

IPROVINCIAL DENTAL BOARD OF NOVA SCOTIA

MEETING 2009- 3

September 18, 2009

The third meeting of the 2009 Provincial Dental Board was held on September 18, 2009 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax, Nova Scotia.

In Attendance Dr. Eric Hatfield, Chair
 Dr. Ian Doyle, Vice Chair
 Dr. Clare Champoux
 Dr. Meryll Lawton
 Dr. John Miller
 Dr. Tom Raddall III
 Dr. Andrew Stewart
 Dr. Lee Erickson
 Ms. Angela Worsley
 Mrs. Kore-Lee Cormier
 Mr. Dwight Rudderham
 Dr. Tom Boran, Observer (AM only)
 Dr. Bill MacInnis, Registrar
 Ms. Jane Donovan, Administrative Assistant

Regrets Ms. Judy Oakley

AGENDA 1. CALL TO ORDER – 9:00 A.M.

The Chair called the meeting to order and informed Board members that invited guests would be making presentations at 10:30 am and 1:30 pm and the meeting agenda would be adjusted accordingly. As well Dean Tom Boran would be making a short presentation at 9:30 am.

The Registrar requested that two items be placed on the Agenda under New Business:

- Botox use in Dental Practice
- Amsoft Update

As no additional amendments to the agenda were forthcoming;

Motion 2009 – 14

It was moved and seconded – Dr. A. Stewart / Mr. Dwight Rudderham

“To approve the amended agenda for today’s meeting.”

Motion Carried.

AGENDA 2. MINUTES OF 2009-2 MEETING, May 29, 2009

a). Errors and / or Omissions

Several editorial items were noted and amended accordingly.

Motion 2009 - 15

It was moved and seconded – Dr. I. Doyle / Dr. J. Miller

“To approve the minutes of the May 29, 2009 meeting as amended”

Motion Carried.

b). Business Arising from the Minutes.

- **The NSDA Dental Assistants’ Review Working Group** – The Chair indicated that he expects that the NSDA will have a report for our next meeting in January 2010.
- **Volunteer Licensing** – This matter has now been placed on the Agenda for the CDRAF meeting in October 2009.
- **NSCC-IT – Re-entry Program** – The Provincial Dental Board has not received any further information from NSCC-IT.
- **Department of Health** – The Registrar reported on a very successful meeting held on June 4, 2009 to review the Board’s planning for the implementation of AIT.
- **Tooth Whitening** – It was agreed that the Board would remain vigilant on both national and provincial levels and would take appropriate action if evidence of patient harm and / or evidence based outcomes suggest the need for Health Canada to modify their policies.

AGENDA 3. REGISTRAR’S REPORT

The items included in the meeting documentation were for the information of Board members.

AGENDA 4. BOARD NOMINATIONS

Reappointments to the Board's Discipline and Mandatory Continuing Dental Education Committees were presented to the Board.

Motion 2009 - 16

It was moved and seconded - Dr. A. Stewart / Dr. Merryl Lawton

“To approve the slate of reappointments to the Board Committees as presented: Dr. Don Penwell – Discipline Committee and Dr. Ken Rhodenizer – Mandatory Continuing Dental Education Committee.”

Motion Carried.

AGENDA 5. LICENSURE CERTIFICATES

With the recent amendments to the Board's Specialist Regulation that permits a license category “Specialist Limited to their Specialty”, the Registrar identified the need to develop a new template for this licensure certificate. A draft licensure certificate was presented for the Board's consideration.

It was moved and seconded – Dr. C. Champoux / Mr. D. Rudderham

Motion 2009 - 17

“ To approve the Certificate of licensure for Specialist Limited to their Specialty as presented.”

Motion Carried.

The Registrar also proposed an editorial modification to the current licensure certificate for specialists. It was moved and seconded – Dr. A. Stewart / Ms. A. Worsley.

Presentation Dean Tom Boran

Dean Boran provided an update on Faculty developments and achievements and responded to questions from the Board members.

AGENDA 6. GOVERNANCE WORKING GROUP UPDATE

Ms. Maureen Reid, President of Boardworks Consulting Services made a presentation to Board members and updated them on the activity of the Working Group.

