

PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

MEETING 2010-1

January 29, 2010

The first meeting of the 2010 Provincial Dental Board was held on January 29, 2010 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
 Ms. Judy Oakley
 Mrs. Kore-Lee Cormier
 Mr. Dwight Rudderham
 Dr. Bill MacInnis, Registrar
 Ms. Jane Donovan, Administrative Assistant

Regrets Dr. Tom Boran

AGENDA 1. CALL TO ORDER – 9:00 A.M.

The Chair called the meeting to order and informed Board members that Dr. Ron Bannerman would present Agenda Item 9 – Faculty of Dentistry Accreditation Report at 10:00 am. The Registrar requested that the “Proposed Amendments to CDAC Requirements for DDS and Specialty Programs” be added to Agenda Item 10 (CDAC).

As no additional amendments to the agenda were forthcoming;

Motion 2010 - 1

It was moved and seconded – Dr. A. Stewart / Dr. L. Erickson

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

Motion Carried.

AGENDA 2. MINUTES OF 2009-3 MEETING, September 18, 2009

a). Errors and / or Omissions

A number of editorial items were noted and amended accordingly.

Motion 2010- 2

It was moved and seconded – Dr. J. Miller / Dr. C. Champoux

“To approve the minutes of the September 18, 2009 meeting as amended”

Motion Carried.

b). Business Arising from the Minutes.

- **The NSDA Dental Assistants’ Review Working Group** – This item has been included in Agenda item 14 – Chair’s Report.
- **Volunteer Licensing** – This item has been included in Agenda item 11 – CDRAF Update.
- **Directors / Officers & Errors / Omissions Liability Insurance** – The Chair reported further to Motion 2009 – 25 approving the proposal from HKMB for \$ 15,750.00 an adjusted quote of \$ 14,000.00 was received from HKMB.

AGENDA 3. REGISTRAR’S REPORT

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

AGENDA 4. BOARD GUIDELINES FOR DEEP SEDATION AND GENERAL ANESTHESIA IN DENTAL PRACTICE

Further to motion 2009 – 24 approving revisions to the Board’s Guidelines for Deep Sedation and General Anesthesia in Dental Practice, the Registrar circulated the Guidelines to Dr. Reg Goodday for comment. Dr. Goodday recommended a number of minor editorial revisions which were considered by Board members.

Motion 20100- 3

It was moved and seconded - Ms. A. Worsley / Mr. D. Rudderham

“To incorporate the amendments as recommended and approve the Board Guidelines for Deep Sedation and General Anesthesia in Dental Practice.”

Motion Carried.

AGENDA 5. BOTOX USE IN DENTAL PRACTICE

The Chair reviewed the stakeholder opinions that had been received to date concerning the Board’s draft position on the Use of Botox in Dental Practice in Nova Scotia.

It is anticipated that the requested feedback from the dental specialist groups will be available for consideration at the May 2010 meeting of the Board.

Following discussion, the Registrar was directed to obtain relevant information concerning the use of Botox in other provinces prior to the May 2010 meeting.

AGENDA 6. GOVERNANCE WORKING GROUP UPDATE

The Chair identified the draft sections of the Governance document that had been developed through 3 meetings of the Registrar and Maureen Reid and then considered by the Working Group through teleconference. Included for the consideration of Board members was section XIX **Relationship with the Registrar**, Section XX- **Board Leadership** and Section XXI - **Financial Administration**. Also included in the documentation was a draft **Emergency Response and Business Continuity Plan**.

The Chair reported that the Governance review process is on schedule for completion in May 2010 and is within the proposed budget allocation.

Following discussion, a number of minor editorial amendments were identified.

It was moved and seconded: Mr. D. Rudderham / Dr. I. Doyle

Motion 2010 - 4

“The Provincial Dental Board of Nova Scotia approves the circulated draft sections to the Governance Policy Manual as amended.”

Motion Carried.

Abstained – Dr. A. Stewart

AGENDA 7. PROVINCIAL DENTAL BOARD APPLICATION DOCUMENTATION

The Registrar described the revised Dental Board License Application form that will make our Board consistent with the documentation required in all other provinces. During the discussion on this matter, several editorial recommendations were made that will be incorporated in the application document.

It was moved and seconded – Dr. A. Stewart / Dr. M. Lawton

Motion 2010 – 5

“That the Dental Board approves the Application Document as amended.

Motion Carried

AGENDA 8. PROPOSED SPACE MODIFICATIONS

The Chair described the proposed space modifications to the Dental Board offices as well as the terms and conditions outlined in the Offer to Lease document between the Landlord (First Eastern Land Bank Limited) and the Tenant (Nova Scotia Dental Association). A number of questions were identified concerning the current agreement between the NSDA and the Dental Board. As a result of our new risk management policies, it was recommended that the Chair of the Board’s Finance Committee establish an Ad hoc Committee to review the Dental Board’s agreement with the NSDA.

