

# Frequently Asked Questions (FAQs): Virtual Care

## CONTENTS

1. Who are “Ontario patients”?
2. What is “virtual care”?
3. Is the quality of dental care delivered virtually different from in-person, hands-on care?
4. How can the patient’s identity be verified and authenticated virtually?
5. What legal obligations do Ontario dentists have with respect to privacy and security when providing virtual care?
6. Do patients have to consent to the use of a virtual modality?
7. Can Ontario dentists charge a fee for virtual care?
8. What considerations are relevant when Ontario dentists choose technology solutions that are provided by a third-party?
9. Where can I find information about technology solutions that are appropriate for clinical use?
10. Can Ontario dentists provide virtual care to Ontario patients when the dentist is geographically (i.e., physically) located outside of Ontario?
11. Can Ontario dentists provide virtual care to patients who are geographically (i.e., physically) located outside of Ontario?
12. Do out-of-province dentists need to be licensed by the Royal College of Dental Surgeons of Ontario (RCDSO) in order to provide virtual care to Ontario patients? What does this mean for Ontario patients?
13. Can Ontario dentists consult with out-of-province dentists virtually or refer patients to out-of-province dentists for virtual care?
14. Can technology be used by Ontario dentists to supervise dental care provided by other oral health care providers?

### 1 **1. Who are “Ontario patients”?**

2 In this FAQ document, “Ontario patients” refers to patients who:

- 3
  - are in, or are seeking to be in, a dentist-patient relationship with an Ontario dentist; and
- 4
  - reside in Ontario; or
- 5
  - are geographically (i.e., physically) located in Ontario when the virtual care is delivered.<sup>1</sup>

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<sup>1</sup> Professional Liability Program (PLP) staff are currently working with the insurer to finalize the definition of “Ontario patient” and this FAQ will be updated accordingly, as necessary.

6 **2. What is “virtual care”?**

7 “Virtual care”, also known as “teledentistry”, includes but is not limited to the use of electronic  
8 information, imaging, communication, and patient engagement technology to provide and  
9 support dental care delivery remotely.

10 Virtual care can be provided in a number of ways, including, as examples:

- 11 • **Live video (synchronous):** Live, two-way interaction between a person (patient,  
12 caregiver, or provider) and a provider using audiovisual communication technology.
- 13 • **Store-and-forward (asynchronous):** Transmission of recorded health information (e.g.,  
14 radiographs, photographs, video, digital impressions, and photomicrographs of patients)  
15 through a secure electronic communications system to a provider, who uses the  
16 information to evaluate a patient’s condition or render a service outside of a real-time or  
17 live interaction.
- 18 • **Remote patient monitoring (RPM):** Personal health and medical data collection from  
19 an individual in one location via electronic communication technology, which is  
20 transmitted to a provider (sometimes via a data processing service) in a different location  
21 for use in care and related support of care.
- 22 • **Patient engagement technology:** Health self-management, communication, and  
23 education tools or services that are available to patients on demand. These virtual tools  
24 or services can give patients the ability to complete routine tasks related to their health  
25 care when it works for them.
- 26 • **Mobile health (mHealth):** Health care and public health practice and education  
27 supported by mobile communication devices, such as cell phones, tablet computers, and  
28 personal digital assistants (PDAs).

29 Some dental services that may be offered virtually include:

- 30 • screening and triage of patients to decide if they will benefit from education, advice,  
31 instruction, prescriptions, referrals, or an in-person appointment;
- 32 • assessment or evaluation of patients (e.g., for new or existing conditions), diagnosis,  
33 and provision of dental care;
- 34 • follow-up management of patients, including post-operative appointments or monitoring  
35 of patients; and
- 36 • consultation appointments between patients and their general dentist and/or specialist.

37 **3. Is the quality of care delivered virtually different from in-person,  
38 hands-on care dental care?**

39 No. Ontario dentists must deliver the same high quality dental care virtually. Ontario dentists are  
40 required to meet the standard of care and all of the same legal, professional, and ethical  
41 obligations that apply to in-person, hands-on dental care. If Ontario dentists determine they  
42 would not be able to meet the same standard and obligations virtually, it would be inappropriate  
43 to provide virtual care.

