

Standard of Practice: Virtual Care

Approved by Council – TBD

Related Resources: Virtual Care FAQs

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Executive Summary

This Standard of Practice articulates requirements for the use of technology when providing and supporting the delivery of dental care remotely (i.e., virtual care). Requirements are set out for Ontario dentists when providing virtual care to patients. This Standard of Practice does not address consultations between health care providers and referrals.¹

A companion resource, Virtual Care FAQs, has also been developed to provide additional information and guidance (e.g., on consultations and referrals, cross-border virtual care, and liability protection coverage).

Definitions

Ontario dentists are members of the Royal College of Dental Surgeons of Ontario (RCDSO).

Virtual care (also known as “teledentistry”) includes, but is not limited to, the use of electronic information, imaging, communication, and patient engagement technology to provide and

¹ Requirements for referrals to another dentist for consultation and/or treatment purposes can be found in RCDSO’s [Most Responsible Dentist Practice Advisory](#) and [Dental Recordkeeping Guideline](#).

support dental care delivery remotely. Virtual care may be synchronous (e.g., live, two-way interaction using audio or video communication technology) or asynchronous (e.g., store-and-forward technology).

Principles

The following principles form the foundation for the requirements set out in this Standard:

1. Virtual care is the practice of dentistry²: all legal, professional, and ethical obligations that apply to in-person dental care also apply to dental care delivered virtually.
2. A dentist-patient relationship is established virtually in the same circumstances as when a relationship is established in-person.
3. Virtual care is a viable alternative to in-person, hands-on dental care when the use of technology is appropriate, i.e., when dentists meet the standard of care and all relevant obligations, and put patients' best interests first.
4. Regardless of where the dentist or patient is geographically (i.e., physically) located, the RCDSO maintains jurisdiction concerning the conduct of its members.

Requirements for Virtual Care

1. Ontario dentists must only provide virtual care in accordance with the requirements set out in this Standard.
2. When providing virtual care, Ontario dentists must continue to meet the standard of care and the existing legal, professional, and ethical obligations that apply to dental care that is provided in-person, including but not limited to, those pertaining to consent to treatment, protecting personal health information (PHI), and recordkeeping.³
3. Ontario dentists must ensure that they have the competence to provide virtual care, including the competence to use the relevant technology effectively.

Assessing the Appropriateness of Virtual Care

Virtual care may not be appropriate in every instance as not all conditions can be effectively treated virtually, and not every patient has access to, or will be comfortable using, technology. As such, Ontario dentists must:

4. use their professional judgement to determine whether virtual care is appropriate in each instance it is contemplated and will enable them to meet the standard of care and all applicable legal, professional, and ethical obligations;

² The practice of dentistry is the assessment of the physical condition of the oral-facial complex and the diagnosis, treatment, and prevention of any disease, disorder, or dysfunction of the oral-facial complex (Section 3 of the [Dentistry Act, 1991, S.O. 1991, c. 24](#)).

³ Additional information regarding existing obligations is set out in RCDSO's [Standards, Guidelines, and Advisories](#).

5. identify the resources (e.g., technology, equipment, support people⁴) that are required, and only proceed if those resources are available and can be used effectively;
6. consider the nature of the dental care required, including whether in-person, hands-on care is required in order to meet the standard of care, and only proceed if the dental care can be effectively delivered virtually; and
7. consider the patient's existing health status, specific health-care needs, and specific circumstances and preferences, and only provide virtual care if it is in the patient's best interest and the potential benefits outweigh the risks.

Providing Virtual Care

Identifying the Patient and Dentist

When providing virtual care, Ontario dentists must:

8. take reasonable steps to verify and authenticate the identity of the patient prior to collecting, accessing, using, or disclosing the patient's PHI;
9. confirm the current geographic location of the patient and disclose their own geographic location (e.g., city, province); and
10. disclose the following to all new patients:
 - a. their identity and the jurisdiction(s) in which they are licensed; and
 - b. whether in-person dental care is offered, and if so, the practice address.
11. Ontario dentists are advised to consider whether it would be helpful to disclose the information in provision 10 to existing patients when doing so would be in the patient's best interest (e.g., in circumstances where the patient has not been seen in some time).

Obtaining Consent for Virtual Care

In addition to obtaining valid consent for any treatment proposed,⁵ Ontario dentists must:

12. obtain consent⁶ for the delivery of care using a virtual modality, which will require providing information regarding the benefits, limitations, and potential risks of using the virtual modality, as well as any associated costs; and
13. obtain consent for the delivery of care using a virtual modality each time the benefits, limitations, and potential risks change (e.g., if the type of technology used changes), or any associated costs change.

Ensuring the Setting and Technology is Appropriate

For synchronous dental care delivered virtually, Ontario dentists must:

⁴ For example, oral health care providers, other health care providers, the patient's family member or friend.

⁵ See the [Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A](#) and RCDSO's [Informed Consent](#) webpage for more information.

