

GUIDELINES

The Guidelines of the Royal College of Dental Surgeons of Ontario (the "College") contain practice parameters and standards that should be considered by all Ontario dentists in the care of their patients. These Guidelines may be used by the College or other bodies to determine if appropriate standards of practice and professional responsibilities have been maintained.

Conflict of Interest

INTRODUCTION

A conflict of interest is created if a reasonable person concludes that your professional expertise or judgment may be influenced by your personal financial interest (or that of a family member, or a corporation over which you or that family member have substantial control). It is not necessary for your judgment to actually be compromised. If the facts suggest the possibility that your judgment may be affected, then there is a perceived conflict of interest.

Whether actual or perceived, a conflict of interest gives others the impression that their care or the cost of their care may be unfairly influenced by you. Acting while having a conflict of interest may constitute professional misconduct.

Dentists are entitled to profit from the use of their training and experience in providing professional services to patients. However, attempts to obtain additional benefits from other arrangements are likely to constitute a conflict of interest. For example, benefits must not be obtained from:

- referring patients;
- purchasing or selling dental appliances;
- purchasing, selling or supplying of drugs.

You cannot avoid a conflict of interest by having the benefit go to a family member or a corporation.

EMPLOYMENT

With limited exception, dentists should not enter into arrangements with others that may be seen as affecting their judgment relative to a patient. Therefore, dentists must only be employed by other members of the College or certain institutions, such as hospitals, universities, governments or community health centres.

FEE OR INCOME SPLITTING

Dentists may only split fees or income with:

- an associate dentist who engages in the practice of dentistry as an employee of yours;
- another dentist who, while not employed by you, comes to your office to provide services to your patients as an independent contractor;
- a dentist who engages in the practice of dentistry as your partner;
- a dental hygienist who is a member of the College of Dental Hygienists of Ontario and engages in the practice of dental hygiene within your dental practice – in particular, a dentist may only split fees or income that is based on the services performed by the dental hygienist within your dental practice.

A contractual arrangement, such as a lease or use of premises or equipment, that provides for fee or

income splitting creates a conflict of interest. Dentists who rent space or equipment must not pay that rent based on their billings.

CONFLICTS

Some actions that might appear to be a conflict of interest may be permitted if you ensure that your patients are fully aware of the circumstances.

Example 1: You have a financial interest in a dental device, because you invented it, and each time you use it, you are benefiting. This is technically a conflict of interest. To avoid problems with such an arrangement, you must:

- disclose your interest to the patient before providing the services that give rise to the conflict;
- ensure that your treatment using the product meets the standards of practice of the profession.

You must also ensure that the treatment is appropriate for the patient, meaning that the same treatment would have been provided by a competent dentist who did not have a conflict of interest.

Example 2: You or a family member owns, controls or has an interest in a commercial dental laboratory. If you wish to use the laboratory, you must:

- disclose to your patients the financial interest that you or your family have in the laboratory before providing the service;
- ensure the dental appliance used is in accordance with the standards of practice of the profession;
- ensure the cost of the appliance is the same as what the cost would have been from a totally independent laboratory.

Since dentists are not entitled to make a profit on the cost of dental appliances, you cannot enter into any arrangement that would have your laboratory charge a fee greater than another laboratory would have charged. This includes the use of in-house CAD-CAM systems that employ milling and/or three-dimensional printing.

Dentists must not offer incentives for individuals to become or remain patients, and/or refer other patients to them. Dentists must not promote or advertise their dental practices by offering incentives, including gifts, gift cards, contests, prizes, rebates, credits or other benefits.

Some conflicts of interest are so remote that they need not be disclosed. For example, if you are a shareholder of a publicly traded corporation, which you do not directly or indirectly control, the fact that the corporation may be in the business of selling dental products does not require you to disclose your financial interest. However, you are always responsible to ensure that your use of the product, in the circumstances, is appropriate.

Dentists may offer dental services (e.g. teeth whitening) at a reduced fee or no charge to new and existing patients or specific patient groups, such as seniors or students. However, dentists must not offer such dental services as an incentive for individuals to refer other patients to them.

Some actions or arrangements that constitute a conflict of interest may be permitted if appropriate steps are taken to ensure that patients are fully aware of the circumstances. Despite doing so, however, some actions or arrangements that constitute a conflict of interest may still be considered unprofessional or unethical conduct on the part of a dentist and result in regulatory consequences. If you have questions about any possible conflicts of interest, contact the College for advice.