It was moved and seconded: Ms. J. Oakley / Dr. I. Doyle

Motion 2010 – 6

“The Provincial Dental Board is in agreement with the proposed space modifications.”

Motion Carried

Approved May 28, 2010

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

Motion 2010 – 7

“That the Board establish an Ad hoc Committee with Dr. L. Erickson as Chair to review the PDB / NSDA agreement and make recommendations to the May 2010 Board Meeting.

Motion Carried.

Dr. A. Stewart volunteered to serve on the Ad hoc Committee

AGENDA 9.

FACULTY OF DENTISTRY ACCREDITATION REPORT

Dr. Ron Bannerman, Assistant Dean Academic at the Faculty of Dentistry informed Board members that all of the Faculty programs received accreditation approval status following the November 2009 CDAC site visit.

Dr. Bannerman also provided an update on Faculty matters and responded to questions from Board members.

AGENDA 10.

COMMISSION ON DENTAL ACCREDITATION

• **2010 Accreditation Grant**

The Registrar reviewed the CDAC 2010 Budget process that resulted in the regulatory authority grants of \$ 18.62 per dentist registrant and \$ 7.22 per dental assistant registrant.

It was moved and seconded: Dr. C. Champoux / Dr. I. Doyle

Motion 2010 - 8

“To approve the 2010 CDAC regulatory authority grant of \$ 18.62 per licensed dentist and \$ 7.22 per licensed dental assistant from the Provincial Dental Board of Nova Scotia.”

Motion Carried.

- **RECIPROCAL AGREEMENTS**

The Registrar described the motion that had been approved at the November 2009 CDAC meeting to pursue the establishment of a reciprocal agreement between the CDAC and the Australian Dental Council (ADC) for general dentistry. Following a mutual directive from the Australian Dental Council, the CDAC has developed an agreement between CDAC and the ADC with a target signing date of 1 March 2010. In the event that an agreement is signed by all parties, a Canadian general dentist in good standing would be permitted to be licensed in Australia without further examination. Graduates of accredited Australian programs after 1 March 2010, would be eligible to write the NDEB written and OSCE examinations and when successful would be eligible for licensure in Canada. Graduates of accredited Australian programs prior to 1 March 2010 may be eligible to complete the NDEB alternate pathway process and if successful, write the NDEB written and OSCE examinations. It is important to note that the opportunities that exist between Canada and Australia through this process, also extend to New Zealand.

- **PROPOSED AMENDMENTS TO CDAC REQUIREMENTS TO DDS AND SPECIALTY PROGRAMS**

Board members reviewed the proposed amendments to the CDAC requirements as circulated in the meeting documentation. Board members agreed with the proposed amendments and no additional suggestions were identified.

AGENDA 11.

CDRAF UPDATE

The Chair highlighted the Agenda from the CDRAF Board meeting that took place on October 29th and 30th, 2009, in Vancouver. Dr. Hatfield provided an update on the progress of the Agreement on Internal Trade. The Mutual Recognition Agreement for General Dentists was agreed to and signed by all Provinces at the meeting and the MRA for Specialists was still being worked on and it was expected that it would be signed early in 2010.

The chair also reported that CDRAF's application for Federal Funding for the development and implementation of the National process for assessing and licensing foreign trained general dentists has been approved for 1.3 million dollars.

As of yet CDRAF has not received any response from the Competition

Bureau surveys that had been completed by the Regulatory Authorities last year.

National serology testing, on the advice of legal experts, had been put on the back burner for the time being, to wait until the Dental Faculties decide on their processes to be adopted. It was noted that it is a very sensitive topic, legally and from a human rights point of view.

The Common Standard for Registration form that was enclosed under Agenda Item 7, was developed and passed by CDRAF, along with the previous Common Certificate of Standing and Consent for Release of Information Forms.

The CDRAF Board agreed that the Volunteer Dentist Registration/Licensure (referred to in a request letter received by the PDB last spring) would need to be dealt with in each Provincial jurisdiction, because of different legal issues, different requirements for CE and because of the uncertainty of Malpractice Insurance coverage by CDSPI, or other carriers in each jurisdiction.

CDRAF agreed to form a Working Group to look at a future National Recognition of Dental Specialties. Since CDA had indicated that they would no longer be interested in doing this alone and that it was considered a Regulatory responsibility, the working group was set up to look at how this may be carried out and by whom. Dr. MacInnis is part of this Working Group.

