

**PROVINCIAL DENTAL BOARD
OF
NOVA SCOTIA**



**PROCEEDINGS
2008**

PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

Chair – Dr. E. Hatfield
 Vice Chair – Dr. I. Doyle
 Registrar - Dr. W. A. MacInnis

Board Membership 2008

<u>Member</u>	<u>Appointment</u>	<u>Term</u>
Dr. Eric Hatfield, Chair	NSDA	Dec. 2010 (2)
Dr. Ian Doyle, Vice-Chair	NSDA	Dec. 2010 (2)
Dr. Barry MacLeod	NSDA	Dec. 2008 (1)
Dr. Lee Erickson	NSDA	Dec. 2010 (1)
Dr. Merryl Lawton	NSDA	Dec. 2010 (1)
Dr. Tom Raddall, III	Government	Dec. 2010 (1)
Dr. Andrew Stewart	Government	Dec. 2010 (3)
Dr. John Miller	Government	Dec. 2010 (3)
Ms. Odette d'Eon, RDH	Government	Dec. 2010 (2)
Ms. Angela Worsley, RDA	Government	Dec. 2010 (3)
Mrs. K. Cormier, Public	Government	Dec. 2010 (3)
Mr. D. Rudderham, Public	Government	Dec. 2010 (3)
Ms. R. Bourque, RDH	NSDHA	Dec. 2010 (3)
Ms. Judy Oakley, RDA	NSDAA	Dec. 2010 (2)

Standing Committees

Discipline Committee

Dr. T. Boyle, Chair

Complaints Committee

Dr. J. S. Christie, Chair

MCDE Committee

Dr. P. Downing , Chair

Discipline Committee Membership

Complaints Committee Membership

MCDE Committee Membership

Dr. T. Boyle	Oct. 2010
Dr. R. Lohnes	Dec. 2010
Dr. J. Cullinan	Dec. 2010
Dr. N. Layton	Dec. 2010
Dr. S. Lewis	Dec. 2011
Dr. D. MacLeod	Dec. 2010
Ms. J. Clovis, RDH	Dec. 2010
Ms. S. MacIntosh	Dec. 2009
Ms. A. Fitzpatrick, RDA	Dec. 2010
Ms. J. Crofts, Public	Dec. 2008
Dr. D. Anderson	Dec. 2009
Dr. I. Ross	Dec. 2009
Dr. D. Penwell	Oct. 2009
Dr. G. Creighton	Oct. 2010
Dr. M. Hurst	Oct. 2010
Dr. P. Thomson	Oct. 2010
Dr. K. Walsh	Oct. 2010
Mr. S. Beaton, Public	Oct. 2010
Mr. R. Desborough, Public	Oct. 2010

Dr. J. Christie	June 2010
Dr. S. Abbass	May 2011
Dr. F. Gogan	May 2011
Dr. J. Porter	May 2009
Dr. P. MacEachern	Oct. 2010
Dr. Richard Reftus	Oct. 2010
Dr. R. MacGillivray	Oct. 2010
Dr. R. Hall	Oct. 2010
Mr. L. Shipp, Public	Jan. 2011
Ms. N. Neish, RDH	June 2010
Ms. M. Briggs, RDH	June 2010
Ms. N. Penney, RDA	June 2010
Ms. M. Crawford, RDA	June 2010
Mr. Bill Watson, Public	Oct. 2010

Dr. P. Downing	Sept. 2010
Dr. K. Rhodenizer	Sept. 2009
Dr. D. Inghan	Sept. 2010
Ms. C. Cooke, RDA	Sept. 2010
Ms. C. d'Entremont, RDH	Sept. 2009
Ms. W. Stewart, RDH	June 2009
Dr. W. A. MacInnis, Registrar	

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Report of the Chair – 2008

The Provincial Dental Board met in Halifax three times in 2008, on January 25th, May 30th, and September 26th, and via teleconference on October 25th.

At the first meeting, new Board members Dr Merryl Lawton of Digby and Dr Thomas Raddall III, of Liverpool, were welcomed.

One of the first items addressed, and then later adopted, was the Dental Assistant Regulatory Authority Mutual Recognition Agreement. All signatories to the Mutual Recognition Agreement (MRA) will require the National Dental Assisting Examining Board (NDAEB) written certificate for initial licensure for graduates of Commission on Dental Accreditation of Canada (CDAC) accredited dental assisting programs. Graduates of non accredited programs will require both the National Dental Assisting Examining Board (NDAEB) written certificate and the National Dental Assisting Examining Board (NDAEB) Clinical Practical Evaluation (CPE) or retraining at a Commission on Dental Accreditation of Canada (CDAC) accredited program. The Mutual Recognition Agreement (MRA) also identifies 13 core skills that represent the minimum standard for dental assisting licensure after January 1st, 2007.

