

PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

MEETING 2006 -1

January 27th, 2006

The first meeting of the 2006 Provincial Dental Board was held on January 27th, 2006 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax.

In attendance: Dr. Andrew Nette, Chair
Dr. Eric Hatfield, Vice-Chair
Dr. Lee Erickson
Dr. John Miller
Dr. Andrew Stewart
Dr. Barry MacLeod
Ms. Rosemary Bourque – p.m.
Ms. Judy Oakley
Ms. Angela Worsley
Mr. Dwight Rudderham
Mrs. Kore-Lee Cormier
Dr. Ian Doyle
Ms. Odette d'Eon
Dr. Stephan Brayton
Dr. Bill MacInnis, Registrar
Jane M. Donovan, Administrative Assistant

Regrets: Dr. D. Precious, Dean

AGENDA 1. CALL TO ORDER – 9:00 A.M.

The Chair called the meeting to order.

New members of the Board, Dr. Lee Erickson and Dr. Barry MacLeod were welcomed and round table introductions were made. The Chair informed the Board that Ms. Bourque was delayed due to weather and hoped to join the meeting in the afternoon.

The Chair stated that presentations by Mr. Peter Green and Mr. Michael Wood have been rescheduled to begin at 9:30 a.m. and 10:00 a.m. respectively.

Motion 2006 – 1

It was moved and seconded – Brayton / Hatfield

“To adopt the revised agenda.”

Motion Carried.

AGENDA 2. MINUTES OF 2005 -2 MEETING, September 30th, 2005

a). Errors and / or Omissions – Corrections of Mrs. Kore-Lee Cormier’s name and spelling modifications were identified.

Motion 2006 – 2

It was moved and seconded – Stewart / Rudderham

“To approve the amended minutes of the September 30th, 2005 meeting.”

Motion Carried.

b). Business Arising from the Minutes.

i) Agenda Item 10 – Revenue & Expense Projections. - the Registrar presented an overview of the evolution of licensing fees in Nova Scotia for dentists, dental hygienists and dental assistants over the past twenty years. The Registrar was asked to report on the range of national licensing fees at the next meeting.

ii) Dental Surgical Facility Accreditation Documentation – The Registrar circulated correspondence received from Dr. Philip Cyr relating to the accreditation of the private surgical facility.

iii) Agenda Item # 16 – New Business – In response to a recommendation that the Board look into forming an Executive Committee the Registrar stated that this is a topic that is being considered by the Ad-hoc Committee on Policies and Procedures.

There was no other Business arising from the minutes of the 30 September 2005 meeting.

AGENDA 3. Items from the Registrar

The Registrar's report included a number of items for information.

As a result of uncertainty relating to the nominations requested, the Registrar agreed to contact the Commission on Dental Accreditation of Canada to clarify the request for nominations for the Dental Regulatory Authority (DRA) Committee member on the CDAC Dental Assisting Education Committee.

At this point Mr. Peter Green, Board legal counsel joined the meeting and the Chair began discussions on Agenda Item # 5.

AGENDA 5. COMPULSORY MALPRACTICE INSURANCE – PROPOSED REGULATION NO. 10

The Registrar described the recent history relating to concerns about the continuance of malpractice insurance in the market and CDSPI's interest in a mandatory agreement with the participating provinces.

Mr. Green reviewed the existing Malpractice Insurance Regulation with respect to the mandatory malpractice coverage plan that CDSPI is developing. In this regard Mr. Green proposed a revision of the existing Regulation that would:

1. Change the name of the Regulation to Compulsory Malpractice Insurance.
2. Change minimum coverage from \$ 1 million to \$ 3 million.
3. Add a requirement for Board approval of an insurer issuing malpractice insurance policies to licensed dentists.

During discussion concerns were raised about whether supporting the proposed Regulation change would unduly restrict dentists' right to choose the carrier and / or the specific insurance policies and further questioned the justification of the proposed minimum coverage identified.

While there was support for the value of competition and the ability to choose, the current reality has only one insurer in the market and without participation assurance by the provinces, the availability of an insurer in the market is uncertain.

Mr. Green provided an opinion that the proposed Regulation provided the Board with the mechanism and flexibility to approve future insurance carriers that would want to participate in the market.

Motion 2006 – 3

It was moved and seconded – Hatfield / Doyle

“ To adopt revised Regulation No. 10 – Compulsory Malpractice Insurance.”

