

Board Business

From the Registrar's Desk

No. 43, June 2010



As of May 27, 2010 the following table identifies the number of licensees and corporations registered with the Provincial Dental Board.

Year	DDS	Students	DA	Corporations
2010	540	8	732	380
2009	538	9	745	368

At the end of the 2010 relicensure deadline, eighty (80) dental assistants were struck from the Register compared to the previous years of 2009 (35) and 2008 (44).

The Dental Board expressed concern about the dramatic increase in the number of licensees struck and it has agreed to investigate strategies to improve communications with the dental assistant licensees and also to enhance the understanding and appreciation amongst the dentists of their responsibilities in the dental assistant licensing process.

Governance Policy Manual

With the guidance of Ms. Maureen Reid, President of Boardworks Consulting and the efforts of the Governance Working Group of Eric Hatfield, Judy Oakley and Kore-Lee Cormier the Dental Board has completed the development of a Governance Manual that incorporates the comprehensive governance policies and structure, that are consistent with the evolving expectations of self regulating organizations.

To facilitate the implementation of the governance structure, the Dental Board approved the following leadership transition plan:

- Dr. Eric Hatfield's position as Board Chair has been extended until December 31, 2011.
- Dr. Ian Doyle's position as Vice Chair has been extended until December 31, 2011.

And effective May 28, 2010,

- Dr. Ian Doyle has been appointed Chair of the Governance Committee.
- Dr. Lee Erickson has been appointed Chair of the Finance and Audit Committee.
- Dr. Tom Raddall has been appointed Chair of the Human Resources Committee.

Board Appointments

The following reappointments were approved at the May 28, 2010 Dental Board meeting.

Complaints Committee

- Dr. John Christie, Ms. Natalie Penney

Mandatory Continuing Dental Education Committee

- Dr. Paul Downing, Dr. David Ingham, Ms. Catherine Cooke



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Botox Use in Dental Practice

At its May 28, 2010 meeting, the Dental Board reviewed the stakeholder feedback received further to the circulation of the draft "Use of Botox™ in Dental Practice in Nova Scotia" document dated September 19, 2009.

Information was also available concerning the current regulatory positions on the use of Botox™ in British Columbia, Alberta, Saskatchewan, Ontario and Quebec. Two documents, "Botulinum toxin and Dentistry"(2009) written by Dean David Mock from the University of Toronto and a 2009 policy document from the College of Physicians and Surgeons of Nova Scotia entitled "Qualifications Required to Perform Certain Cosmetic Procedures in Nova Scotia." were also considered.

After its deliberations, the Dental Board adopted the following policy statement.



Use of Botox™ In Dental Practice In Nova Scotia

In Nova Scotia, the Act Respecting Dentistry 1992 legislation 2 (f) (i) defines the scope of dentistry as including the diagnosis and treatment of any injury, disease, pain, deformity, defect, lesion, disorder or physical condition of, to, in or from a human mouth, mandible or maxilla or associated structures or tissues, including the prescribing and administering of radiographs, anesthetics, drugs and medicines.....

The Provincial Dental Board of Nova Scotia interprets this legislation to mean that there must be an oral facial component to any treatment provided by a general dentist.

While licensed dentists are authorized to administer a substance by injection, the ability to perform this controlled act is limited to the management of conditions that fall within the scope of practice of dentistry. The opinion of the Dental Board is that the injection of Botox™, or any other agent or material, into the extra-oral / facial tissues of a patient for cosmetic purposes does not fall within the scope of practice of a general dentist.

A Specialist may administer Botox™, or any other agent or material for cosmetic purposes provided that he or she has the appropriate training.

Financial Statements

The audited 2009 Financial Statements of the Provincial Dental Board were adopted by the Board at its May 28, 2010 meeting. Copies of the Statements have been distributed as required. The 2009 Financial Statements are posted on the Board webpage at www.pdbns.ca under "About the Board".

Dental Board Committee Updates

(a) Complaints Committee

The Committee has met once since the last Board Business publication.

Case No. 1

The patient alleged that they weren't adequately informed about their surgery and the required post operative care, their dentures were not inserted after the surgery as requested and they were released too soon after the surgery and subsequently needed hospitalization over night to manage the post operative pain and bleeding.

Following an investigation of the complaint, the Committee found that the surgical component of care provided to Patient Y met the acceptable standard of skill, knowledge and judgement expected in the practice of dentistry in Nova Scotia.