Also support was given for proposed changes to the Dental Assisting Accreditation requirements in January.

Proposed Legislative Amendments to Discipline Regulations, pertaining to Settlement Agreements and Dental Assistant Regulations received Order in Council Approval from the Nova Scotia Government.

A policy on the provision of General Anaesthesia in the dental office was Proposed, discussed and adopted, as well as a Provincial Dental Board policy on self prescribing / self medication of monitored drugs was passed. To review these and other Board policies, please visit the Provincial Dental Board of Nova Scotia website at www.pdbns.ca and read Board Business written by our Registrar, Dr Bill MacInnis, after each Board meeting.

This past year the Board also amended Regulations to create a new Speciality Certificate in accordance with the Canadian Dental Regulatory Authorities Federation (CDRAF) Memorandum of Understanding (MOU), passed in 2007, with the result being that “the Registrar may issue a Limited Speciality Permit, which would only permit the practice of that speciality.”

Because of a recent Nova Scotia Supreme Court decision, the Board approved that the *Dental Act* be amended, through legal council and the Department of Justice to include a Statutory Privilege section which makes it clear that the professional disciplining organization cannot be forced to provide information obtained through an investigation to parties in a civil case. This was proclaimed by Government in August, 2008.

A great deal of time and effort, by our Registrar, Dr MacInnis, and other Professional Regulatory Bodies in Nova Scotia, has been spent to modify and negotiate a proposed Fair Access to Regulated Professions legislation with the Government of Nova Scotia. By fall of 2008, a joint working group of Regulators and Government had worked to

amend the Act to be suitable for both parties and hoped that the Department of Labour and Workforce will forward the amended Act to the Legislative branch for review.

The Dental Practice Review (DPR) Regulation has been passed and proclaimed in 2008 and the Practice Review Process will begin in 2009.

After long discussions and negotiation between all parties involved, the Dental Hygiene Act and Regulations have been passed before Government and are awaiting Proclamation. As of December 31st, 2008, Dental Hygienists in Nova Scotia are still licensed by The Provincial Dental Board.

Dentistry in Canada has been one of the next professions selected by the Competition Bureau of Canada for study. As a result of this, The Provincial Dental Board Registrar and Chair, with legal council, will be participating in a survey in 2009, along with other Dental Regulatory Authorities (DRA's) and Dental Associations across Canada.

By fall of 2008, the Board received documentation from the Council of the Federation, where April 1st 2009, is the date set by the Provincial Premiers for the Agreement on Internal Trade (AIT) to come into effect. Under this national agreement, workers certified by a regulatory authority in one province or territory will be recognized as qualified to work in all other provinces and territories. The Provincial Dental Board, as part of the Health Regulatory Network, has met with the Department of Labour and Workforce Development to try and suggest amendments to Chapter 7 of the Agreement as it pertains to the health professions. This will be ongoing into 2009.

For the second year in a row, the Board has not increased licensing fees to the three professions. The Board has also considered, and is trying on a trial basis, to distribute documentation electronically, to Board members who are interested.

Finally, at the final meeting in 2008, the Board had a presentation from Maureen Reid, President of Boardworks Consulting Services, concerning a proposal to update and develop a manual concerning the Board's governance policies and structures. It was agreed to engage Ms. Reid and follow through on one of her proposals to carry out the task and it is a project expected to go on into 2010.

Respectfully submitted
Eric Hatfield, Chair
Provincial Dental Board of Nova Scotia

Report of the Registrar – 2008

Statistics (December 31, 2008)

	Active Licensees	Registration Fees	License Fees
General Dentist	448	\$ 100.00	\$ 551.32
Specialist	80	\$ 100.00	\$ 551.32
Dental Hygienist	550	\$ 75.00	\$ 147.10
Dental Assistant	733	\$ 65.00	\$ 113.89
Incorporations	349	\$ 150.00	\$ 43.17

Dental Board Highlites

Board Appointments

Dr. Merryl Lawton and Dr. Thomas Raddall III were appointed to the Dental Board effective January 1, 2008. Nova Scotia Dental Association appointments of Dr. Clare Champoux and Dr. Lee Erickson were approved in September 2008.