44 **4. How can the patient's identity be verified and authenticated**  
45 **virtually?**

46 Ontario dentists are required to take reasonable steps to verify and authenticate the patient's  
47 identity before the patient's personal health information (PHI) is exchanged. The steps Ontario  
48 dentists can take in order to satisfy this requirement may vary, depending on the nature of  
49 interaction and whether they have an existing dentist-patient relationship with the patient. For  
50 example:

- 51 • For synchronous dental care delivered via audio communication technology, Ontario  
52 dentists could ask the patient for two or more identifiers (e.g., date of birth, address,  
53 health card number).<sup>2</sup>
- 54 • For synchronous dental care delivered via video communication technology, Ontario  
55 dentists could ask patients to hold up a piece of valid government-issued photo ID to the  
56 camera. This may not be necessary if the dentist already knows the patient by sight.<sup>3</sup>
- 57 • For asynchronous dental care delivered via electronic communication technology,  
58 Ontario dentists could use some form of coded identification (e.g. patient number).<sup>4</sup>

59 **5. What legal obligations do Ontario dentists have with respect to**  
60 **privacy and security when providing virtual care?**

61 The existing legal obligations with respect to privacy and security that apply to in-person, hands-  
62 on dental care also apply to virtual care. Ontario dentists' specific obligations are set out in  
63 the [Personal Health Information Protection Act, 2004 \(PHIPA\)](#)<sup>5</sup> and some key obligations are  
64 highlighted below.

65 As health information custodians, Ontario dentists are responsible for ensuring that all staff and  
66 other agents acting on their behalf are aware of the requirements for maintaining the privacy  
67 and confidentiality of patient's PHI set out in *PHIPA*. This includes, but is not limited to:

- 68 • only collecting, accessing, using, and disclosing PHI with the consent of the patient or as  
69 permitted or required by *PHIPA*;
- 70 • not collecting, accessing, using, and disclosing PHI if other information will serve the  
71 purpose;
- 72 • not collecting, accessing, using, or disclosing more PHI than is reasonably necessary to  
73 meet the purpose;

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<sup>2</sup> [Canada Health Infoway and Health Excellence Canada \(2022\). Providing safe and high-quality virtual care: A guide for new and experienced users. Clinician Change Virtual Toolkit.](#)

<sup>3</sup> [Canada Health Infoway and Health Excellence Canada \(2022\). Providing safe and high-quality virtual care: A guide for new and experienced users. Clinician Change Virtual Toolkit.](#)

<sup>4</sup> [Association of Canadian Psychology Regulatory Organizations. \(2011\). Model Standards for Telepsychology Service Delivery.](#)

<sup>5</sup> *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A.

- 74 • taking reasonable steps to ensure PHI in their custody or control is protected against  
75 theft, loss and unauthorized use or disclosure, and that the records containing PHI are  
76 protected against unauthorized copying, modification or disposal; and
- 77 • ensuring that PHI in their custody or control are retained, transferred, and disposed of in  
78 a secure manner.

79 The Information and Privacy Commissioner of Ontario (IPC) has published the following  
80 document to help health care providers who are health information custodians understand and  
81 comply with their legal obligations when using virtual care: [Privacy and Security Considerations](#)  
82 [for Virtual Health Care Visits: Guidelines for the Health Sector](#). The guidance includes the  
83 following steps to enhance privacy and security in virtual health care:

- 84 • Conduct privacy impact assessments<sup>6</sup> to identify and manage the specific privacy and  
85 security risks associated with virtual health care.
- 86 • Develop and implement a virtual health care policy that:
  - 87 ○ addresses the purposes for which virtual care may be used in their office, any  
88 conditions or restrictions in doing so, and the administrative, technical and  
89 physical safeguards that will be in place; and
  - 90 ○ explicitly states that staff and other agents acting on their behalf will have access  
91 to only the minimum amount of PHI necessary to perform their duties.
- 92 • Ensure that staff and other agents acting on their behalf participate in ongoing privacy  
93 and security training, including training on their office's virtual health care policy.
- 94 • Have a robust security management framework to regularly monitor, assess, and  
95 mitigate any security risks that may arise in the use of virtual health care.
  - 96 ○ The framework must include the required administrative, technical, and physical  
97 safeguards expected of staff and other agents acting on their behalf, as well as  
98 any third-party service provider of portals.
- 99 • Have a privacy breach management protocol that sets out requirements for  
100 identification, reporting, containment, notification, investigation, and remediation of  
101 actual and suspected privacy breaches.
- 102 • Report privacy breaches at the first reasonable opportunity to affected individuals and, in  
103 certain situations, to the IPC.<sup>7</sup>

