

Registrant Information Session on Complaints & Discipline Responses to Remaining Questions

Some of the questions submitted by participants did not get answered when the session ended. They are answered below. (For clarity, if participants submitted more than one question or comment, there are separate responses to each.)

NOTE: Submissions appear exactly as they were written, although names have been removed.

QUESTION/COMMENT

The College talks about fairness and transparency – I will make 3 point that bother me most:

1) Instead of a fair process - I was told by [CDSBC representative], "I have over 20 years experience (although she has been with the College for only 3 year), just sign the MAU and send it in - in a very rude tone of voice! She talks about fairness-

We understand that you are unhappy with the outcome of your complaint file, but the exchange you describe is not how we treat our registrants. If a registrant has a concern that they were not fairly treated they can contact either Carmel Wiseman, Deputy Registrar or Jerome Marburg, Registrar/CEO.

Our commitment is to investigate fairly, to respond to any questions you may have, and to treat all parties with respect. This is one of the reasons that we will be conducting exit surveys in March 2016. The results from the exit surveys will be used to improve our communications and our processes

If a complaint investigation raises concerns about the dentist's practice, our objective is to assist the dentist to improve his/her practice. This may include an agreement to take a specified educational program.

If any dentist is dissatisfied with a proposed educational agreement, they are always free to consult independent legal counsel, and/or propose an alternative resolution that addresses the issues raised in the complaint.



2) When I wanted to take my case to the investigative committee, the Chair of the Committee told me he was told by the Board that they already had an opinion and judgment of me. So why bother with the Investigative Committee if their opinion is already tainted?

The current and past chairs of the Inquiry Committee have confirmed that no such conversation took place. All information provided to the Inquiry Committee is confidential and is not discussed at the Board level.

The Board has no authority to decide the outcome of a complaint, as that is the role of the Inquiry Committee. The only information the Board receives is high-level reports, such as numbers of complaints opened/closed and age of complaint files. We do not provide the Board with the names of dentists who are the subjects of complaints.

3) Letters being sent to Patient after the closing of the case - was 4 pages long and one sided!

When a complaint is closed we do provide the patient with a letter outlining the investigation and a summary of how the Inquiry Committee has dealt with their complaint. This information is provided in confidence to the patient because the patient has a right to know how the complaint was resolved.

This level of transparency demonstrates that CDSBC conducted a thorough investigation and arrived at a reasonable outcome. Providing a detailed, transparent explanation to the complainant about the investigation is consistent with our legal obligations.

QUESTION/COMMENT

Can the College commission a scientific Poll, as a follow up to the voluntary survey?

The question implies that a scientific survey would deliver results that are different in a meaningful way. The purpose of surveying registrants in advance of the information session was 1) to help the session moderator design the agenda for the evening; and 2) to find out registrants' perceptions of the complaints and discipline process and to make improvements as a result. Both objectives have been met. Given that there was a high response rate from across the profession and around the province we do not think there would be additional value in repeating the survey.



If the core of your question is a belief that CDSBC should be doing more to find out registrants' perspectives about complaints, we are doing exactly that: beginning in March of 2016, we will be conducting exit surveys with both registrants and complainants after complaints are closed. This will be another good source of information that will be used to make our processes even better.

QUESTION/COMMENT

What are the yardsticks?

- 1. first year dental grad?**
- 2. specialist?**
- 3. average dental skills?**
- 4. community & location base?**

The standard is the level of skill and care that a reasonable and competent dentist would be expected to demonstrate when treating patients. It is based on what is taught in accredited dental schools, scientific literature and research, accreditation and certification standards established by the profession, together with the wider pool of knowledge held by practitioners.

The standard is not perfection. But it does reflect the public's expectation that those who have been granted entry to a self-governing profession are competent, ethical professionals who keep up to date with changes in their field of practice. Further, part of being a professional is recognizing your limitations and, when appropriate, referring patients to others who are more experienced, and in some cases, have specialty training.

That said, the College recognizes that "things happen." A dentist who is the subject of a specific complaint where the treatment outcome is less than ideal is not judged in isolation on that treatment outcome alone. The investigation considers the context, including factors such as informed consent, recordkeeping, clinical skill/judgment and how the practitioner managed the outcome.

As a group, CDSBC's team of complaint investigators reviews hundreds of cases each year. They gather all relevant data -- conducting interviews, reviewing documents and analyzing records and radiographs -- in order to prepare their reports. Those reports are then peer reviewed internally before submission to the Inquiry Committee. That committee directs the investigation and decides how each complaint will be resolved. The Inquiry Committee is composed primarily of dentists.