Motion Carried.

Opposed – Dr. Erickson

AGENDA 7.

Regulation Respecting Discipline – Regulation No. 6 – Negotiated Settlements.

Mr. Michael Wood, the Board’s Legal Counsel with respect to Disciplinary matters joined the meeting at 10:00 a.m. to discuss Discipline Settlement Procedure. Mr. Wood reviewed the history, rationale, utility and experience of Negotiated Settlements in other professional bodies.

Following discussion the Board indicated support for the use of Negotiated Settlements in the Discipline process and directed the Registrar to seek an opinion from Mr. Wood about whether the Negotiated Settlement concept would require Regulation change with or without modification of the *Dental Act* or whether this matter could be managed through a Board By-Law or Policy Statement. It was also agreed that information concerning the Negotiated Settlement process in other professions would be helpful.

Motion 2006 – 4

It was moved and seconded – Erickson / Hatfield

“ The Board directs the Registrar to present draft changes to the Discipline Regulation with respect to Negotiated Settlements and report back to the Board at the next meeting of the PDB.”

Motion Carried.

The meeting returned to Agenda Item # 3, Items from the Registrar

Three items were presented that required Board approval.

C. Correspondence (2) Mandatory Continuing Dental Education Committee.

Further to a request for a nomination, the NSDAA nominated Ms. Audra Hayden to serve on the MCDE Committee.

Motion 2006 - 5

It was moved and seconded – Hatfield / Miller

“ To approve the NSDAA nomination of Ms. Audra Hayden to the Mandatory Continuing Dental Education Committee.”

Motion Carried.

I. CDRAF Fee

The Registrar presented the annual fee request for the administrative funding of the CDRAF. It was noted that a CDRAF Business plan should be provided in future deliberations in this matter.

Motion 2006 – 6

It was moved and seconded Doyle / Stewart

“ To make an allocation of \$ 2.00 per licensed dentist to the Canadian Dental Regulatory Authorities Federation.”

Motion Carried.

Opposed – Dr. Erickson

J. CDRAF Grant to CDA

The Registrar informed the Board that the DRA’s have provided a financial contribution to CDA to support targeted initiatives that benefit DRA activities. The CDA has applied DRA contributions to two specific programs – 1. Dental Practice and 2. Dental Education and Research.

Motion 2006 – 7

It was moved and Seconded – Hatfield / Miller

“ To make an allocation of \$ 5.15 per licensed dentist to the Canadian Dental Regulatory Authorities Federation.

Motion Carried.

AGENDA 4.

Notice of Motion: - Motion 2005 – 3 NDAEB Certificate Requirement for Initial Licensure.

Further to **Motion 2005 – 30**, the Board received letters of support from both the Nova Scotia Dental Association and the Nova Scotia Dental Hygienists’ Association.

During this process it was determined that the NDAEB policies and examination schedule could potentially delay the dental assisting students licensure for two months beyond graduation.

Recognizing the value and importance of the NDAEB Certificate and the need to not unduly delay the students entry to the work force,

Motion 2006 – 8

It was moved and seconded – Oakley / Worsely

“ That the Provincial Dental Board of Nova Scotia adopts the NDAEB Certificate as a requirement for initial licensure for dental assistants in Nova Scotia effective April 1, 2007.”

Motion Carried.

And further:

Motion 2006 -9

It was moved and seconded – Oakley / Worsely

“ That the Provincial Dental Board of Nova Scotia accepts a process that would grant the graduates of an accredited Dental Assisting program a **Conditional License** for one year with the understanding

that the NDAEB Certificate would be a requirement for re-licensure.”

Motion Carried.

AGENDA 6. WORKING GROUP ON DENTAL SPECIALISTS TRAINED IN NON ACCREDITED INSTITUTIONS.

Dr. Brayton described a proposed planning document developed by the Working Group for consideration as a national process to manage licensure of dental specialists trained in non-accredited institutions.

The Chair asked for feedback from Board members. A number of comments were raised:

1. Who would do the gap training and who would pay;
2. No guidelines were identified on what constitutes a specialty program.
3. If the decision is to return to restrictive licenses the only way to make that work would be to develop a document outlining scope of practice. In the absence of this document, limiting practice is an academic discussion.

