



COLLEGE OF  
DENTURISTS  
OF ONTARIO

# Update

## Bill 87 – the *Protecting Patients Act* -

On May 30<sup>th</sup>, 2017 the [Protecting Patients Act](#) was passed in the Ontario Legislature. This legislation amended several statutes including the [Regulated Health Professions Act, 1991](#). You can view the government's news release [here](#).

What do these changes mean? Here is a summary:

### Changes that are in force as of May 30th, 2017:

- Touching of a sexual nature of a patient's genitals, anus, breasts or buttocks will now result in mandatory revocation;
- For findings of sexual abuse that do not result in revocation, the minimum penalty must include a suspension. Previously the required minimum penalty included an oral reprimand only;
- More information will be available and maintained on the Member's profile on the public register:
  - The date that a member dies;
  - Oral cautions, and specified continuing education or remediation programs (SCERPs) that are ordered will remain on the public register permanently;
  - A copy of the allegations of every matter referred to the Discipline Committee that has not been fully resolved;
  - When the Discipline Committee does not make a finding of professional misconduct this will be maintained on the public register for 90 days; and
  - Findings of incapacity and the orders made.
- The Inquiries, Complaints and Reports Committee (ICRC) can now order an interim suspension of a Member when it receives a complaint or appoints an investigator, if the ICRC feels that the Member's conduct or behaviour is likely to put patients at risk. Previously the ICRC could only order an interim suspension after specified allegations had been referred to the Discipline Committee;
- The ICRC and Discipline Committee can no longer impose gender-based restrictions on a Member (e.g. a male practitioner can only practise on male patients/clients);



- The fines for failing to report sexual abuse have increased to \$50,000 for individuals and to \$200,000 for corporations;
- Council meeting dates, agendas and materials will be posted on the College's website.

### Changes that will be implemented in the future:

- Patients who complain about sexual abuse by a Member may seek funding for therapy or counselling at the time a complaint or report is filed as opposed to waiting until a finding of sexual abuse is made by the Discipline Committee;
  - "Patient" in relation to sexual abuse is defined to include anyone who stopped seeking treatment from a Member within one year. The Minister may set additional criteria for defining a patient for the purposes of sexual abuse provisions;
  - New mandatory self-reporting obligations will include:
    - Registration with all other regulatory bodies and any findings of professional misconduct or incompetence (but not incapacity) made by those bodies; and
    - All charges for an offence and any resulting bail conditions or other similar restrictions or if restrictions have been agreed to by the member.
-