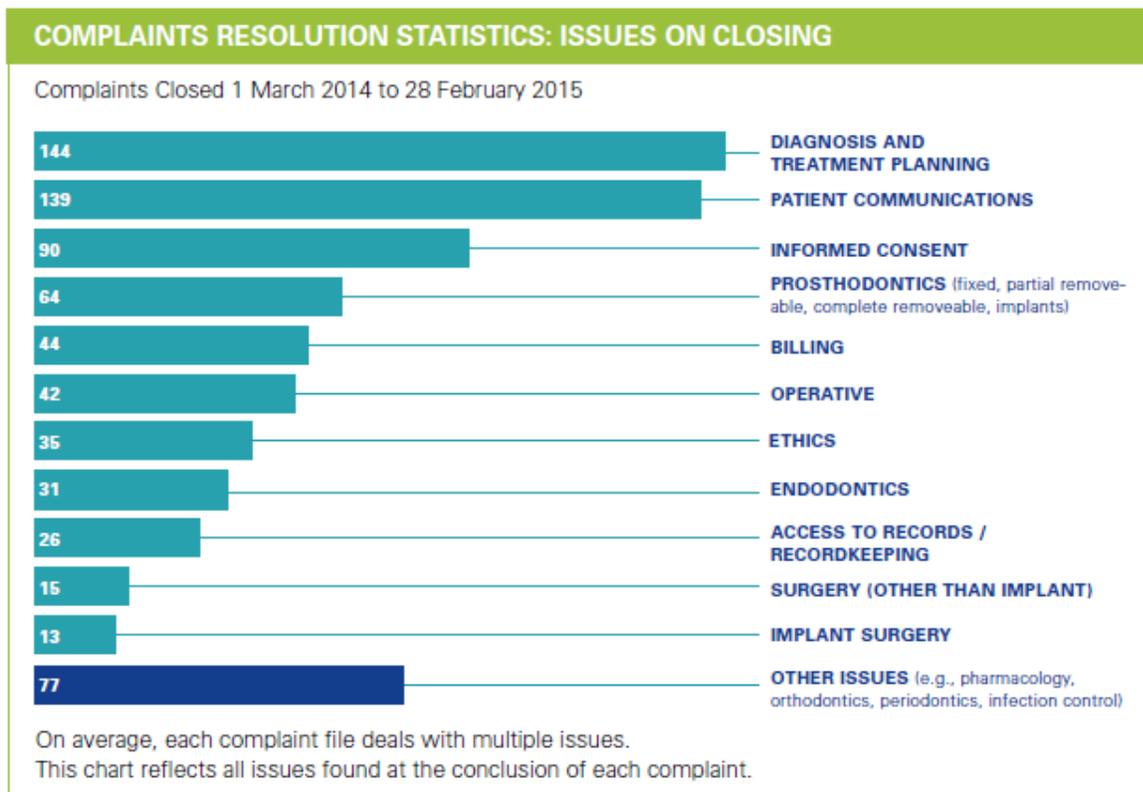


Several of CDSBC's complaint investigators also serve as examiners for the National Dental Examining Board. Through this process, which involves liaising with colleagues from other provinces, they enhance their understanding of current clinical standards.

QUESTION/COMMENT

**Please tell us what is the most dental treatment that has the most complaints?
(By order)**

A summary of the issues that arise most commonly in complaints is published in each annual report. The breakdown for the 2014/15 year is included below, but it is fair to say that, across treatment modalities, the issues of patient communication and informed consent underlie the majority of patient complaints.





QUESTION/COMMENT

As [Dr. _____] can confirm, in 2003 the CDSBC council passed a motion stating that there would be a max of 6 years for any person to serve on any committee. Why has this been ignored?

There is no such restriction. The composition of committees is subject to the CDSBC Bylaws, which came into effect in 2009 when CDSBC came under the *Health Professions Act*.

As a practical matter, CDSBC depends on the service of many dedicated volunteers to populate its committees. It is not always easy to find appropriate volunteers who are willing to make the significant time commitment required. While few committee members have served longer than six years on any particular committee, the profession is fortunate to have members who are willing to generously give their time over such a long period. We benefit from having experienced committee members, but we are always seeking new volunteers for committees, working groups and the Board. Below a video to encourage new applications:

<https://www.cdsbc.org/about-cdsbc/volunteering>

Need clarification on how the subjects in the [pre-information session] survey were chosen.

All dentists and CDAs were invited to complete the survey.

Why did it take so long to start the exit interview process?

The exit interview process is being designed now and will begin in March 2016. Given that exit interviews are not standard practice among the health professions, and CDSBC is in fact one of the first to incorporate them, we do not think there has been an unnecessary delay.

Leaving aside the exit interviews, CDSBC regularly receives constructive feedback from both complainants and registrants that is incorporated into the complaints process. We have made several improvements this year, and will continue to do so.

Do you pick up the phone when you get a "questionable" complaint received that is NOT clear?



When CDSBC receives a complaint that is unclear, we do seek clarification. Complaints that are trivial, frivolous, vexatious or made in bad faith are dismissed. That said, we are unable to reject a complaint simply because it is “questionable” or “unclear.” We recognize that most members of the public are not trained in dentistry and a lack of clarity in the initial complaint letter does not mean there is no basis to the complaint.

In August 2015 we added a complaint form to the website that helps us gather all the relevant information, including: details of the complaint, any attempts the complainant has made to resolve the problem, the names of subsequent treating dentists, and all relevant contact information. Our hope is that gathering this information up front will save time up front, and may ultimately contribute to a speedier resolution.

QUESTION/COMMENT

1. Why the College act like people think dentist are a source of income for them and they will get a lot of money

The College has never awarded financial compensation to patients. We make it clear on our website and in correspondence with patients that we are not empowered to award financial compensation. While we make our best effort to communicate this fact, it is inevitable that some patients will not understand that it is not possible for them to recover money from the complaints process.

2. Why for College if there is a complaint regardless dentist is the guilty one?

This statement is incorrect. Since 2012, complaints have been closed as follows:

- 60% of complaints were dismissed, with no action taken
- 37% were closed with recommendations or by agreement
- 3% were referred to discipline

The simple fact is that CDSBC is required by law to investigate complaints received about our registrants. The outcome of the investigation is decided by the Inquiry Committee, which includes 2/3 registrants and 1/3 public members. The 2015/16 Inquiry Committee has 15 dentist and certified specialist members.

To use your language, for a dentist to be found “guilty,” a hearing must take place. CDSBC has conducted only four hearings since 2009, despite having received over 1,000 complaints. It is exceedingly rare.