



Guide to the Complaints Process

College of Denturists of Ontario

The Complaints Process

COLLEGE OF DENTURISTS OF ONTARIO

The College of Denturists of Ontario (the “College”) is one of Ontario’s 26 self-governing health-care regulatory colleges and operates under the *Regulated Health Professions Act, 1991 (“RHPA”)*, legislation which sets out the processes that must be used in dealing with the investigation of complaints.

The College has a formal complaints process which gives everyone the right to have his/her complaint investigated by the Inquiries, Complaints and Reports Committee (ICRC).

Each step of the process is designed to ensure fairness to both the person filing the complaint, and the dentist who is named in the complaint.

Every complaint that is received by the College is thoroughly and objectively investigated to determine if there is any evidence of professional misconduct, incompetence or incapacity.

WHAT SHOULD I DO IF I HAVE A PROBLEM WITH MY DENTURIST ?

Before you make a formal complaint to the College about unsatisfactory denture care, it is highly recommended that you discuss your concerns directly with your dentist.

If you are unsure of the quality or appropriateness of care a patient has a right to expect from a dentist, you can contact the College at 416-925-6331 or 1-888-236-4326 extension 225.

HOW DO I MAKE A COMPLAINT?

A formal complaint must be sent to the College in writing, by E-mail, surface mail, audio, videotape, film, or a recordable medium. The College cannot accept a verbal complaint by telephone or anonymous complaints.

To make a formal complaint, the College requires the following information:

- Your full name and a clear statement that you are submitting a complaint;
- Your mailing address and day time phone number;
- The full name of the dentist;
- As much detail as possible about your concerns such as type of complaint (denture problem, conduct problem, other), type of denture (full/partial/upper/lower);
- Names of other denturists, health-care practitioners or persons that may have relevant information.

Once the College receives a formal complaint, we will forward a letter acknowledging receipt of your formal complaint. All correspondence from the College will be sent by regular mail to preserve confidentiality.

IS THERE A TIME LIMIT FOR MAKING A COMPLAINT?

While there is not typically a time limit on complaints, the College recognizes the diverse nature of complaints and prefers that complaints must be made within a reasonable time frame.

WHO DEALS WITH THE COMPLAINT?

The ICRC will consider your complaint. The mandate of the ICRC is outlined in provincial law. The ICRC members include both denturists and members of the public who are appointed by the provincial government to represent the public interest.

HOW DOES THE PROCESS BEGIN?

When the College receives your complaint, a copy is forwarded to the dentist. The dentist has 30 days to submit a written response to the College. The complainant usually has an opportunity to review the dentist’s response. Your name and the nature of your complaint will be shared with the dentist, unless there is a question of personal safety or risk involved.

WHAT HAPPENS NEXT?

Your complaint is fully and impartially investigated by College staff or an appointed investigator, with the investigation limited to your specific complaint.

This investigation includes written submissions from both you and the dentist, any other denturists or health-care practitioners who have treated you or consulted on your treatment. An investigator may also formally get in touch with any third-party insurers involved, such as your insurance company.

As part of this process, the College may request relevant records, patient charts and other relevant information from other regulated health-care professionals who have a duty to cooperate with the investigation.

The ICRC may also engage an expert to help with the investigation.

The ICRC makes a decision based on the documentation placed before it.

HOW LONG DOES IT TAKE TO COMPLETE THE COMPLAINTS PROCESS?

The ICRC strives to complete the investigation and render a decision on every complaint within 150 days of having received the original complaint. The College will advise both parties of any delays over 150 days at regular intervals.

DO YOU OR THE DENTURIST MEET WITH THE ICRC?

The ICRC is authorized to conduct a review of the documentation only. Neither you nor the dentist will meet with the Committee.

CAN THE ICRC AWARD MONEY OR DAMAGES?

The law governing health professions only permits the Committee to make a decision about the dentist's conduct and actions. The ICRC cannot award compensation of any kind. Only the courts have that authority.

If you are considering suing your dentist for compensation, be aware that there is a time limit for civil litigation. Your legal advisor can answer any questions that you might have about your rights to sue a dentist.

HOW WILL THE ICRC DEAL WITH MY COMPLAINT?

The ICRC decides whether the information gathered during the investigation supports the claims made in the complaint.

There are a number of options available to the ICRC under the *RHPA*, the ICRC may:

- Take no further action.
- Remind, counsel, or caution the dentist in writing, if the ICRC believes the dentist would benefit from some advice or direction as to how to conduct him or herself in the future.
- Require the dentist to appear before the panel of the ICRC in Toronto to be cautioned.
- Direct or accept the dentist's agreement to participate in training or educational programs to improve his or her practice.
- Refer the dentist to a panel of the ICRC if there are concerns about the dentist's health that may be affecting his or her ability to practise.
- Decide not to investigate because the complaint is frivolous, vexatious, made in bad faith or is an abuse of process.
- Refer specified allegations of professional misconduct or incompetence to the Discipline Committee.

WHAT HAPPENS ONCE A DECISION IS MADE?

Once the panel of the ICRC reaches a decision, both you and the dentist will be sent a written copy of the decision.

College staff are not members of the ICRC, nor are they involved in any way in the ICRC's decision-making.

ARE THE ICRC'S DECISIONS PUBLICALLY AVAILABLE?

No. All information relating to the investigation and resolution of a complaint is held in the strictest confidence, as required by current legislation.

IS THERE AN APPEAL PROCESS?

In most cases, there is an appeal process available that provides additional protection for both the patient and the dentist. On request of either party, an arms-length provincial board called the Health Professions Appeal and Review Board may review the ICRC decision.

The only exception to this right of review is in cases where the ICRC has referred the matter to the Discipline Committee for a hearing or to the Fitness to Practise Committee for an Incapacity Proceedings.

DO I NEED A LAWYER?

No, you do not need a lawyer during for the complaints process; however, you are entitled to have a legal representative if you wish.

CAN INFORMATION GATHERED BY THE COLLEGE BE USED IN COURT?

No. In accordance with section 36 (3) of the *RHPA*, no report or decision of a proceeding is admissible in a civil proceeding.

WHAT HAPPENS AT A PUBLIC HEARING?

Hearings at the College are similar to proceedings in a court of law. If the ICRC refers your complaint to the Discipline Committee, the College will present evidence before a panel of the Discipline Committee consisting of denturists and members of the public whose role is similar to that of a jury. The panel is independent of the College. College staff have no influence on the panel's decision.

If a panel of the Discipline Committee finds that a dentist has committed an act of professional misconduct, it may:

- Suspend or revoke the dentist's license.
- Require the dentist to complete remedial education.
- Impose terms, conditions and limitations on the dentist's license.
- Reprimand the dentist.
- Require the dentist to pay a fine to the Ontario government.
- Publish a summary of the matter.

The panel of the Discipline Committee does not have the authority to request jail time for the dentist or seek financial compensation for you.

CONTACT THE COLLEGE

If you would like to talk to someone about the conduct of a dentist or about the complaints process, please contact the College:

Telephone: 416-925-6331 ext. 225
1-888-236-4326 ext. 225

Fax: 416-925-6332

E-mail: complaints@denturists-cdo.com

Mail: College of Denturists of Ontario
Attention: Complaints
365 Bloor St. East Suite 1606
Toronto, ON M4W 3L4

Website: www.denturists-cdo.com

