

**PROVINCIAL DENTAL BOARD OF NOVA SCOTIA**

**Meeting 2009 - 1**

**January 30, 2009**

The first meeting of the 2009 Provincial Dental Board was held on January 30, 2009 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax.

In Attendance: Dr. Eric Hatfield, Chair  
Dr. Ian Doyle, Vice-Chair  
Mrs. Kore-Lee Cormier  
Ms. Odette d'Eon  
Ms. Rosemary Bourque  
Dr. Lee Erickson  
Dr. Meryll Lawton  
Ms. Angela Worsley  
Dr. John Miller  
Ms. Judy Oakley  
Dr. Thomas Raddall III  
Mr. Dwight Rudderham  
Dr. Andrew Stewart  
Dr. Tom Boran, Observer  
Dr. Bill MacInnis, Registrar  
Ms. Jane Donovan, Administrative Assistant

Regrets: Dr. Clare Champoux

**AGENDA 1. CALL TO ORDER – 9:00 A.M.**

The Chair called the meeting to order and informed Board members that Ms. Maureen Reid would begin the Provincial Dental Board's governance renewal process at 1:30 pm at the Nova Scotia College of Physicians & Surgeons Boardroom.

**Motion 2009 - 1**

It was moved and seconded – Dr. J. Miller / Dr. A. Stewart

“To adopt the agenda as circulated.”

**Motion Carried.**

**AGENDA 2.**

**MINUTES OF 2008 – 3 MEETING SEPTEMBER 26, 2008**

**a). Errors and / or Omissions**

As no errors / or omissions were noted

**Motion 2009 - 2**

It was moved and seconded – Dr. Ian Doyle / Ms. A. Worsley

“To approve the minutes of the September 26, 2008 meeting as circulated.”

**Motion Carried.**

**b). Business Arising from the Minutes.**

The Chair identified three items of business arising from the minutes.

1. Although no report from the Dental Assisting Working Group has been received to date, the Chair is hopeful that a report will be ready by the next meeting of the Board.
2. Positive feedback was received from Board members utilizing electronic meeting documentation.
3. Communication from Dr. Richard Price indicated that his opinion remains that the Provincial Dental Board’s Policy on Tooth Whitening be maintained.

**MINUTES OF 2008 – 4 MEETING OCTOBER 20, 2008**

**a). Errors and / or Omissions**

Proposed amendment to delete a name from the 2008 – 4 meeting attendance list was accepted.

**Motion 2009 - 3**

It was moved and seconded – Ms. J. Oakley / Ms. O. d’Eon

“To approve the minutes of the October 20, 2008 meeting as amended.”

**Motion Carried**

### **AGENDA 3.**

#### **REGISTRAR'S REPORT**

Two items in the Registrar's report required Board direction.

- **RCDC Examination Schedule Change**

The Registrar reviewed the proposed changes in the dates of the RCDC examination and the impact that might occur on the initial licensure of graduates of accredited specialty programs.

The Board directed the Registrar to contact the Nova Scotia Dental Specialty Society for their opinion on this matter.

- **Correspondence from Dr. A. Thompson**

The Registrar was directed to forward Dr. Thompson's correspondence concerning routine re-licensure programs to the Chair of the Mandatory Continuing Dental Education Committee.

The remainder of the items in the Registrar's report were for the information of Board members.

### **AGENDA 4.**

#### **BOARD NOMINATIONS**

A slate of nominations and reappointments were presented to the Board.

##### **Motion 2009 – 4**

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

“ To approve the slate of nominations and reappointments to the Board as presented.”

##### **Motion Carried**

### **AGENDA 5.**

#### **LEGISLATIVE AMENDMENTS**

##### **Dental Hygiene Act and Regulations**

No information has been received concerning a date for proclamation of the Dental Hygiene Act.

##### **FARPA**

The Registrar identified the initiatives that are being implemented to collect the information on registration practices that will be required by the Review Office. Proclamation of this Act is expected within the next 12 – 18 months.

### **Agreement on Internal Trade (AIT)**

The Registrar reviewed the history of the AIT legislation and the development of MRA's dating back to 1994. Although government's initial plan was to "allow reasonable time" to obtain full labour mobility – the provincial premiers (Council of Federation) decided to amend Chapter 7 of the AIT agreement so that full labour mobility would be required by April 1, 2009.

While not a party to the AIT agreement, the Nova Scotia Regulatory network made strong representations to the provincial government concerning the potential negative consequences of the legislation. Despite these attempts, the Premiers endorsed the AIT document on January 16, 2009.

Dr. Hatfield reported that the CDRAF Summit meeting on AIT that was held on January 23-24, 2009, developed a draft CDRAF Accord with respect to achieving compliance with the Agreement on Internal Trade. The objective of this AIT Accord is to document the issues that need to be implemented to enable the Provincial Dental Regulatory Authorities to be in compliance with Chapter 7 of AIT. The Accord builds on the DRA's past agreements on MRA's for dentists and dental specialists and the MOU on licensing / registration of internationally trained dental specialists.

Two Task Forces have been established to provide reports to the next CDRAF meeting in April 2009. The first involves the development of a national process for DRA's to ensure common licensure/registration of general dentists and dental specialists. The second Task Force was assigned the responsibility of developing documentation of "Good Standing".

The Registrar reported that the NS Labour Mobility Co-ordinating Group has set up a meeting of regulators on February 3, 2009 to explain the obligations of the AIT and to discuss the government's implementation plan.

