

**PROVINCIAL DENTAL BOARD OF NOVA SCOTIA**

**Meeting 2008 - 2**

**May 30<sup>th</sup> , 2008**

The second meeting of the 2008 Provincial Dental Board was held on May 30, 2008 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax.

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

Regrets: Dr. David Precious

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

The Chair called the meeting to order and informed the Board members that invited guests would be making presentations at 10 am and 11am and suggested that the meeting agenda would be adjusted accordingly. An item of New Business relating to electronic Board meeting documentation was added to the Agenda.

**Motion 2008 - 10**

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

“To adopt the agenda as amended ”

**Motion Carried.**

**AGENDA 2. MINUTES OF 2008-1 MEETING, JANUARY 25, 2008**

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

A recommendation was made to amend Agenda Item 13 – Policies and Procedures Report (page 7) by adding that the Registrar was directed to review this matter with legal counsel.

**Motion 2008 - 11**

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

“To approve the minutes of the January 25, 2008 as amended.”

**Motion Carried.**

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

The Registrar reported that the issue of Patient Referral Protocols was included in the February 2008 Issue No. 36 of Board Business. All other items arising from the January 25, 2008 meeting are included in the May 30, 2008 agenda.

**AGENDA 3. REGISTRAR’S REPORT**

Four items in the Registrar’s report required Board direction:

**1. Dental Assistant Reinstatement Fee – Appeal Ms. Susan MacPhee**

1. The Board considered Ms. Susan MacPhee’s correspondence and reviewed the Board’s policy that license fees must be received by the Registrar on or before the due date.

**Motion 2008 - 12**

It was moved and seconded – Dr. A. Stewart / Dr. B. MacLeod

“That Ms. Susan MacPhee’s appeal of the Dental Assistant Reinstatement fee be denied.”

## **Motion Carried**

### **2. Holland College Proposal-Distance Intra Oral Course**

The Board considered the Holland College proposal for upgrading Level I dental assistants to enable candidates to be eligible for licensure as an intra oral dental assistant.

Although the Proposal identified a comprehensive didactic and preclinical program with appropriate evaluation procedures followed by an in office clinical practice component – the Board was concerned that no end point evaluation was in place to verify the candidates' intra oral skill competencies. The Registrar was directed to communicate the Board's position to Holland College.

### **3. Correspondence – Dr. Andrew Thompson**

The Board reviewed Dr. Thompson's correspondence in which he advanced his interest in increasing the availability of additional orthodontic training for dental assistants. Board members were supportive of initiatives to encourage the development of additional dental assistant modular education. It is the understanding of the Board that the Dental Assisting Review Working Group report will be available for discussion at the September 2008 Board Meeting.

As well the Board members agreed that the use of "E-Models" (Digital Models) in Orthodontics was appropriate as long as the capability exists to duplicate the models from the scan if required.

### **4. Dental Technician Training**

The Registrar indicated that the Dental Technology leadership had had a productive meeting with Mr. Stuart Gourley, Senior Executive Director of the Skills & Learning Branch of the Nova Scotia Department of Labour & Work Force Development concerning the potential for developing an apprentice program for dental technicians. The Board agreed that it would consider writing in support of this program in the event that a formal proposal is developed.

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

**AGENDA 4.                    BOARD NOMINATIONS**

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

**Motion 2008 - 13**

It was moved and seconded - Dr. I. Doyle / Ms. Judy Oakley

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

**Motion Carried.**

**AGENDA 5.                    AUDITORS REPORT**

Mr. Gerry Lecroix, Senior Manager at Grant Thornton reviewed the Auditor’s report with the Board members. In his presentation, Mr. Lecroix paid particular attention to the new accounting practices that the Provincial Dental Board adopted to recognize the Board’s investments at fair value with changes in fair value recognized in net income in the period in which they arise.

Following discussion and clarification of questions relating to the financial statements, it was moved and seconded: Dr. A. Stewart / Ms. J. Oakley

**Motion 2008 – 14**

“That the Provincial Dental Board of Nova Scotia accepts the 2007 Financial Statements as presented by Grant Thornton.”

**Motion Carried.**

**AGENDA 6.                    LEGISLATIVE AMENDMENTS**

**1. Dental Hygiene Regulations:**

Two additional documents – McInnes Cooper dated 12 May 2008 and Cox Palmer dated 21 May 2008 were circulated to the Board members. While discussions continue between the NSDA and the NSDHA concerning the proposed Dental Hygiene Regulations, the Department of Health remains

hopeful that the Dental Hygiene Act and Regulations will be proclaimed in 2008.