A draft Governance Policy Manual was presented for the Board's consideration that included:

- Board Charter
- Peer Norms
- Role of Chair
- Committee Structure
- Board-Registrar Roles Analysis

A number of editorial changes were proposed by Board members and agreed to by the Working Group.

Board members were very pleased with the results achieved to date and plans for the future development of the Governance Policy Manual. Following further discussion it was moved and seconded: Dr. A. Stewart / Dr. John Miller

Motion 2009 – 19

“The Board approves the process of the Working Group and continues to support the progress with respect to the Governance Policy Manual”

Motion Carried

and further more

It was moved and seconded – Mr. Dwight Rudderham / Dr. I. Doyle

Motion 2009 - 20

“The Provincial Dental Board of Nova Scotia approves the Board’s Policy Manual as presented with amendments.”

Motion Carried.

Contraindicated – Dr. A. Stewart

AGENDA 7. REVENUE AND EXPENSE PROJECTION

(a) Proposed Budget

The Registrar reviewed the 2010 Revenue and Expense projections for the Board. Following due consideration it was moved and seconded – Dr. I. Doyle / Dr. J. Miller

Motion 2009 - 21

“To approve the Revenue and Expense Projection for 2010 as presented

Motion Carried

(b) 2010 / 2011 License Fees

Following a review of historical data and analysis of current and future factors relating to the Board’s financial status, Dr. A. Steward proposed that the 2010 / 2011 Provincial Dental Board license fees be reduced by 5 %. No seconder for this motion was found.

It was subsequently moved and seconded – Dr. J. Miller / Ms. A. Worsley

Motion 2009 – 22

“That the 2010 / 2011 license fees for the Provincial Dental Board of Nova Scotia be maintained at the 2009 / 2010 levels.”

Motion Carried.

AGENDA 8. PRORATED LICENSE FEES

The Chair presented a request from the Nova Scotia Dental Association asking the Board to review its current license fee policies as it relates to newly graduated licensees and the prorated license fee of June 1st.

Further to the direction from the May 29, 2009 Board meeting, the Chair provided background information with respect to how other regulatory authorities manage this issue. After a lengthy discussion it was moved and seconded Dr. A. Stewart / Dr. T. Raddall III

Motion 2009 – 23

“That there be no change in the Board’s policy with respect to prorated

license fees and furthermore a letter be sent to Dr. H. Carmichael reiterating this policy.”

Motion Carried.

AGENDA 9.

BOARD GUIDELINES FOR DEEP SEDATION AND GENERAL ANESTHESIA IN DENTAL PRACTICE

The Registrar presented draft Guidelines for Deep Sedation and General Anesthesia in the Dental Office.

After discussion and several amendments it was moved and seconded Dr. A. Stewart / Dr. J. Miller

Motion 2009 – 24

“The Provincial Dental Board of Nova Scotia approve the Guidelines for Deep Sedation and General Anesthesia as revised.”

Motion Carried

AGENDA 10.

PROVINCIAL DENTAL BOARD INSURANCE

(a) Directors / Officers & Errors / Omissions Liability Insurance

The Registrar presented background information regarding the Board’s liability insurance and the premiums over the past couple of years. The Registrar provided Board members with two proposals for the Board’s liability insurance.

The Board reviewed a quote from our current insurer, HKMB and a quote from HIROC.

The Chair shared feedback about the HIROC Company that had been provided at the recent CDRAF Executive Committee meeting. After considerable discussion it was moved and seconded Dr. A. Stewart / Dr. I. Doyle

Motion 2009 – 25

“To approve the proposal from HKMB for the Provincial Dental Board’s Directors/Officers and Errors/Omissions Liability insurance for 2010.”

Motion Carried.

(b) Travel Accident Insurance

The Registrar identified that the Provincial Dental Board does not currently have travel insurance for Board members, Committee members and staff who travel on Board business.

A proposal from the AIG company for Travel Insurance was included in the meeting documentation for Board members consideration.

Following discussion amongst Board members concerning the value, utility of this type of insurance, it was moved and seconded Dr. A. Stewart / Dr. M. Lawton

Motion 2009 – 26

“To purchase Travel Accident Insurance for Provincial Dental Board members and Committee members and staff who travel on Board business.”

Motion Carried

8-4

2 contraminded, 2 abstained

AGENDA 11.