Complaints Committee

Dr. John Christie (Chair)	Reappointment
Ms. Mary Lou Briggs (RDH)	Reappointment
Ms. Harriet Davies (Public)	Appointment
Ms. Nancy Neish (RDH)	Reappointment
Ms. Natalie Penney (RDA)	Reappointment
Mr. Larry Shipp (Public)	Reappointment

Discipline Committee

Dr. Suzanne Lewis	Reappointment
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Mandatory Continuing Dental Education Committee

Dr. Paul Downing (Chair)	Reappointment
Ms. Catherine Cooke	Reappointment
Mr. David Ingham	Reappointment
Ms. Donna Rushton	Appointment

Dental Practice Review Committee

Dr. Graham Opie (Chair)	Appointment
Dr. Glen Anderson	Appointment
Dr. Daryl West	Appointment

National Dental Examining Board

Dr. Doug Mackey	Appointment
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Nova Scotia Prescription Monitoring

Dr. Marco Chiarot	Appointment
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Board Policies

Self Prescribing / Self Medication of Monitored Drugs

The Dental Board completed a review of the need for a policy statement on self prescribing / self medication of monitored drugs. The following policy statement was adopted by the Board at its May 30, 2008 meeting:

Definition:

Monitored drugs means those drugs designated by the Nova Scotia Prescription Monitoring Program Regulations.

With respect to Self Prescribing and / or Self Medication of monitored drugs the Provincial Dental Board has adopted the position that:

- Dentists should limit treatment of themselves to emergency services and only when a physician is not readily available.
- Dentists must be aware of and observe the appropriate dosages and side effects.
- The privilege of self prescribing is limited by the obligation of making a reasonable attempt to obtain appropriate health professional assistance as soon as possible.

Provision of General Anesthesia in the Dental Office

The Dental Board, at its January 25, 2008 meeting approved the following Policy Statement concerning the provision of Dental Anesthesia in the Dental Office.

Definitions

General anesthesia is a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes including inability to maintain an airway independently and respond purposefully to physical stimulation or verbal command.

Dental office refers to treatment areas outside of accredited hospital facilities.

Education and Training Requirements

- General Anesthesia must only be performed in the dental office by:
 - i. Licensed dentists registered to practice in Nova Scotia who have successfully completed an accredited post-graduate anesthesia program in a university and / or teaching hospital over a minimum of 24 consecutive months.
 - ii. Licensed dentists registered to practice in Nova Scotia who had successfully completed a post-graduate anesthesia program in a university and / or teaching hospital over a minimum of 12 consecutive months prior to 1993 and have continued to practice these modalities since that time. The program must have specifically evaluated and attested to the competency of the individual.
 - iii. Licensed dentists registered to practice in Nova Scotia who have successfully completed an accredited post-graduate program in oral and maxillofacial surgery suitable for certification in the Province of Nova Scotia, incorporating adequate training in anesthesia, such that the individual competence has been specifically evaluated and attested to.
 - iv. Licensed physicians registered to practice in Nova Scotia who holds a fellowship in the Royal College of Physicians and Surgeons of Canada in anesthesiology.

General Anesthesia Permit

All dental offices where general anesthesia is administered must have a permit from the Provincial Dental Board of Nova Scotia. Such a permit will be granted subject to satisfactory on site evaluations of the facilities, office protocols and equipment by an expert panel approved by the Provincial Dental Board.

Provision of General Anesthesia

The provider of the general anesthesia must not also be the provider of the dental treatment (s).

Dental Assisting Intra Oral Training

During the past year, both the Nova Scotia Community College (NSCC-IT) and Holland College suspended their intra oral skill training programs for dental assistants. As a result, dental assistants in Nova Scotia who needed upgrading to be eligible for

licensure were without options in our region. Fortunately, both NSCC-IT and Holland College began developing revised programs to meet this need for intra oral skill education.

At the September 26, 2008 meeting of the Dental Board, the Board approved the Holland College Intra Oral course for dental assistants requiring training in clinical competencies.

The NSCC-IT Dental Assisting Upgrading / Re-entry Proposal has been discussed with the Board and we are hopeful that a final proposal will be presented for approval in 2009.

Legislative Amendments

Dental Practice Review (DPR)

Following Order-in-Council approval, the Dental Board approved a slate of nominations for the new Dental Practice Review Committee. It is the Board's expectation that the DPR process will begin in 2009.

Dental Hygienists' Act and Regulations

It is our understanding that the Act and Regulations have been submitted by the Department of Health to the Registry of Regulations. As proclamation did not occur prior to November 30, 2008, the Provincial Dental Board continued to license dental hygienists for 2009.

Statutory Privilege

Bill No. 127, An Act Respecting the Protection of Confidential Disciplinary Proceedings of Health Professions was proclaimed on 19 August 2008. Amendments to the Dental Act involved sections 34A (1) (2) (3) and (4) that now protect the confidentiality of information collected through both the complaints and discipline investigations.