## **2. Dental Practice Review:**

Order-in-Council approval 2008 – 100 has been granted for the new Dental Practice Review Regulation effective 11 March 2008. The Registrar was directed to propose nominations for the Dental Practice Review Committee for the September 2008 Board meeting with the expectation that the Dental Practice Review process be implemented in 2009.

## **3. Amendments to Specialist Regulations and Qualifications for Registration and Licensing of Dentists Regulations.**

Mr. Michael Wood joined the Board meeting for the discussion of agenda items 6 (3), 6 (4) and 12.

The Board reviewed the proposed amendments to Regulation No. 1 and No. 2 that would create a new specialty certificate in accordance with the CDRAF Memorandum of Understanding dated 12 October 2007.

Mr. Wood reiterated the opinion that had been received from the Department of Justice that the creation of a Limited Specialty Certificate could be accomplished through Regulation amendment without the necessity of modifications to the *Dental Act*.

Considerable discussion occurred concerning the scope of activities that would be permitted within each area of specialty and what mechanisms might be used to enforce the practice restriction should a specialist holding a Limited Specialty Certificate practice beyond the permitted scope.

In recognition of the fact that no specialty scope of practice documents exist in other Canadian jurisdictions nor is there any expectation that such documentation will be forthcoming, an amendment was proposed to the circulated Specialist Regulation documentation 7A – “The Registrar may issue a Limited Specialty Certificate which would only permit the practice of a specialty listed in subsection 3 (a) to a person who:”

It was moved and seconded – Dr. J. Miller / Mr. D. Rudderham

### **Motion 2008 – 15**

“To approve the amendment to the proposed Specialist Regulation in Section 7A “

**Motion Carried**  
**Dr. L. Erickson – Opposed**

It was moved and seconded by Dr. A. Stewart / Dr. B. MacLeod

**Motion 2008 – 16**

“To approve the Amendments to the Specialists Regulations and Qualifications for Registration and Licensing of Dentist Regulations.”

**Motion Carried**  
**Dr. L. Erickson – Abstained**

**4. Statutory Privilege**

Mr. Wood reviewed the Department of Justice’s offer to regulators of health professions without statutory privilege to consider having it included in their statute.

The motivation behind the amendment was a recent decision of the Nova Scotia Supreme Court which concluded that there was no privilege protecting disclosure of discipline records in civil proceedings unless such a privilege was included in legislation. Mr. Wood stated that the advantage to a Statutory privilege is that it makes it clear that the professional disciplinary organization cannot be forced to provide information obtained through an investigation to parties in a civil case.

With our agreement, Chapter 3 of the Dental Act was amended to include the Statutory Privilege section – as were twelve other regulated health professions.

**AGENDA 6**

**5. Fair Access to Regulated Professions**

The Registrar reviewed the activity that had occurred amongst the Regulated Professions in response to the Provincial Government’s proposed Fair Access to Regulated Professions legislation.

The Regulated Professions reacted negatively to the proposed Act and attempted to have adequate consultation with government about the deficiencies in the legislation. While supporting the principles of Fair Access, the regulators argued that we need to work with government to come up with an appropriate Act and accompanying Regulations.

Each of the regulated professions wrote letters to the Premier and Ministers outlining our concerns. Meetings were also organized with the

Deputy Minister and Minister of Labour and Workforce Development as well as the Leaders of the New Democratic and Liberal Parties.

At the closing of the spring session of the legislature, the Act had not completed second reading.

The expectation is that discussions will begin between the regulators and government to pursue the development of suitable legislation prior to the fall sitting of the legislature.

## **AGENDA 7.**

### **DENTAL ASSISTANT REGULATORY AUTHORITY MRA**

Further to the April 23, 2008 meeting of the Dental Assistant Regulatory Authorities (DARA), a number of modifications to the proposed Mutual Recognition Agreement (MRA) were identified by representatives of the Labour Mobility Co-coordinating Group to enable the MRA to be compliant with the requirement of the Agreement on Internal Trade.

The DARA members agreed with proposed amendments to:

#### **Section 4 - Eligibility Through Practice Hours**

Recognizing the need to treat new applicants in the same fashion as current licensees, the 900 hour requirement of clinical practice was eliminated.

#### **Attachment # 4**

With the understanding that the MRA requires that an individual who is licensed and in Good Standing in another jurisdiction must be licensed in a new jurisdiction – the elements of Attachment # 4 which described additional requirements for licensure were deleted.

Following discussion it was moved and seconded by Ms. J. Oakley / Dr. J. Miller

#### **Motion 2008 – 17**

“That the Provincial Dental Board of Nova Scotia adopts the amended DARA Mutual Recognition Agreement dated April 16, 2008 as circulated.”