### **Amendments to Specialists Regulation**

These amendments are currently being reviewed by the Registry of Regulations.

### **Apology Act**

This legislation received Royal Assent on November 25, 2008 and proclamation is expected within the next 18 months.

**AGENDA 6.                    COMPETITION BUREAU**

Dr. Hatfield informed Board members that, with the approval of the Competition Bureau, the CDRAF and the CDA developed a common glossary of terms and a common understanding of the questions in the Competition Bureau Questionnaire. The Chair, Registrar and the Board's legal counsel will be working to complete the questionnaire by the end of February 2009.

**AGENDA 7.                    PROVINCIAL DENTAL BOARD GUIDELINES ON VELSCOPE**

Further to the receipt of a concern about Velscope use being the Standard of Care in a dental practice, the Registrar was directed to correspond with the dentists involved and have the "Standard of Practice" reference removed from the patient information sheets.

Following the receipt of concerns about the promotion of the Velscope in dental practice, the Registrar asked Dr. Chad Robertson for an opinion about the appropriate use of the Velscope.

After reviewing Dr. Robertson's comments, the Registrar was directed to develop a proposed guideline on Velscope use for the May 2009 meeting of the Board.

**AGENDA 8.                    NSCC-IT UPGRADING / RE-ENTRY PROGRAM**

NSCC-IT has not completed the proposal for this program. This issue will be considered at a future meeting.

**AGENDA 9.                    CDRAF**

**a) Updates**

1. AIT - The Chair reported that AIT had already been discussed under Agenda 5.
2. Mr. Sean Simper - For information only, a letter enclosed in the Board package from Mr. Simper asking CDRAF for assistance to review current dental licensure policy in Canada and the very thorough response from The Chair, Dr. Cam Witmer, on behalf of CDRAF.

3. CDRAF / CDA Task Force Meeting - Meeting was held in Ottawa on October 2nd, 2008. Both parties were trying to determine and define what roles and responsibilities each should be doing in respect to regulatory matters and member services issues. Agreed that CDRAF would continue to deal with matters that were regulatory in nature and CDA would retain member service issues. Any issues that seemed to be overlapping in scope would be handled jointly. Both organizations agreed to try and establish more regular and better communication, so each knows who is handling what.

It was also indicated to CDA, and later confirmed at the CDRAF Board Meeting on October 23rd that we will no longer be funding CDA and thus will not be collecting dues from Provincial Regulatory Authorities for CDA activities. It was determined that if a project or issue came up that CDA/CDRAF would work on jointly, then cost sharing would be determined on a project by project basis.

4. CDRAF Executive - Dr Hatfield reported that being on the Executive Committee had been very busy, but also very enlightening to the important issues that CDRAF has been dealing with and accomplishing from a national perspective, on behalf of all DRA's.

#### **b) Budget & Invoice 2009**

The 2009 Invoice request from CDRAF of \$ 43.25 per licensed dentist was made up of three elements;

1. CDRAF operating costs - \$ 6.00 per licensed dentist
2. Internationally Trained Specialist Program - \$ 12.25 per licensed dentist.
3. RCDC Case Presentations - \$ 25.00 per licensed dentist.

The Chair reviewed the CDRAF fund balance sheet dated October 14, 2008 and informed Board members that the Internationally Trained Specialist fund request was the second installment on the PDBNS commitment of \$ 100.00 per licensed dentist.

Dr. Hatfield drew the Board's attention to the decision by CDRAF to not continue the practice of providing funding to CDA.

#### **Motion 2009 – 5**

It was moved and seconded – Dr. I. Doyle / Dr. A. Stewart

“To approve the 2009 CDRAF grant of \$ 43.25 per licensed dentist”.

Motion Carried

Abstained – Dr. L. Erickson

Against – Mr. D. Rudderham

**AGENDA 10.**

**COMPLAINTS AND DISCIPLINE COMMITTEE UPDATE**

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 they 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;

- Dr. Y's consent form misrepresents 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 Dr. Y has significantly increased their orthodontic education and credentials.

**AGENDA 11.**

**ITEMS FROM THE CHAIR**

Dr. Hatfield reported on the meetings he has attended since the last Board meeting as well as the upcoming meetings he will be attending;

- CDA/CDRAF Task Force Meeting, October 2,2008, Ottawa
- CDRAF Executive Meeting, October 1st and 2nd, 2008, Ottawa
- CDRAF Board Meeting, October 23rd and 24th, 2008, Montreal
- CDRAF AIT Summit, January 23rd and 24th, 2009 Toronto
- Upcoming: CDRAF Exec. Meeting, Feb. 19th
- NSDA Governing Council, Feb. 21st
- Atlantic Provinces Meeting, April 3rd and 4th
- CDRAF & CDA Meeting, April 23rd & 24th

**AGENDA 12.            NEW BUSINESS**

Dr. Stewart asked that the Board further investigate the issues relating to the Board's policy concerning Tooth Whitening, particularly as non professional groups seem to be able to use high concentration whiteners and the Board's licensed dental hygienists and dental assistants can not.

**AGENDA 13.            IN-CAMERA SESSION**

**AGENDA 14.            ADJOURNMENT**

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

Approved:

\_\_\_\_\_ Date \_\_\_\_\_  
Dr. Eric Hatfield, Chair