Fair Access to Regulated Professions Act (FARPA)

Through co-operative and collaborative interaction between the regulators and government officials a consensus document was developed that incorporated the following key changes to the FARPA legislation.

- The name of the Act changed to "An Act Respecting Fair Registration Practices."
- The removal of AIT provisions from the Act
- Clarification of roles and powers of the Review Officer
- Removal of the provision to request audits
- Removal of the paramountcy provision
- Establishment of a philosophy of collaboration between Department of Labour and Workforce Development and the Regulators

- The Review Officer will not be involved in setting registration standards but will need to be assured that our registration processes are fair, transparent, objective and impartial

The FARPA legislation received Royal Assent on November 25, 2008.

Amendments to Regulation No. 1 – Qualifications for Registration & Licensing of Dentists and Regulation No. 2 – Specialists.

In October 2007 the Provincial Dental Board of Nova Scotia was a signatory to the Canadian Dental Regulatory Federation Authority Memorandum of Understanding concerning foreign trained dental specialists. At the May 30, 2008 meeting of the Board, amendments were approved to Regulation No. 1 and Regulation No. 2 that would create a licensure category “Specialist, Limited to their Specialty”. The amended Regulations are now being considered by government.

Respectfully submitted,
Dr. W. A. MacInnis, DDS
Registrar

Report of the Discipline Committee - 2008

2008 saw the conclusion of a case that had had several false starts before being heard in late 2007 and early 2008.

The four charges in this case were all for failure to diagnose and treat a particular patient with a standard of skill, knowledge or judgment which is reasonable in the practice of dentistry in Nova Scotia, and engaging in conduct detrimental to the best interests of said patient.

The Board decided not to present evidence on the charge of failing to properly complete a root canal treatment. Expert witnesses from both sides were heard and the case was presented in a very thorough manner. After carefully considering all the evidence, the hearing panel of the Discipline Committee felt that the board had proven its case in two of the charges, those being failure to properly deliver a three unit fixed bridge and failure to adequately place several composite resin restorations.. The committee found in the dentist's favour in regards to the placement of a single tooth crown. The intraoral photographs taken one year after the completion of treatment were crucial in coming up with these decisions.

The next part of the case revolved around what sanctions would be appropriate. After presentations from both sides, the Discipline Committee decided on sanctions that included a remedial education program and practice monitoring at the dentist's expense, and an awarding of costs by the dentist to the board to partially offset the expenses incurred in conducting this proceeding. The award somewhat reflects the fact that not all the charges were proven, and takes into account the expenses incurred by the dentist in defending himself in this case and his ongoing expenses with the remedial program. Some thought was given to the fact that too high an awarding of costs would make it impossible for dentists to afford to defend themselves properly in such cases. There was no fine imposed, and a quarterly payment plan over two years was set up so as not to create an undue financial burden on the dentist. All that being said the awarding of expenses was substantial.

The Discipline Committee is quite confident that with the completion of the education and monitoring sanctions that it's stated goal of protecting the public will have been met in this case. A notice of appeal was made, but I have no knowledge as to how that is proceeding. That being said the education and monitoring components have been proceeding but were not completed by the end of 2008.

No other cases were heard and I have no knowledge of any pending at this point

Respectfully submitted,
Thomas H Boyle DDS
Chair Discipline Committee

Report of the Complaints Committee- 2008

The past year has been one of relatively low activity for the Complaints Committee. Fewer meetings however are not an indication of simpler cases. Quite the contrary. We are seeing an increasing trend of patients with limited dental I.Q. vigorously questioning procedures and outcomes that most licensees would consider to be routine. These people tend to be extremely upset and unresponsive to the Registrar's assurances that all is well. The Committee is well aware that in cases where it finds that the dentist has not erred, we will not have helped ease the patient's distress.

Every year the Committee evolves policy by the nature of its decisions. This past year was no different. We have confirmed that a referring dentist has a right to be informed as to the nature and progress of treatment being provided by the referee. In the event that treatment is not progressing to the patient's benefit, the referrer may be obliged to intervene. Additionally, it is worth noting that sometimes our patients are blissfully unaware of some of our professional conventions. It is not unusual for a patient to take themselves, without referral, to a second dentist for some aspect of care. When the primary dentist becomes aware of this it is not unreasonable for them to conclude that the patient has changed dentists entirely. The patient however, may not see it that way and believes that the first dentist is still "their" dentist. In such cases, it would be appropriate for the first dentist to contact the patient to confirm their intent. Failure to do so has resulted in patient confusion and a sense of betrayal with a resultant complaint to the Board. It is imperative that as health care providers, we are certain of the patient's understanding as to who is providing what services.