CDRAF UPDATE

The Chair presented the following information to the Board members.

Certificate of Standing

At the last Board meeting in May, the draft Certificate of Standing was presented and approved by Board members and has now been customized and finalized for use. The Provincial Dental Board will now implement this document as a standardized part of the application process.

Consent for Release of Information

This document has also been finalized and will be implemented as part of the Board's application process. Both documents will be made available on the Board's webpage under Registration and Licensing.

CDRAF Executive Committee Meeting

The Agenda from the last CDRAF Executive Meeting was enclosed to inform Board members of some of items that CDRAF has been actively

working and was for information only.

CDRAF Special Meeting July 10, 2009

A Special Meeting of CDRAF was held in Montreal on July 10, 2009. The meeting was called to deal with the Mutual Recognition Agreement for the Profession of Dentistry in Canada with Respect to General Dentistry and Dental Specialists. The urgency for the meeting was to allow time for the NDEB to change its' bylaws for its Annual Board Meeting in August 2009, and have them ready to implement for AIT. After presentation and discussion, all Provinces unanimously agreed to the Agreement with respect to General Dentistry. With respect to the Agreement for Dental Specialists, all Provinces agreed to the process, except Manitoba. After lengthy discussion it was agreed to have a CDRAF Task Force to go to Manitoba, to meet with elected officials, and try and work out a solution that all parties would be satisfied with, and to have National unity on such an important issue.

The second item discussed was the Future Direction of CDRAF. At the April Board Meeting of CDRAF, discussion took place regarding the future of the Organization as it continued to evolve with regard to Regulatory matters in Canada. It was identified that some of the larger provinces had been subsidizing CDRAF with manpower, housing meetings, organizing activities, lawyers etc. and that in order to continue to fulfill its mandate, would need to hire a staff person, likely an Executive Director, on a part time basis. In order to do this, dues would need to increase. Executive was requested to develop a plan for the future of CDRAF, including a budget, timelines and growth.

During its interim meeting, Executive thought that in order to hire an Executive Director and to fund its current and future programs that it would have to increase dues to dentists, from \$6 per member to \$30 per member, but thought that maybe at first, to raise to \$13 per member to accommodate hiring a Executive Director. At the Special Meeting, however, the Board passed a motion to increase to the original \$30 proposal to get moving on other important projects as well. Prior to the September Board Meeting, Executive was requested to start the search for the part time staff person and to prepare a business plan.

The Chair reminded the Board that we are not looking for approval now, but will be at the January, 2010, Board Meeting. Last years payment to CDRAF was \$43.25, including the \$12.25 which was the second instalment of the previously committed payment for Internationally Trained Specialists Program, \$6 to CDRAF and \$25 for the one time payment to RCDC Case Presentations.

AGENDA 12. DENTAL BOARD COMMITTEE UPDATE

(a) Complaints Committee

The Complaints Committee met on two occasions since the last Board Meeting and considered the following matters;

Case No. 1

Concerned quality of care issues related to recently placed restorations.

The Committee found that while the restorations in question were not ideal, they could have easily been refinished without undue cost or discomfort to the patient. As well, it was determined that the first dentist was not given the opportunity to resolve the perceived difficulties identified by the second dentist.

The case was dismissed.

Case No. 2

Patient complaint alleging that the dentist was negligent in the provision and management of their dental implant retained prosthodontic treatments and that as a result the patient suffered needless pain, drainage and infection.

The Committee found that:

- As the patient's clinical care required, the dentist made appropriate referrals in a timely fashion.
- Appropriate instruments were used to clean the implants at all times.
- The dentist met the standard of skill, knowledge and judgement expected in the practice of dentistry in Nova Scotia.

The case was dismissed.

Case No. 3

Patient complaint alleged that the dentist performed substandard endodontic treatment that weakened the tooth in question, causing it to fracture and subsequently required the tooth to be extracted.

The Committee found that:

- The radiograph of the tooth revealed that it was heavily restored and significantly weakened by caries prior to the pulpectomy procedure.

- Root canal treatment was the most reasonable treatment option.
- The pulpectomy procedure was performed successfully by the dentist.
- The dentist's treatment met the standard of skill, knowledge and judgement expected of a dental practitioner in Nova Scotia.

