

Board Business

From the Registrar's Desk

No. 39, February 2009



Board Nominations

The following appointments were approved at the January 30, 2009 Dental Board meeting;

Complaints Committee

Dr. Simone Abbass
Dr. Fred Gogan
Ms. Marina Crawford, RDA

Discipline Committee

Dr. Ian Ross
Ms. Anne Fitzpatrick, RDA

Prescription Monitoring Program – Drug Utilization Review Committee

Dr. Ben Davis

Licensing Report

Dentist and dental hygienist licensing fees were due on December 1, 2009. Following a significant number of phone calls from Board staff and with the assistance of Ms. Rosemary Bourque – very few licensees were struck from the Register.

One student dentist was struck and subsequently reinstated. With respect to dental hygienists, three were struck for non-payment of their license fees, five were struck for non-payment of their Association fees and six were struck for non-payment of both Provincial Dental Board and Association fees.

Of the fourteen dental hygienists struck, eight have reinstated their license, five have moved out of the province and one has retired.

Five corporations did not pay their renewal invoices by the January 30, 2009 deadline and letters have now been sent indicating that their corporation permit has been revoked.

As of December 31, 2008 the Dental Board has licensed:

| | 2008 | 2007 | 2006 |
|--------------------------|-------------|-------------|-------------|
| Dentists | 528 | 511 | 512 |
| Dental Hygienists | 550 | 527 | 521 |
| Dental Assistants | 773 | 679 | 680 |
| Corporations | 349 | 330 | 322 |



PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

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Velscope Utilization

The Dental Board's opinion is that the use of Velscope technology is not to be promoted nor interpreted as a standard of care in dental practices in Nova Scotia.

In the event that your dental office patient information sheets refer to the Velscope as a standard of care – you are directed to remove this statement from the information sheet immediately.

Dental Practice Review Program

Following government approval of the Dental Practice Review (DPR) Regulation and the establishment of the DPR Committee, the Dental Board has committed to the implementation of the DPR program in 2009.

With the assistance of a statistician, a random sample of licensed dentists, stratified by region, were selected to fill out the DPR Self Assessment Form. Seventy-five licensees were selected as follows – Halifax region (42), North Eastern / Cape Breton (19) and South Shore / Valley / Yarmouth (14).

The Chair of the DPR Committee Dr. Graham Opie set March 2, 2009 as the deadline for the self assessment forms to be completed and returned to the Board office.

Once the Committee has reviewed the self assessment forms, a second random stratified sample will be selected to determine the list of offices that will be visited in 2009. In the event that additional information about the DPR process is required, please go to the Board's webpage www.pdbns.ca or call the Board office.

Commission on Dental Accreditation of Canada

- Dr. Ian Doyle has been selected as the Atlantic Provinces Regulatory Authorities' representative on the Dalhousie University Faculty of Dentistry accreditation site visit scheduled for February 16 – 20, 2009. The site visit team will also have an observer from the American Commission on Dental Accreditation, the Australia Dental Council and two observers from the Dental Council of Hong Kong.
- Ms. Angela Worsley (RDA) has been selected as the Dental Board's representative on the Cape Breton Business College Dental Assisting Program site visit scheduled for May 25-26, 2009.
- At its meeting on November 24, 2008, the Commission on Dental Accreditation awarded accreditation status to the new dental hygiene program at Oulton College in Moncton, New Brunswick.

Agreement on Internal Trade (AIT)

The Dental Board has been working with government on the AIT legislation and the development of Mutual Recognition Agreements since 1994. Although government's initial plans were to allow a reasonable time for enhanced labour mobility within Canada – the Provincial Premiers apparently were concerned about the lack of progress achieved and so decided to amend Chapter 7 of the AIT legislation to require full mobility by August 1, 2009. The provisions of Chapter 7 state that **“any worker certified in an occupation in one province will be certified in any other province without any requirement for additional material training, examinations or assessments.”**

While not a party to the AIT negotiations, the NS Regulatory network made strong representations to the provincial government concerning the potential negative and unintended consequences of the legislation. Despite our best attempts, the Premiers endorsed the AIT revisions on January 16, 2009.

As a result, the Canadian Dental Regulatory Authorities Federation (CDRAF) held a national regulators summit on January 23-24, 2009 and engaged all Dental Regulatory Authorities (DRA's) in a process that we hope will result in a CDRAF AIT Accord that will enable all DRA's to be compliant with the provisions of AIT by the August 1, 2009 deadline.

A lot of work both at the national and local level still needs to be completed on this issue in the months ahead.

Competition Bureau

As you are aware, the Competition Bureau has embarked on a study of the profession of dentistry. A Competition Bureau questionnaire has been received by the Board for completion early in 2009. With the knowledge and agreement of the Competition Bureau, the Dental Regulatory Authorities have met to develop an expanded glossary of definitions and a common understanding of the questions that have been proposed. The Board Chair, Registrar and Board legal counsel have been directed to complete the questionnaire.

Complaints and Discipline Report

The Complaints Committee met on two occasions since the last meeting of the Board. Further to Agreed Statement of Fact documents, Letters of Counsel were given to two dentists and two dental assistants as a result of unlicensed dental assistants performing intra-oral duties.

Two complaints concerning the provision of care were dismissed.

A case involving major restorative and orthodontic treatment resulted in the referring general dentist receiving a Letter of Counsel that included the following comments from the Complaints Committee;

- *Given the circumstances it seems unlikely that Dr. X was unaware that the patient's orthodontic case was problematic. As such Dr. X failed to intervene in a timely fashion.*
- *Where the patient was suspected to have moved to another practice, Dr. X should have made efforts to confirm this decision with the patient particularly after the patient had contacted Dr. X's dental office for an appointment.*

Also related with this case, the Committee awarded a Letter of Reprimand to the general dentist providing the orthodontic treatments and determined that with respect to the patient's treatment that;

- *Dr. Y's consent form misrepresented their credentials.*
- *Dr. Y lacked the training and experience required to undertake orthodontic treatments of this complexity.*
 - *Dr. Y failed to recognize the challenging nuances of the orthodontic treatment even after a full diagnostic work up was completed.*
 - *When it was evident that the patient's treatment was not working out as planned, Dr. Y failed to take the appropriate steps to rectify the situation.*

In addition, the Committee strongly advised Dr. Y to avoid complex and demanding orthodontic cases until such time that Dr. Y has significantly increased their orthodontic education and credentials.

Nova Scotia Court of Appeal Decision

Further to Dr. Wayne Hills' appeal of the Dental Board's Discipline Committee's decision that he engaged in unprofessional conduct by providing substandard treatment and its decision that he pay costs of \$ 60,000, the Nova Scotia Court of Appeal dismissed Dr. Hills' appeal with costs payable by Dr. Hills to the Provincial Dental Board of Nova Scotia. The full text of the Court of Appeal Decision can be viewed at www.courts.ns.ca/appeals.

Respectfully submitted,