⁶ For clarity, the requirement to obtain consent for the delivery of care using a virtual modality is a RCDSO requirement and not a requirement set out in the *Health Care Consent Act, 1996*.

14. confirm that the physical setting where the patient is receiving the dental care is appropriate and safe in the circumstances (i.e., taking into account the nature and purpose of the intended interaction); and
15. if it is not appropriate or safe to proceed, the dentist must take appropriate action, such as explaining to the patient that they will be unable to proceed at that time and re-scheduling the appointment in a timely manner.

For all dental care delivered virtually, Ontario dentists must:

16. use technology that is fit for purpose and allows them to gather the information needed to provide or support dental care delivery, and supports the sharing of high quality and reliable patient health information;
17. establish quality assurance mechanisms via ongoing monitoring and evaluation to ensure that dental care provided virtually is safe, effective, and consistent with the standard of care and their legal, professional, and ethical obligations; and
18. take appropriate action if patient's best interests will no longer be served by using a virtual modality, such as scheduling or referring a patient for appropriate follow-up care in a timely manner if in-person, hands-on dental care is required.

Protecting Privacy and Confidentiality

When providing virtual care, Ontario dentists must:

19. protect the privacy and confidentiality of the patient's PHI in accordance with the [Personal Health Information Protection Act, 2004 \(PHIPA\)](#), specifically by:
 - a. using secure technology⁷ that, at minimum, has controls to ensure only the intended patient has access to appointments, and strong encryption when PHI is stored and/or transmitted;⁸
 - b. providing virtual care in a private setting that will ensure the patient's PHI is not overheard or seen by other individuals; and
 - c. for synchronous dental care, asking the patient whether they are in a reasonably private setting and are comfortable discussing or sharing their PHI at that time, and disclosing the identities of all participants that will be present.

For more information about privacy and security for virtual care, refer to the Information and Privacy Commissioner of Ontario's [Privacy and Security Considerations for Virtual Health Care Visits: Guidelines for the Health Sector](#).

Recordkeeping

When providing virtual care, Ontario dentists must:

⁷ If unsure, dentists can confirm with the service provider that the technology meets Ontario privacy requirements.

⁸ The Information and Privacy Commissioner of Ontario advises health information custodians, including dentists, to avoid using personal email, unencrypted text messaging or free cloud-based videoconferencing platforms to communicate with patients because these platforms raise serious privacy risks.

20. keep appropriate records in accordance with the RCDSO's [Dental Recordkeeping Guidelines](#) and specifically note that the dental care was delivered virtually.

Providing Virtual Care Across Borders

At times, the provision of virtual care may take place across borders. This could occur, for example, when the dentist or the patient, or both the dentist and the patient, are geographically located outside of Ontario at the time care is delivered.

If Ontario dentists are not geographically located in Ontario when providing virtual care, they must:

21. comply with any applicable licensing requirements of the jurisdiction where they are geographically located;
22. comply with any applicable legal, professional, and ethical obligations for virtual care set out in that jurisdiction or in this Standard, whichever obligations are higher;
23. provide dental care in accordance with the highest standard of care; and
24. ensure they have appropriate liability protection coverage⁹.

When providing virtual care to patients who are geographically located in another province, territory, or country, Ontario dentists must:

25. comply with any applicable licensing requirements of the jurisdiction where the patient is geographically located;
26. comply with any applicable legal, professional, and ethical obligations for virtual care set out in that jurisdiction or in this Standard, whichever obligations are higher;
27. provide dental care in accordance with the highest standard of care; and
28. ensure that they have appropriate liability protection coverage.

⁹ See the Virtual Care FAQs for more information about liability protection coverage.

Figure 1: Requirements for Ontario Dentists Providing Virtual Care Across Borders

| | Dentist + Patient in ON | Dentist outside of ON Patient in ON | Dentist in ON Patient outside of ON | Dentist + Patient outside of ON |
|-------------------------|--|---|---|---|
| Licensure | Dentist must be licensed in Ontario | Ontario + any licensing requirements of the jurisdiction where the <i>dentist</i> is located | 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 |
| Obligations | RCDSO | RCDSO + any obligations in the jurisdiction where the <i>dentist</i> is located (whichever highest) | 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) |
| Standard of Care | Ontario standard | Highest standard | Highest standard | Highest standard |
| Liability | Appropriate liability protection coverage required; see the Virtual Care FAQs for more information | | | |

At times, dentists from jurisdictions outside of Ontario (i.e., dentists who are not members of the RCDSO) may provide virtual care to patients within Ontario. The RCDSO does not have the legal authority to require and enforce licensure for out-of-province dentists who provide virtual care to patients in Ontario, and therefore cannot set out requirements for out-of-province dentists. However, the RCDSO expects that out-of-province dentists would be licensed in the jurisdiction in which they are geographically located.¹⁰

¹⁰ See the Virtual Care FAQs for more information.