**Motion Carried.**

**POLICY ON SELF PRESCRIBING / SELF MEDICATION OF MONITORED DRUGS.**

**AGENDA 8.**

Following discussion of the proposed Board Policy it was moved and seconded by Dr. A. Stewart / Dr. J. Miller

**Motion 2008 – 18**

“That the Provincial Dental Board of Nova Scotia adopts the Policy on Self Prescribing / Self Medication of Monitored Drugs as circulated.”

**Motion Carried.**

**AGENDA 9.**

**FEES**

**1. 2008 Regulatory Authority Grant to CDRAF**

The 2008 Grant request from CDRAF of \$ 23.70 per licensed dentist was made up of three elements:

- CDRAF operating costs - \$ 6.00 per licensed dentists
- Internationally Trained Specialist Program - \$ 12.25 per licensed dentists
- CDA Regulatory Body Contribution - \$ 5.45 per licensed dentist

The Chair reviewed the CDRAF Fund balance sheet dated 15 April 2008 as well as the CDRAF Budget estimates for 2008. The Internationally Trained Specialist fund request of \$ 12.25 is the first installment made on the PDBNS' commitment of \$ 100.00 per licensed dentist (Provincial Dental Board Motion 2007 – 14).

Additional questions concerned the rationale and value of the continuous financial commitment paid through CDRAF to the CDA.

It was moved and seconded by Dr. I. Doyle / Dr. T. Raddall

**Motion 2008 – 19**

“To approve the 2008 CDRAF grant of \$ 23.70 per licensed dentist.”

**Motion Carried.**

**Opposed – Dr. L. Erickson**

**2. 2008 Grants to the Commission on Dental Accreditation of Canada (CDAC)**

The Chair reviewed the 2008 CDAC grant request in support of national accreditation activities. The requested grants are \$ 11.68 per licensed dentist, \$ 4.82 per licensed dental hygienist and \$ 4.19 per licensed dental assistant.

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

**Motion 2008 – 20**

“That the Provincial Dental Board of Nova Scotia approves the 2008 grants to the Commission on Dental Accreditation of Canada.”

**Motion Carried.**

**AGENDA 10.**

**CDRAF UPDATES**

The following items were presented for the information of Board members.

**1. Dental Specialty Core Knowledge Examination (DSCKE)**

The Chair reviewed the significant development and achievements that have occurred on this project in the past year.

**2. NDEB Proposal to Modify Certification Process**

Dr. Hatfield informed the Board that CDRAF at its meeting on April 17, 2008 decided not to fund this project beyond the ACFD Assessment of Clinical Skills stage. For the record, this is the same decision that the Provincial Dental Board of Nova Scotia made at its 5 February 2008 meeting.

**3. Foreign Trained General Dentist Correspondence**

The Chair reviewed the CDRAF response dated 9 April 2008 sent to Ms. Nasrin Akhtari clarifying the Regulatory Authorities position on the Eligibility Examination and the Qualifying Program process

**AGENDA 11.                    POLICIES AND PROCEDURES UPDATE**

The Chair reviewed the history of this initiative and reinforced the need to obtain expert advice to deal with this matter.

The Registrar was directed to collect names of suitable candidates in the Halifax community with demonstrated abilities in the development of governance documentation and processes' prior to the September 2008 meeting of the Board.

**AGENDA 12.                    COMPLAINTS AND DISCIPLINE COMMITTEE UPDATE**

Mr. Wood summarized the recent developments concerning the Discipline Hearing Panel and advised that the Hearing Panel decision has been appealed to the Nova Scotia Court of Appeal.

**AGENDA 13.                    COMPETITION BUREAU**

The Chair reviewed, for the information of Board members, the Competition Bureau Study of Self Regulated Professions (13 February 2008) letter received from the Canadian Dental Association and the correspondence to the Provincial Dental Board of Nova Scotia from the Competition Bureau dated 7 March 2008.

Further to this correspondence, the Chair reiterated the Board's willingness to cooperate fully with the Competition Bureau Study.

**AGENDA 14.                    ITEMS FROM THE CHAIR**

Dr Hatfield reported that in addition to the week to week business of the Board, he had attended, on behalf of the PDB of NS, a NSDA Governing Council meeting and workshop on Feb. 15 and 16, 2008, a CDRAF Board meeting in Ottawa on April 17, 2008, and the CDA Annual General Meeting in Ottawa on April 18 and 19, 2008. Most relevant items for the board have been reviewed and discussed under other Agenda Items.

**AGENDA 15.                    NEW BUSINESS**

A suggestion to increase the Board's utilization of electronic documents for future Board meetings was discussed. It was agreed that, as a trial measure, Board members who wish to participate would be provided with

Amended & Approved– September 26, 2008

electronic correspondence for the September 2008 Board meeting.

**AGENDA 16.        In-Camera Session**

**AGENDA 17.        Adjournment**

Approved:

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