An update on the Quebec-France Accord was presented. A CDAC team had been to France and completed site visits on six of the seventeen dental schools in France. In collaboration with the ODQ, a proposal for the Quebec Government was outlined, that basically recommended that France dentists would do a supervisory training period and at the end of that period, there would be an examination (NDEB and ODQ OSCE) that would have to be passed successfully. Dr. Hatfield reported that as of now he wasn't sure of the status, but had heard that the Quebec Government had not agreed to this, and saw the examination as a barrier and would only agree to a six month training period and no exam. The ODQ was still working on the issue and hoping to come to a successful result that could be tolerated by everyone.

It was reported that the Fall CDRAF Board meeting would be hosted in Halifax on October 14th and 15th.

AGENDA 12.

CORRESPONDENCE

The Registrar reviewed the ongoing correspondence received from a licensed dentist concerning ongoing issues relating to scope of practice. Following discussion the Registrar was given direction on the appropriate response to the licensee.

AGENDA 13.

DENTAL BOARD COMMITTEE UPDATES

(a) Complaints Committee

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

Case No. 1

Patient complaint alleged that a licensed dentist and a licensed dental assistant intentionally harmed the patient through the use of a “device” and that they deliberately tampered with the evidence to cover up their actions.

Following an extensive investigation by the Registrar that included thorough office searches and interviews of staff personnel, no evidence of the existence of a “device” was found.

A Forensic trained dentist reviewed the patient’s dental radiographs and no inconsistencies were detected.

The evidence provided demonstrated that all dental treatment including diagnostics, treatment planning, documentation, referrals and follow ups were consistent with the standard of care expected.

It was also clear that normal office protocols were followed and there was no evidence to suggest that anything was done intentionally to harm the patient or that a cover up existed.

The complaint was dismissed.

Case No. 2

A parent’s complaint alleged that the use of an orthodontic appliance caused their daughter to experience acute headache, neck, back and jaw pain and that the parents were not informed that the appliance might cause

any of the acute and chronic pain symptoms that subsequently developed.

The Committee found that:

- The orthodontic appliance (RPE) had barely been activated.
- The Committee could not find any linkage between the activation of the appliance and the symptoms that developed that could have reasonably been anticipated.
- The Dental Board was provided with an expert opinion of an independent orthodontic specialist who could not find any evidence that the licensed dentist provided inadequate nor inappropriate care.
- The dentist's orthodontic records, documentation, diagnosis and treatment option selected for the patient's treatment met the standard of skill, knowledge and judgement expected of a dental specialists in Nova Scotia.

The case was dismissed.

Case No. 3

The patient's complaint alleged that a licensed dentist did not take the required panorex radiograph nor did they record any evidence of an accident in the patient's dental record. The patient further complained that the dentist was not helpful nor co-operative in providing information to the patient with respect to their dispute with their insurance company.

The Committee found that:

- The dental radiograph taken by Dr. X was the proper x-ray for this clinical situation.
- Dr. X did not witness the alleged accident and therefore could not confirm any details as to the cause of the fractured tooth.
- Dr. X's treatments and actions met the standard of skill, knowledge and judgement expected in the practice of dentistry in Nova Scotia.

The case was dismissed.

(b) Discipline Committee

There has been no activity since last meeting.

(c) Dental Practice Review Committee

2010 will be the second year for the DPR audit. Statistics Consulting Service provided a random sample stratified by region and letters went out to 68 dentists on January 14, 2010. Upon return of the Self Assessment documents the DPR Committee will meet to go over the audit returns.

(d) Mandatory Continuing Dental Education Committee

RKH Economic Consultants Ltd. provided the random sample for dentists and dental assistants this year. 338 dentists and 361 dental assistants had CE cycles concluding December 31, 2009. Twenty six dentists and twenty one dental assistants were chosen for the audit and letters were sent out to them January 8, 2010. The CE Committee will meet on March 26, 2010 for their annual meeting and audit review.

(e) Finance Committee

The Finance Committee will provide a report at the next meeting of the Dental Board on May 28, 2010.

AGENDA 14.

ITEMS FROM THE CHAIR

The Chair reported that in addition to the CDRAF meetings and activities, he had represented the Board at the last Governing Council Meeting of the NSDA on January 9th, 2010. Other than items covered under previous Agenda items already, the Dental Assistant Working Group had been formed and there were three representatives from the NSDAA and three from the NSDA. The group has met with Dr. MacInnis to determine a process to implement the two recommendations and it was agreed work has to be done on what is actually wanted and how to implement.

The Chair also reported that he had met with Karen Wolfe, the President of the NS College of Dental Hygiene, on November 6th. Dr. Hatfield informed Ms. Wolfe that the PDB had agreed to cover the costs of any disciplinary actions adjudicated by either the PDB or the CDH against a dental hygienist, who practiced while licensed by the PDB. No further discussion has been had regarding this matter.

Approved May 28, 2010

AGENDA 15. NEW BUSINESS

No items of new business were identified.

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