

Board Business

From the Registrar's Desk

No. 44, October 2010



At its meeting on September 24, 2010, the Provincial Dental Board adopted three resolutions from the Finance and Audit Committee.

(i) Resolved: That the PDBNS hold in reserve, no more than the equivalent of one (1) year's operating budget.

Rationale: The PDBNS reserve fund has been created through surplus budgets. The intent of this reserve was to protect the Board against unforeseen liabilities. On the advice of our accountants, we believe that this reserve fund is now in excess of its original intent. It is understood that the reserve fund will fluctuate and will be adjusted annually.

(ii) Resolved: That the PDBNS decrease the accumulated excess surplus, over and above 1 year's operating budget, by 50% each year. This should be accomplished by developing a deficit budget through the reduction of licensing fees for dentists and dental assistants. The result will be to eliminate the excess reserves within 5 years. The policy will be revisited each year.

Rationale: It is the intent of this resolution that the reserve funds be decreased over time to be able to assess the impact such reductions would have on the budget and our ability to meet unforeseen expenses without having to reassess our members.

(iii) Resolved: That the annual Corporation Fee be increased to \$ 150.00

Rationale: There is a considerable amount of work for staff to annually administer the Corporate registrations and the multiple changes that occur. The range of fees from other Provincial Regulatory Authorities is from \$ 35.00 - \$ 175.00. The current annual fee of \$ 43.17 does not reflect the amount of work involved.

Provincial Dental Board Budget 2011

Further to a review of the Dental Board revenue and expense projections and the adoption of the three resolutions from the Finance and Audit Committee, the Provincial Dental Board approved a 2011 deficit budget based on a 30 % reduction in dentist and dental assistant license fees and an increase of corporation fees to \$150.00.

2010 / 2011 License fees

The Dental Board approved license fees for 2011 as follows:

Dentists	\$ 385.92
Dental Assistants	\$ 79.72
Corporations	\$ 150.00
Students	\$ 35.00



PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

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Board Appointments

The following reappointments to the Board's functional Committees were approved;

Complaints Committee

- Dr. Paul MacEachern
- Dr. Richard Raftus
- Dr. Ron McGillivray
- Dr. Robert Hall
- Mr. Bill Watson

Discipline Committee

- Dr. Thomas Boyle, Chair
- Dr. Janet Cullinan
- Dr. Richard Lohnes
- Dr. Norman Layton
- Dr. David MacLeod
- Ms. Michelle Fowler, RDA
- Dr. Mary Hurst
- Dr. Peter Thomson
- Mr. Stuart Beaton
- Mr. Rod Desborough

Dental Practice Review Committee

- Dr. Daryl West

Mandatory Continuing Dental Education Committee

- Ms. Donna Rushton, RDA

Botox Use in Dental Practice in Nova Scotia

Following the receipt of feedback from licensees and a presentation from the President of the Nova Scotia Dental Association, the Dental Board has decided to reconsider its recently adopted position on Botox use. Dr. Eric Hatfield has been empowered to select an Ad hoc Committee to investigate the appropriate training and experience requirements necessary to ensure the competence of dental providers in the provision of Botox treatments. An update from the Ad hoc Committee is expected at the January 27, 2011 meeting of the Dental Board.

Provincial Dental Board Functional Committee Reports

Complaints Committee

Case No.1

The Committee reviewed the written materials on file including correspondence from legal counsel on behalf of a substitute decision maker.

After considering all of the written materials the Committee concluded the following:

- I. There was no evidence that the treatment provided by Dr. Y to the patient did not meet or exceed an acceptable standard of care in the circumstances.
- II. Legal counsel for the patient suggested that consent to treatment had been withdrawn prior to the procedure on October 5, 2009. The Committee found that Dr. Y was not advised of any withdrawal of consent prior to treatment of the patient.
- III. The information provided to Dr. Y with respect to the consent to treatment given on behalf of the patient was not clear and he ought to have clarified this ambiguous information prior to proceeding with treatment on October 5, 2009.

“That Dr. Y be issued a written Letter of Caution pursuant to Section 11 (1) (c) (ii) of the Discipline Regulations.”

“That pursuant to Section 11 (4) of the Discipline Regulation this decision shall be reported in publications of the Board on an unnamed basis.”

Case No. 2

The Committee reviewed documentation from a complainant alleging that over an eight year period, a number of restorations failed and subsequently five teeth required root canal treatments. In addition, one crown fractured and will require an implant placement. The patient stated that if Dr. X had sealed her restorations and the crown properly she wouldn't need the extensive replacement treatments.