With respect to clinical assessment questions were raised about whether the RCDC part one examination is a valid assessment of theoretical knowledge of a specialty. On the other hand clinical evaluation is highly variable and may not be able to be done in a short period. It was felt that the American Dental Association’s commitment to begin to accredit foreign dental schools is an excellent decision that may provide a long term solution. It was observed that we seem to have a great process to evaluate general dentists from non accredited programs and we should do whatever we can do to provide a similar arrangement for specialists.

A comment was made that we are spending too much time on credential evaluation in this process – we don’t do it for general dentists and shouldn’t do it for specialists.

The Registrar was directed to send a letter to the Working Group thanking them for their efforts and passing on our feedback.

AGENDA 8. PROVINCIAL DENTAL BOARD GUIDELINE REVIEWS

a). Guidelines for Dental Record Keeping

Mrs. Kore-Lee Cormier and Dr. Andrew Stewart reviewed the draft Record Keeping Guideline document that was circulated in the meeting resource package. The Chair asked for feedback on the draft guidelines – several suggestions and editorial changes were suggested.

The Chair with Mrs. Cormier and Dr. Stewart's agreement, directed that the document be sent to the Nova Scotia Dental Association, the Nova Scotia Dental Assistants' Association and the Nova Scotia Dental Hygienists' Association for feedback with the understanding that the guidelines be considered for adoption at the next meeting of the Board.

b). Guidelines for the Use of Sedation in Dental Practice.

Due to technical difficulties with the Board computer system, Dr. Brayton was unable to present the draft sedation guidelines for review. Dr. Brayton expects to have a working document available within the month and the document will be circulated to members of the Board for consideration.

The Chair suggested that following the circulation of the draft sedation guidelines, the Board could hold a conference call to receive feedback on the document with the potential for approving it in principle.

Should this approval be obtained, both the draft Record Keeping and Sedation Guidelines could be forwarded to the appropriate Associations and key stakeholders for their review and comment prior to the next Board meeting scheduled for 12 May 2006. The members of the Board indicated their support for a conference call at the discretion of the Chair.

AGENDA 9. Provincial Dental Board Policies

a). Reinstatement Fees

The registrar sought clarification of the Board's interpretation of the *Dental Act* – Section 24 (2) (a), (b) & (c) which reads:

“(2) The name of a person who has not paid the annual licensing fees for the year or met the other requirements for the issue of an annual license on or before the date prescribed by the regulations or who does not at any time meet the other requirements for the issue of a license shall be struck from the applicable register but the name

may be re-entered in the register upon

(a) payment of a reinstatement fee as determined by the Board.

(b) all the requirements for the issue of annual license being met ; and

(c) where the person does not give prior written notice to the Board that the person does not intend to renew that person's license, payment of the arrears of licensing fees,

if the person is otherwise still eligible to have the name so entered."

Motion 2006 – 10

It was moved and seconded – Rudderham / Worsely

“ The Provincial Dental Board Policy regarding reinstatement fees be understood to include the reinstatement fee plus the licensing fee of the current year.”

Motion Carried.

b.) Extra Oral Injections (TMD) Treatments.

The Registrar sought the Board's opinion on Dr. Andrew Thompson's correspondence asking whether extra oral injections for the treatment of TMJ patients fall within the scope of practice for a licensed dentist in Nova Scotia.

In preparation for the Board's deliberations, the Registrar contacted the Royal College of Dentists of Ontario as they had just completed (with the Alberta College of Dentists) a revision of their Guidelines for the Diagnosis and Management of Temporomandibular Disorders. In the opinion of Dr. David Mock (Dean of the Faculty of Dentistry at the University of Toronto and an expert in Oral Facial Pain), extra oral injections in the treatment of TMJ disorders fall within the scope of practice of a dentist with appropriate education and experience.

Following discussion, the Registrar was directed to correspond to Dr. Thompson explaining that the Board believes that extra oral injections for the treatment of TMD fall within the scope of practice for a dentist with demonstrated education and experience.

c.) VitalAire Correspondence

In response to correspondence from VitalAire Canada Inc. asking the Board's opinion as to whether a licensed dentist in Nova Scotia

can prescribe a test for the diagnosis of Obstructive Sleep Apnea (OSA), the Registrar sought the opinion of Dr. Reg Goodday, Chair of the Department of Oral & Maxillofacial Sciences at Dalhousie on this matter.