## 104 **6. Do patients have to consent to the use of a virtual modality?**

105 Yes. Consent is required for the delivery of care using a virtual modality. The consent process  
106 includes informing patients about the benefits, limitations, and potential risks of using the virtual

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<sup>6</sup> For more information about conducting a privacy impact assessment, refer to the IPC's [Privacy Impact Assessment Guidelines for the Ontario Personal Health Information Protection Act](#), as well as the IPC's [Planning for Success: Privacy Impact Assessment Guide](#).

<sup>7</sup> For more information about what to do when there is a privacy breach, refer to the IPC's [Responding to a Health Privacy Breach: Guidelines for the Health Sector](#) and [Reporting a Privacy Breach to the IPC: Guidelines for the Health Sector](#).

107 modality, including those related to privacy and any clinical limitations, and any associated  
108 costs.

109 The IPC's [Privacy and Security Considerations for Virtual Health Care Visits: Guidelines for the](#)  
110 [Health Sector](#) includes the following examples of limitations and risks related to privacy:  
111 potential privacy breaches resulting from physical or electronic eavesdropping, hacking, and  
112 software exploits; technical failures; and configuration errors.

113 The consent that is required for using a virtual modality is separate from the consent process for  
114 any proposed treatment. Consent for treatment requirements are set out in the [Health Care](#)  
115 [Consent Act, 1996](#)<sup>8</sup> and on the RCDSO's [Informed Consent](#) webpage.

## 116 **7. Can Ontario dentists charge a fee for virtual care?**

117 Yes. Regardless of how dental care is delivered (e.g., in-person or virtual), Ontario dentists may  
118 charge a fee for the care that they provide. The RCDSO does not set fees for dental care  
119 however the Professional Misconduct regulation enacted under the *Dentistry Act, 1991* states  
120 that it is an act of professional misconduct to charge fees that are excessive or unreasonable.<sup>9</sup>

## 121 **8. What considerations are relevant when Ontario dentists choose** 122 **technology solutions that are provided by a third-party?**

123 The IPC's document, [Privacy and Security Considerations for Virtual Health Care Visits:](#)  
124 [Guidelines for the Health Sector](#), provides guidance to health care providers who are health  
125 care custodians on this very topic. The guidance includes:

- 126 • Ensure, through contractual agreements, that the service provider complies with the  
127 privacy and security measure to satisfy the requirements set out in *PHIPA*. The service  
128 provider should agree to:
  - 129 ○ Immediately notify the custodian in the event of a privacy breach,
  - 130 ○ Undergo periodic security audits at the request of the Ontario dentist,
  - 131 ○ Restrict access to PHI by employees or any person acting on their behalf on a  
132 need-to-know basis; and
  - 133 ○ Securely return or destroy PHI at the end of the agreement.
- 134 • Do not engage the services of providers that require, as a condition of service, that:
  - 135 ○ individuals register with the service provider; or
  - 136 ○ accept terms of service and privacy policies that require collection, use, or  
137 disclosure of personal information or PHI for purposes unrelated to the Ontario  
138 dentists' provision of dental care.

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<sup>8</sup> *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A.

<sup>9</sup> See sections 31-32 of *Professional Misconduct*, O. Reg. 853/93, enacted under the *Dentistry Act, 1991*, S.O. 1991, c. 24.

139 **9. Where can I find information about technology solutions that are**  
 140 **appropriate for clinical use?**

141 To assist health care providers in selecting technology that is appropriate for clinical use,  
 142 Ontario Health has established a provincial standard and launched a verification process for  
 143 virtual care solutions. For a list of verified virtual visit solutions (i.e., videoconferencing and  
 144 secure messaging solutions that comply with provincial requirements), see Ontario Health’s  
 145 [website](#).