The Committee determined that with respect to the complainant's treatment:

- There was no evidence that the treatment provided by Dr. X did not meet or exceed an acceptable standard of care.
- However, given the patient's history of high caries activity, the Committee found that Dr. X's dental records for the patient were seriously deficient with respect to the strategies used to manage the patient's caries activity and any discussions about potential treatment options that occurred between Dr. X and the patient.

Following deliberations, the Committee awarded a written Letter of Caution to Dr. X pursuant to Section 11 (1)(c)(ii) of the Discipline Regulations and that this matter be reported on a no-name basis.

It was also recommended that Dr. X meet with the Registrar to discuss the appropriate level of information that should be included in a patient's record.

Case No. 3

This matter involved a complaint lodged by a patient concerning a disagreement with a dental office's refusal to accept assignment payments.

The Committee determined that with respect to the dentist's action –

- Typically insurers require pre-treatment records that would include at a minimum at least an x-ray, procedure codes and costs before they will definitively commit to provide funding for treatment.
- The Company's undertaking to the patient to cover the costs of the broken tooth was an agreement between them and was not a contractual arrangement with Dr. X
- Dr. X was within his rights to charge the patient for the examination, x-rays and photograph.
- Dr. X was within his rights to demand direct payments from his clients and that the clients would be reimbursed from their insurer.

The Committee's decision was to dismiss the complaint and further reporting on a no-name basis.

Case No. 4

In this matter, the Committee considered allegations that a dentist engaged in unprofessional conduct by falsifying dental insurance documentations.

Given the documentation available for review and following discussion the Committee determined that:

- Dr. X had admitted the insurance error and that he had taken the required steps to rectify the mistake with the insurance company and that Dr. X had put in place in his dental practice, procedures to prevent this type of error from occurring again.
- The insurance carrier was satisfied with the explanation provided to them by Dr. X.

The Committee unanimously agreed that the complaint lodged against Dr. X be dismissed.

b) Discipline Committee

The Discipline Committee met on July 8, 2010 to consider a proposed Settlement Agreement.

The Committee accepted the Statement of Facts and Admissions described in the Agreement. Further the Committee agreed that the licensee be required to complete ethics and record keeping courses to the satisfaction of the Registrar, that the licensee's nitrous oxide permit be revoked and that the licensee's practice be subjected to monitoring for a two year period. The licensee was issued a written reprimand by the Committee.

Reporting of the Committee's decision will be on an unnamed basis pursuant to Section 30(1) of the Discipline Regulations of the Provincial Dental Board of Nova Scotia. The licensee was ordered to pay the full costs of the discipline proceedings.

c) Dental Practice Review Committee

In the secondary sample group, seven dentists from the Halifax area, three from the South Shore / Yarmouth / Valley and two from Northern Nova Scotia / Cape Breton were selected.

The 2010 office reviews have now been completed and all of the clinic's exceeded the DPR expectations.

Nova Scotia Prescription Monitoring Program

The Nova Scotia Monitoring Program (NSPMP) will be conducting a survey with all Prescribers, Pharmacists and Certified Dispensers in the Province of Nova Scotia beginning November 1, 2010.

The intent of this survey is to provide feedback on the perception and awareness of the Program. The Nova Scotia Prescription Monitoring Program believes the feedback provided from this survey will allow the Program to develop an effective communication strategy with its stakeholders.

We would appreciate if you could please take some time to complete the survey which will be available on the NSPMP website at www.nspmp.ca from November 1, 2010 with a deadline for completion of November 30, 2010. There will be a total of 13 questions with additional space provided for individual comments. This survey should not take any longer then approximately 5 minutes to complete.

Your feedback is highly valued and we look forward to receiving your response. Should you have any questions, please contact the NSPMP at 902-496-7123 or toll-free at 1-877-476-7767.

Sad Farewells

Dr. Eric Hatfield recognized and thanked Dr. Andrew Stewart, Dr. John Miller, Ms. Angela Worsley, Mr. Dwight Rudderham and Mrs. Kore-Lee Cormier as their last term on the Dental Board will be completed on December 31, 2010. Dr. Hatfield presented each of the departing members with a Certificate of Appreciation and thanked them for their years of hard work and dedication to the Board.

Sincerely



Dr. W. A. MacInnis
Registrar