The Board considered Dr. Goodday's response and the CDA position on Oral Appliance Therapy for Snoring and Obstructive Sleep Apnea and following discussion, directed the Registrar to correspond to VitalAire indicating that the prescription of testing for OSA falls within the scope of practice for a licensed dentist in Nova Scotia.

d). Annual Incorporation Fees

The Registrar reported that two licensed dentists provided written objections to the Board's Annual Incorporation Renewal fee.

The Registrar explained to the Board that Regulation No. 5 – Professional Corporations requires the Board office to maintain a yearly Incorporation renewal data base and to issue annual renewal verification to the incorporated dentists.

The yearly process includes:

1. Correspondence to the incorporations in the form of an invoice and the provision of a change of information form.
2. Receipt of information and fees.
3. Maintaining data base
4. Printing of annual seal.
5. Sending receipt, renewal sticker and letter to the incorporations.

The Board members understand the costs involved in maintaining the Board's responsibilities under Regulation No. 5 and recognizes the need to protect non incorporated dentists from bearing the costs of this issue. The Registrar was directed to correspond the rationale and costs that substantiate the Annual Incorporation fees charged.

AGENDA 10.

Policies & Procedures Ad hoc Committee Report

Ms. Bourque provided the Board with a verbal update of the Ad hoc Committee. She advised the members that the draft document was not ready for review and that the Committee would be meeting today after the adjournment of the Board meeting.

It is expected that a draft document will be ready for the Board's review and comment at the next scheduled meeting on 12 May 2006.

AGENDA 11. Complaints / Discipline Committee update.

Complaints Committee

The Registrar reported that the next Complaints Committee meeting is scheduled for Tuesday, 21 February 2006.

- Matters arising Complaints Committee 11 April 2006
 - Appeal of Committee decision is in final stage of review by the Discipline Committee.
- Matters arising Complaints Committee 19 September 2005
 - Appeal of Committee decision is being considered by the Discipline Committee.
 - Settlement Agreement update – The dentist involved has completed the initial portion of the required educational program and is expected to finish the clinical component before 1 April 2006. A two year practice monitoring process will follow the educational program.

Discipline Committee

The Registrar reported that a Discovery hearing was held on 7 November 2005 and the hearing is scheduled to reconvene on February 9 – 11, 2006.

AGENDA 12. Web Page Development

Mr. Fraser Ross from Semaphor Design Company Inc. joined the meeting at 1:00 p.m. to present to the Board members a concept view of the proposed webpage for the Provincial Dental Board.

The Board expressed support for the continuing development of the webpage with the understanding that Board members will have the opportunity to comment on the webpage before it goes “live”.

AGENDA 13. Management Software Report

The Registrar reviewed the documentation in the meeting package drawing particular attention to the report of the Oversight Working Group members Dr.'s Scott MacLean, Paul Downing and Lee Erickson.

The Registrar described the fragile state of the Board's data base software and spoke of the need for an integrated management system.

The Registrar reminded the Board of the ever increasing workload demands on Regulatory Authorities and that the acquisition of appropriated Management System software could delay but not eliminate the need for additional staff in the future.

Finally the Registrar suggested that should the Board support the AMSoft Proposal, the Board should consider paying for the Software system from the Board's reserve fund to minimize the effect on the Board's Annual Budget.

Motion 2006 – 11

It was moved and seconded – Erickson / Rudderham

“That the Provincial Dental Board of Nova Scotia approve the acquisition of the Management software and AMsoft Proposal and further to pay for the Software system from the Board's Reserve fund.”

Motion Carried.

AGENDA 14. Items from the Chair.

As this was the Chair's first Board meeting of the year there was no report.

AGENDA 15. New Business

a). National Oral Health Epidemiology Study – As part of an agreement with all partners of the CDRAF, Nova Scotia has agreed to participate in the study. The Board chose option C as presented and will contact the dentists in questions at the direction of the researcher.

b). The Registrar reported that following negotiations the Board and the NSDA with the assistance of Turner Drake, have agreed on a further five year lease for the existing Board office space.

As part of the agreement, renovations for an enlarged and enhanced Board room will be provided at no charge.

AGENDA 16. In Camera Session

The Board's staff, Dr. W.A. MacInnis and Ms. Jane Donovan were excused for this agenda item.

AGENDA 17. Adjournment

Motion 2006 – 12

It was moved by Dr. Stewart

“ That the meeting be adjourned.”

Motion Carried.

Approved: _____ Date_____

Dr. Andrew Nette, Chair