146 **10. Can Ontario dentists provide virtual care to Ontario patients**  
 147 **when the dentist is geographically (i.e., physically) located outside**  
 148 **of Ontario?**

149 Yes, in circumstances where they can meet the requirements set out in the Virtual Care  
 150 Standard. Ontario dentists who are geographically located outside of Ontario may treat Ontario  
 151 patients provided that they can meet the standard of care and all relevant legal, professional,  
 152 and ethical obligations, including those obligations set out in the Virtual Care Standard.  
 153 However, licensing requirements vary between jurisdictions and some jurisdictions may require  
 154 licensure if the Ontario dentist, or the Ontario patient, is geographically located in their  
 155 jurisdiction when the care is provided. Ontario dentists will need to be aware of, and comply  
 156 with, any applicable licensing requirements and professional obligations in the jurisdiction.

157 Ontario dentists will need to ensure that they have appropriate liability protection for the virtual  
 158 care they provide. Ontario dentists are covered by the RCDSO’s professional liability program  
 159 (PLP) for professional services provided virtually to Ontario patients when the dentist is located  
 160 outside Ontario.

161 **Figure 1: RCDSO expectations when the Ontario dentist is**  
 162 **geographically located outside of Ontario**

	Dentist outside of ON Patient in ON	Dentist + Patient outside of ON
Licensure	Ontario + any licensing requirements of the jurisdiction where the dentist is located	Ontario + any licensing requirement of the jurisdictions where the dentist and patient are
Obligations	RCDSO + any obligations in the jurisdiction where the dentist is located (whichever highest)	RCDSO + any obligations in the jurisdictions where the dentist and patient are (whichever highest)
Standard of Care	Highest standard	Highest standard
Liability	Protected if Ontario patient	Protected if Ontario patient

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164 **11. Can Ontario dentists provide virtual care to patients who are**  
 165 **geographically (i.e., physically) located outside of Ontario?**

166 Yes, in circumstances where they can meet the requirements set out in the Virtual Care  
 167 Standard. Ontario dentists may treat patients who are geographically located outside of Ontario  
 168 provided that they can meet the standard of care and all relevant legal, professional, and ethical  
 169 obligations, including those obligations set out in the Virtual Care Standard. However, some  
 170 jurisdictions may require licensure if the Ontario dentist, or the patient, is geographically located  
 171 in their jurisdiction when the care is provided. Ontario dentists will need to be aware of, and  
 172 comply, with any applicable licensing requirements and professional obligations in the  
 173 jurisdiction.

174 Ontario dentists will need to ensure that they have appropriate liability protection for the virtual  
 175 care they provide. Ontario dentists are covered by the RCDSO's professional liability program  
 176 (PLP) when Ontario dentists are located in Ontario for professional services provided virtually to  
 177 any patient, or if the Ontario dentist is not located in Ontario, for professional services provided  
 178 virtually to Ontario patients.

179 **Figure 2: RCDSO expectations when the patient is geographically**  
 180 **located outside of Ontario**

	Dentist in ON Patient outside of ON	Dentist + Patient outside of ON
<b>Licensure</b>	Ontario + any licensing requirements of the jurisdiction where the <i>patient</i> is located	Ontario + any licensing requirement of the jurisdictions where the <i>dentist and patient</i> are
<b>Obligations</b>	RCDSO + any obligations in the jurisdiction where the <i>patient</i> is located (whichever highest)	RCDSO + any obligations in the jurisdictions where the <i>dentist and patient</i> are (whichever highest)
<b>Standard of Care</b>	Highest standard	Highest standard
<b>Liability</b>	Protected for ANY patient	Protected if Ontario patient

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 183  
 184

185 **12. Do out-of-province dentists need to be licensed by the RCDSO in**  
186 **order to provide virtual care to Ontario patients? What does this**  
187 **mean for Ontario patients?**

188 No. Out-of-province dentists do not need to be licensed by the RCDSO<sup>10</sup>, but in order to  
189 practise dentistry, out-of-province dentists would need to be licensed in the jurisdiction in which  
190 they are geographically located.