In addition, the Committee made the following recommendations;

- That Dr. X implement processes to ensure that all patients and their guardians clearly understand both the nature of the surgical treatment provided as well as the post operative treatment care that will be required.
- That, in the event that Dr. X isn't convinced that the patient and guardian understand the required instructions, Dr. X is advised not to carry out the treatment procedures until such time as the patient and guardian do understand.
- That, Dr. X ensure that treatment instructions are provided in a clear, understandable and patient friendly format that also includes contact information for the patient's guardian in the event of post treatment difficulties.

It was decided that a Letter of Counsel be awarded to Dr. X and that reporting of the decision be on a no-name basis.

Case No. 2

The Registrar lodged a complaint alleging that a licensed dentists' failure to comply with a decision of the Complaints Committee amounted to unprofessional conduct pursuant to Section 4 (1)(k) of the Discipline Regulations.

Following an extensive investigation, the Committee was not satisfied that the licensed dentist had any justification for ignoring the Committee's Order of June 26, 2009, and, as a result, concluded that they had breached Section 4(1)(k) of the Discipline Regulations made pursuant to the *Dental Act* which defines "unprofessional conduct" as including failure to comply with a decision of the Complaints Committee.

The Committee was concerned that the conduct of the dentist had resulted in frustration of the Board's investigation of aspects of serious allegations against another licensed dentist. The Committee was of the view that such conduct by members of the profession had the potential to significantly undermine the authority of the Provincial Dental Board to regulate its members in the public interest. Although the Committee did not believe that the matter ought to be referred to the Discipline Committee for formal hearing, it decided that it was appropriate to issue a written reprimand. The Committee also considered whether to report its decision on a named or unnamed basis as directed by Section 11(4) of the Discipline Regulations. The Committee determined that, in the circumstances, the decision would be reported on an unnamed basis.

(b) Discipline Committee

There has not been any activity of this Committee since the last Board Business.

(c) Dental Practice Review Committee

On January 5, 2010 a random sample, stratified by district was received from the Dental Board's statistician. Sixty eight dentists were selected to complete the Dental Practice Review Self Assessment document. Forty five dentists were randomly selected from Halifax, fifteen from the South Shore / Yarmouth / Valley and eight from Northern Nova Scotia / Cape Breton.

The Dental Practice Review Committee met on Friday, March 12, 2010 to consider the returned Self Assessment forms. Five forms were identified as being incomplete and were returned to the dentist for additional information. All Self Assessment forms have now been completed satisfactorily. The secondary sample group has been determined and the dentists have been informed that they will be subjected to an office visit.

Seven dentists from Halifax, three from the South Shore / Yarmouth / Valley and 2 from Northern Nova Scotia / Cape Breton have been selected. To date – two site visits have been concluded.

(d) Mandatory Continuing Dental Education Committee

The committee met on March 26th, 2010 for the annual CE audit. A confidence level of 95 % was met by auditing 26 dentists and 21 dental assistants. The December 31, 2009 results were as follows:

This year's audit results for 21 RDA's:

- 4 dental assistants who had incomplete audits.
- Two dental assistants had been audited in error, as they were no longer licensed in Nova Scotia - this resulted in **19** dental assistants being audited for 2009.
- 1 dental assistant who did not complete her audit and subsequently relinquished as of April 30, 2010. She will be required to fulfill her CE upon re-licensure and is currently Not In Good Standing

Three out of the four dental assistants have now satisfied their CE requirements. The remaining dental assistant is short 4 credits and the Committee and the Registrar have notified the dental assistant that she will have until July 31, 2010 to fulfill her CE requirement.

This year's audit results for 26 DDS's:

- The East Coast Endodontic Study Club was asked to re-issue credits as a result of the audit. Because of a misinterpretation the ECSC had claimed double credits "for hands on" for all of their meetings, but a portion of this was actually teaching time.
- The ECSC has reissued credit verification for their members
- 3 dentists were asked to re-verify credits received from a study club and have since done so.
- 1 dentist had an incomplete audit as a result of the reclassification of MCDE credits and was granted an extension to complete the requirement.

Business arising from the CE Committee meeting:

Oral Health's self quiz continues to be used by some licensees who have claimed as many as 30 hours of category 1 CE for their three year terms. These quizzes do not have a **monitored** post course examination but are stamped "received" by Oral Health, and are not graded. **They are not accepted by the committee for CE credits and can leave a member with a considerable shortfall in their CE credits.**

The NSDAA has formally requested in writing that the PDBNS board review the audit sample size, and revisit licensees who were not able to satisfy their CE requirements in previous audits. The Board discussed the issues relating to the sample sizes and confidence level of 95 % utilized to conduct the Dental Board's Mandatory Continuing Dental Education audits for both dental assistants and dentists. The Dental Board reaffirmed its support for the current sample size determinants and the MCDEC's process as described in Regulation No. 9.

Respectfully Submitted,

