



## CDSS “Good Character” or ‘Suitability’ Standard

(Document based on *The Stamp of Good Repute: Determining “Good Character” for Registration Purposes*, Lai-King Hum, McMillan LLP, 2013)

The candidate for license to practice and renewal of that license bears the burden of not only proving to the CDSS that they have met all academic and other requirements of the profession, but also of meeting a standard of being of good character, or at least, not of bad character. An otherwise outstanding candidate for licensure may be denied entry for failure to meet the CDSS Standard of Good Character.

### What is good character generally?

Good character does not involve a standard of perfection. What it does require is “those qualities which might reasonably be considered in the eyes of reasonable men and women to be relevant to the practice” of the profession, at the time of application and renewal.

The question is whether the applicant whose past conduct raises issues about his or her character is able to demonstrate that, at the time of application and renewal, he or she has been rehabilitated. The College of Dental Surgeons of Saskatchewan believes that the six most common traits that are indicative of good character are:

1. Trustworthiness;
2. Respect;
3. Responsibility;
4. Fairness;
5. Caring; and
6. Citizenship (showing respect for the law and lawful authority).

The CDSS requires the applicant to disclose any prior conduct that could be considered to show bad character and also requires a criminal record check and an applicant interview. Barring disclosure of prior bad conduct or a criminal record, this is the end of the good character inquiry for most applicants. An assessment of the character will only occur where some prior conduct showing possible bad character is revealed.

Tools for assessing the character of applicants, may include:

- Character references;
- Character-related questions on the application form;
- Requiring applicants to pass a professional practice examination which includes topics on ethics and the Code of Ethics; and
- Criminal background checks
- Social Media presence.

The CDSS licensing process application forms may include, but are not limited to, the following past behaviors:

- Criminal convictions or proceedings;
- Civil convictions, including, fraud, malpractice or other;
- Outstanding civil judgments and disobeyed court orders;
- Termination of employment with cause;
- Disqualification, discipline, complaints in any other professional organization, including failing to meet good character requirements;
- Allegations of academic misconduct;
- Bankruptcy; and
- Human rights violations.

A CDSS assessment of character may include, but is not limited to, the following:

- To what degree should behavior exhibited solely in private life affect a good character assessment?
- Is it a singular incident, an aberration?
- Is it a serious infraction that occurred in the distant past? Is it a very minor infraction that would not raise an eye alone, but is repeated consistently over time, or are exhibited in conjunction with other minor infractions?
- Is it related to changing social mores?
- Is it honestly blamed on disability?
- Is it a behavior that was shaped by factors out of the applicant's control, such as the environment in which he or she was raised and where can the line be drawn?

In considering such situations, the following are factors to consider:

- The applicant's age at the time of the conduct;
- The recency of the conduct;
- The seriousness of the conduct;
- Factors underlying the conduct;
- The cumulative effect of the conduct;
- Evidence of rehabilitation;
- The applicant's positive social contribution since the conduct, if any.
- The materiality of any omissions or misrepresentations;
- The nature and extent of the applicant's voluntary treatment or rehabilitation;
- The applicant's current attitude about the subject of their disclosure;
- The applicant's subsequent constructive activities and accomplishments;
- Evidence of character and moral fitness including the reasonably informed opinion of others regarding the applicant's present moral character; and
- In light of the entire record of the applicant, whether admission of the applicant would adversely affect the confidence of the public in the profession, as an honorable, ethical and competent profession.

Where disclosure relates to a criminal law matter or offence, the CDSS may also apply the following criteria:

- The nature and character of any offences committed;
- The number and duration of offences;
- The age and maturity of the applicant when any offences were committed;
- The social and historical context in which any offences were committed;
- The sufficiency of the punishment given for any offences;
- The grant or denial of a pardon or discharge for any offences committed;
- The number of years that have elapsed since the last offence was committed, and the presence or absence of misconduct during that period; and
- The extent to which the applicant has made restitution and to which, if known, the restitution was made voluntarily at the initiative of the applicant, or as a consequence of the order of the Court.

Character is a nuanced concept that requires a unique assessment for each individual seeking admission to the profession. It can be a bar to entry in cases where the applicant has criminal convictions, has committed non-criminal breaches of law, or has merely demonstrated other unacceptable behavior.

The CDSS will consider the nature of any past misconduct, the circumstances which may mitigate it, what the applicant has done to address past conduct by way of reform or rehabilitation, and any other information about the applicant's current moral character. There is no requirement to initially show good character, as there is a presumption of good character in all applicants who have met the general academic, professional and other requirements. Applicants are asked to answer a series of questions in their application for admission and to sign a declaration. Beyond that, the burden is on the regulator to show evidence that past conduct by the applicant displays a lack of good character. Where the CDSS shows such evidence, the burden then shifts to the applicant to show that he or she is currently of good character, notwithstanding past conduct. The standard of proof in all cases is a balance of probabilities.