191 It is important for patients to seek dental care from a dentist who is licensed. If seeking virtual  
192 care from an out-of-province dentist, Ontario patients will want to ask the dentist where they are  
193 licensed. If the dentist is not licensed in Ontario, this means that the dentist is not subject to the  
194 RCDSO's requirements, including the requirement to practice in accordance with the standard  
195 of care in Ontario, and oversight. Ontario patients should be aware that not every jurisdiction  
196 requires licensure prior to allowing dentists to practice and the standard of care and oversight  
197 can vary significantly across jurisdictions.

198 If Ontario patients have concerns about dental care delivered by out-of-province dentists, they  
199 will need to contact the dental regulator in the jurisdiction where the dentist is licensed.

200 If the RCDSO becomes aware of concerns about virtual care provided to an Ontario patient by  
201 an out-of-province dentist who is not an RCDSO member, it may share that information with the  
202 regulatory authority that has jurisdiction over the dentist, or with other agencies, so that  
203 appropriate action can be taken by that regulatory authority or agency.

204 **13. Can Ontario dentists consult with out-of-province dentists virtually**  
205 **or refer patients to out-of-province dentists for virtual care?**

206 Yes, Ontario dentists may make a referral to an out-of-province dentist for consultation and/or  
207 treatment purposes provided that Ontario dentists meet the existing obligations for consultations  
208 and referrals set out in the RCDSO's [Most Responsible Dentist Practice Advisory](#) and [Dental](#)  
209 [Recordkeeping Guidelines](#). These existing obligations can be applied in the virtual care context  
210 by, for example:

- 211 • Making an appropriate referral to a dentist with the required expertise (e.g., this may be  
212 an out-of-province dentist if there is no Ontario dentist who can provide the opinion or  
213 care within the recommended timeframe);
- 214 • Helping patients understand:
  - 215 ○ the reason, nature, and scope of the referral (e.g., how they came to the  
216 determination that a referral to an out-of-province dentist is recommended, and  
217 the procedures and protocols involved);
  - 218 ○ the anticipated outcome of the referral and the potential risks/consequences of  
219 refusing the referral recommendation (e.g., a referral to an Ontario dentist may  
220 result in a longer wait time); and

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<sup>10</sup> The RCDSO does not have the legal authority to require and enforce licensure.



- 221                   ○ the credentials of the referral dentist (e.g., what training or expertise they have,  
222                   which jurisdiction(s) they are licensed in, and if the out-of-province dentist is not  
223                   licensed in Ontario, that the RCDSO does not have regulatory oversight over any  
224                   dental care that is delivered).
- 225                   • Confirming the patient is in agreement with the referral recommendation and obtaining  
226                   the patient’s consent before sending any information to another dentist (e.g., before  
227                   making a referral to an out-of-province dentist); and
- 228                   • Ensuring the patient’s PHI is appropriately safeguarded when it is shared virtually with  
229                   the referral dentist.

230 Ontario dentists are reminded that if they rely on an opinion provided by an out-of-province  
231 dentist, Ontario dentists are still obligated to meet the standard of care in Ontario and are  
232 required to obtain the patient’s valid consent<sup>11</sup> for any treatment proposed on the basis of the  
233 opinion.

234 **14. Can technology be used by Ontario dentists to supervise dental**  
235 **care provided by other oral health care providers?**

236 Yes, in specific circumstances. RCDSO’s [Standard of Practice on the Performance of Intra-Oral](#)  
237 [Procedures that are Not Controlled Acts by Preventive Dental Assistants, Level II Dental](#)  
238 [Assistants and Registered Dental Hygienist](#) requires that Ontario dentists provide the  
239 appropriate level of supervision for intra-oral procedures provided by preventative dental  
240 assistants, level II dental assistants, and registered dental hygienists. For some intra-oral  
241 procedures, supervision may occur remotely using technology, and other intra-oral procedures  
242 require that the dentist be physically present in the office to supervise.

243 See Appendix 3 in the [Standard](#) for a chart that summarizes the intra-oral procedures and  
244 corresponding supervision requirements.

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<sup>11</sup> See the [Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A](#) and RCDSO’s [Informed Consent](#) webpage for more information.