and advice which should be considered by all Ontario dentists in the care of their patients and in the operation of their practices. It is important to note that these Practice Advisories may be considered by the College and its committees in determining whether professional responsibilities have been maintained.

Change of Practice Ownership

The ownership of a dental practice may change hands for many reasons:

- A dentist or trustee may sell a dental practice.
- A dentist may die and the dentist's estate may dispose of the practice.
- A dentist may become bankrupt or default on a practice loan causing the sale of the practice assets.
- A dentist may sell his shares in a dentistry professional corporation to another dentist or to another dentistry professional corporation.

In these situations, the patient records frequently end up in the possession of a new dentist. Wherever possible, the dentist leaving the practice shall notify the patients of the practice in writing about the change in ownership within a reasonable time.

In a situation when the outgoing dentist is unable to notify the patients, as would be the case in the death of the dentist, the incoming dentist shall notify the patients in writing of the circumstances, and that the patient records are in his or her possession.

When there is a break-up of a principal/associate relationship, partnership of dentists or other similar cost-sharing arrangements that result in a change in

dental care providers, it is also a good idea to inform patients of these changes prior to their next scheduled appointment so there will be no surprises when they attend. It is also important that patients be advised if a new comprehensive examination will be required as a result of the change.

Other considerations are:

- A dentist must take professional responsibility for the patient charts.
- Estate trustees of a dentist's estate can act for the deceased dentist for an interim period to allow the sale of a practice. Guidance on this can be obtained from the College.
- The purchase and sale agreement should allow for the selling dentist to have access to the records should it be required for legal reasons.
- A member must notify the College within 30 days of any change in address respecting his or her practice of dentistry.
- Any reference to the previous owner on signs or stationery must be removed within one year of the change in ownership.
- When a dentistry professional corporation is purchased, a name change is required as set out by regulation and the College should be consulted.

Under certain circumstances, an approved practice name of the practice being purchased, as opposed to the corporation name, may continue to be used by the purchasing dentist. If a new practice name is contemplated by the purchasing dentist, it must be approved by the College.

When there is a change in ownership of a dentistry professional corporation, the College must receive notice of the change of shareholders and other required documentation within 10 days of the change of shareholders taking place. Members can obtain further advice on this issue and forms for this purpose on the College's website at www.rcdso.org.

For guidance about the transfer of records, please refer to the College's Practice Advisory on the Release and Transfer of Patient Records.