Another evolution this year is the conclusion that the Committee has the power to subpoena witnesses and documents. While hopefully a rare event and one with significant implications, it nevertheless gives the Committee more power to acquire the information it needs to do its job.

As in previous years we have dealt with cases of unlicensed hygienists and assistants actively employed in dental offices. It is the employing dentist's responsibility to confirm that their employees are licensed where necessary. I would like to thank Dr. MacInnis, and the committee members for their effective performance in this challenging arena. In addition I wish to welcome new members on board and thank departing members for their contribution.

Respectfully submitted,
Dr. John Christie, Chair

Report of the Mandatory CE Committee - 2008

This is my first year as Chairman of the MDCE committee. I believe the transition has been fairly smooth, thanks to the excellent foundation that was created in the past by Past Chair Dr Jamie Allen and his committee members.

The 2008 CE audit was performed on thirty licensees, 10 from each from Dentistry, Dental Hygiene and Dental Assisting. The committee found that 6 did not satisfy the MDCE requirements, two from each of the groups. The two RDA's and two RDH's were eventually compliant with the requirements. One dentist submitted further documentation but was unable to satisfy the requirements. A second dentist did not submit any documentation at all. Both dentists, after discussion with the registrar, relinquished their licenses. They were both made aware by the registrar that in order to re-license in Nova Scotia, appropriate documented CE will be required to fulfill their mandatory CE requirements.

The committee has moved to using the internet / email for regular correspondence to resolve minor CE issues in a timely manner. These usually involve responses to inquiries concerning the eligibility of CE courses and their classification, and applications for extensions. Licensees commonly request clarification of the mandatory CE regulations without reviewing them themselves, which becomes quite time consuming for both Jane Donovan, the board administrator and the committee. A form letter with guidelines was created for the licensee to fill out prior to the committee's review to expedite this process.

I would like to thank my committee members for volunteering their much needed time and experience for this audit. I also thank Jane Donovan for her help with the ongoing administration of this program, and Dr. W.A. MacInnis for his advice, and for his appropriate guidance and actions for those who were not compliant with the MCDE guidelines.

Respectfully submitted,

Dr. Paul Downing, Chair

Mandatory Continuing Dental Education Committee

National Dental Examining Board (NDEB) Annual Report - 2008

The Annual Meeting of the National Dental Examining Board of Canada took place on October 25, 2008. In attendance were Executive Director and Registrar Dr. J. Gerrow, President Dr. M. Wood (Manitoba), President Elect Dr. D. Joly (Quebec), Past-President Dr. C. Myers (Saskatchewan), the 7 other provincial representatives, Public Representative Mrs. M. Ryan, NDEB administrative staff, and several observers.

Of particular interest was the Examinations Committee Report which generated a lengthy and detailed discussion. In her report, Dr. M. Bourgeois (Newfoundland and Labrador) reviewed the high stakes nature of the examination and the Board's responsibility to protect the public. In light of this, a motion was put forward and eventually carried that the passing standards for the OSCE and Written Examination would be raised. A description of the determination of the specific passing grades of the examinations is beyond the scope of this report. However, it is clear that the new standard will likely result in a slightly higher number of unsuccessful candidates.

There was much discussion over the need to increase examination fees. The fees had actually been reduced by up to \$600 during the two previous years, which was made possible by an NDEB accumulated surplus. Since this surplus no longer exists, fees have been increased and are now comparable to the 2005 fees. The examinations will be revenue neutral.

Additionally, reports and correspondence were received from the Canadian Dental Regulatory Authorities Federation, the Commission on Dental Accreditation of Canada, the Royal College of Dentists of Canada, the Canadian Dental Association, the CDA Council on Education, the CDA Committee on Student Affairs, The Association of Canadian Faculties of Dentistry, the ADA Joint Commission on National Dental Examinations, and the American Association of Dental Examination.

On the horizon, a significant amount of work will have to be done by the National Dental Examining Board (NDEB) to deal with the implications of the Agreement on Internal Trade (AIT) which was signed by the provinces in January 2009 and will take effect later this year. This agreement essentially ensures complete labour mobility throughout Canada. However, it denies an individual provincial regulating authority the ability to impose a standard that might be higher than that of another province. The problem may arise where province X decides to lower the standard for dental certification in some respect. In this case, all other provinces would be obliged to certify individuals moving from province X and would not be permitted to re-test, retrain, or re-assess. Major initiatives will be taken to address the concerns which arise out of this issue.

Respectfully Submitted,
Doug Mackey, DDS