I, \_\_\_\_\_ have read and understood the above CDSS Good Character Standard.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX 1

### The College of Dental Surgeons of Saskatchewan (based on CPSO media policy) Social Media – Appropriate Use by Dentists

The term 'social media' refers to web and mobile technologies and practices that people use to share content, opinions, insights, experiences, and perspectives online. There are many prominent examples of social media platforms, including Facebook, Twitter, YouTube, LinkedIn, and blogging sites, among many others.

Social media can be used for both personal and professional purposes. Dentists are now using social media in their practices to interact with colleagues and patients, to seek out dental and medical information online, and to share content with a broad audience.

Whether engaging in social media for personal or professional use, the nature of these platforms, which are highly accessible, informal, and public, raise important questions about the steps dentists should take to uphold their important professional obligations while online.

#### **Purpose**

This document provides guidance to member dentists about how to engage in social media while continuing to meet relevant legal and professional obligations.

This document is not a policy, nor does it establish any new expectations for dentists that are unique to social media. Rather, this document clarifies how existing professional expectations can be met in the social media sphere.

#### **College Position on social media**

The College's position is that member dentists are expected to comply with all of their existing professional expectations, including those set out in relevant legislation, codes of ethics, and College policies, when engaging in the use of social media platforms and technologies.

If member dentists do so, the College recognizes that social media platforms may present important opportunities to enhance patient care, education, professional competence, and collegiality, among other potential benefits.

Legal and professional expectations that govern dental practices are set out in the College's legislation, bylaws, and standards. A number of these obligations are relevant to the use of social media by member dentists and are articulated below. These obligations are not unique to social media, but apply to dental practice in general, and must be met by all dentists.

They are as follows:

- Comply with all legal and professional obligations to maintain patient privacy and confidentiality.
- Maintain appropriate professional boundaries with patients and those close to them.
- Maintain professional and respectful relationships with patients, colleagues, and other members of the health-care team.
- Comply with relevant legislation and standards.
- Comply with the CDSS advertising bylaws and standards.
- Comply with the law related to defamation, copyright, and plagiarism when posting content online.

## **Guidelines**

In order to satisfy the above professional expectations while engaging in social media, it is recommended that member dentists:

1. Assume that all content on the Internet is public and accessible to all.
2. Exercise caution when posting information online that relates to an actual patient, in order to ensure compliance with legal and professional obligations to maintain privacy and confidentiality. Bear in mind that an unnamed patient may still be identified through a range of other information, such as a description of their clinical condition, or area of residence. A breach of confidentiality may be deemed to have occurred if the facts available are sufficient for the patient to be identified, even if only by themselves.
3. Refrain from providing clinical advice to specific patients through social media. It is acceptable, however, to use social media to disseminate generic dental or health information for educational or information sharing purposes. Clinical advice is defined as advice of a clinical nature that is directed toward a specific individual to address a medical concern. It is distinct from general health information that is not patient-specific, but disseminated to a general audience for education or information sharing purposes
4. Protect their own reputation, the reputation of the profession, and the public trust by not posting content that could be viewed as unprofessional.
5. Be mindful of their Internet presence, and be proactive in removing content posted by themselves or others which may be viewed as unprofessional. Be mindful that once information has been posted online, it may be difficult or impossible to remove. Reasonable steps should be taken to remove information that has been posted by one's self or others.
6. Refrain from establishing personal connections with patients or persons closely associated with them online, as this may not allow member dentists to maintain appropriate professional boundaries and may compromise objectivity. It is acceptable to create an online connection with patients for professional purposes only. Some dentists may find it preferable to maintain a separate online presence for their personal and professional networks. For more information on maintaining appropriate professional boundaries, please see the CPSO's Maintaining Professional Boundaries and preventing Sexual Abuse policy, Treating Self and Family Members Policy, and Dialogue article "Maintaining Boundaries."
7. Refrain from seeking out patient information that may be available online without prior consent. Patients are entitled to a reasonable expectation of privacy. While dentists are expected to adhere to all of their relevant legal obligations under HIPA with respect to the collection of personal health information, they should also refrain from seeking out other types of non-protected information online without prior consent.
8. Read, understand, and apply the strictest privacy settings necessary to maintain control over access to their personal information, and social media presence undertaken for personal purposes only.
9. Remember that social media platforms are constantly evolving, and be proactive in considering how professional expectations apply in any given set of circumstances.