The case was dismissed.

Case No. 4

The Committee found that sufficient concerns existed relating to allegations of unprofessional conduct, insurance billing, nitrous oxide misuse and inadequate record keeping and treatment planning.

As a result the Committee decided that this matter be referred to the Dental Board's Discipline Committee.

(b) Discipline Committee

There has been no activity since the last meeting.

(c) Dental Practice Review

At the last Board meeting the Registrar had been instructed to contact nine dentists and have them complete the DPR Self Assessment documents in which the Committee had identified deficiencies. A copy of the letter sent to the dentists was included in the resource material.

The Registrar reported that 8 out of the nine dentists completed the document and that the ninth dentist had moved out of province and subsequently relinquished their license since the audit was done.

The Registrar also reported that the site visits had begun and to date four offices in the HRM had been visited.

(d) Finance Committee

Dr. Lee Erickson made a brief presentation on this Committee during Agenda item No. 7

AGENDA 13.

ITEMS FROM THE CHAIR

The Chair reported that his activities since the Board's last meeting have dealt mostly with CDRAF, which were reported on earlier in the meeting.

The Chair reported on the ongoing correspondence with The College of Dental Hygiene. The Board agreed that the Chair should attempt to meet with the Chair of the College of Dental Hygiene to discuss and try to resolve the outstanding issues relating to the College's separation from the Provincial Dental Board.

AGENDA 14. NEW BUSINESS

(a) 2010 Meeting Dates

The following dates were agreed upon for the Provincial Dental Board Meetings

- Friday, January 29, 2010
- Friday, May 28, 2010
- Friday, September 24, 2010

(b) Botox Use in Dental Practice

The Board has received several requests from dentists and correspondence from a Pharmaceutical company requesting clarification of the Board's position on the use of medical aesthetic injectables in dental practice in Nova Scotia.

The Board directed the Registrar to consult with relevant stake holders and gather information on the use of Botox in other provinces and provide a report to Board members at the January 2010 meeting.

Until such time as the Board implements a policy regarding Botox, the Board's opinion is that the use of Botox does not fall within the scope of practice for a general dental practitioner.

(c) Amsoft Update

The Registrar reported to the Board that in late August the server housing Amsoft crashed. It was determined that the back up protocol for the server and the daily back ups being done were not capturing the data which resulted in no viable back up.

PC Medic has repaired the server and has sent the hard drive to a company which specializes in data recovery. We are hoping to hear from them by September 25th. In the meantime Amsoft was able to retrieve the Board's data from one year ago and that data has now been installed on the server.

The Board does have recent excel files on our licensees which are as

current as July 15, 2009. If our data cannot be recovered these files will be imported into Amsoft as a starting point.

Because the Board is fast approaching a licensing period with dentists, one of our options would be to import the data we currently have and have Amsoft set up a temporary data base so that the invoices can go out on time.

The PDB is now investigating options for off site backup and will get quotes from both PC Medic and Amsoft.

AGENDA 15.

NOVA SCOTIA COLLEGE OF PHARMACISTS – PROPOSED PHARMACY REGULATION

Ms. Susan Wedlake, Registrar of the Nova Scotia College of Pharmacists made a presentation to the Board concerning proposed modifications to the Pharmacy Regulations.

The “*Medication Therapy Management*” regulation included in the meeting documentation is intended to enable pharmacists to more fully utilize their current skills and competencies so they can be properly be deployed in the NS health care system.

Ms. Wedlake provided background information on the need for the proposed regulation. She gave a thorough explanation of the regulation and opened the floor for comments, questions and concerns from Board members.

The Chair thanked Ms. Wedlake for her presentation to the Board and it was subsequently moved and seconded – Dr. T. Raddall / Dr. J. Miller

Motion 2009 – 27

“That the Provincial Dental Board of Nova Scotia supports in principle the draft *Medication Therapy Management* regulation and further that the Registrar send a letter of support to the Nova Scotia College of Pharmacists.

Motion Carried.

Approved January 29, 2010

AGENDA 16. IN CAMERA SESSION

AGENDA 17. ADJOURNMENT

It was moved by Dr. A. Stewart to adjourn the meeting.

Approved:

_____ Date _____
Dr. Eric Hatfield, Chair