

PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

MEETING 2006 -2

June 16th, 2006

The second meeting of the 2006 Provincial Dental Board was held on June 16th, 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. Judy Oakley
Ms. Angela Worsley
Mrs. Kore-Lee Cormier
Dr. Ian Doyle
Ms. Odette d'Eon
Dr. Bill MacInnis, Registrar
Jane M. Donovan, Administrative Assistant

Regrets: Ms. Rosemary Bourque
Dr. Stephan Brayton
Dr. D. Precious, Dean
Mr. Dwight Rudderham

AGENDA 1. CALL TO ORDER – 9:00 A.M.

The Chair called the meeting to order and stated that Mr. Wood's presentation had been rescheduled to 1:30 p.m. and that with the Board's agreement the agenda would be modified to accommodate the list of invited guests making presentations to the Board.

Motion 2006 – 13

It was moved and seconded – Dr. E. Hatfield / Dr. A. Stewart

“To adopt the revised agenda.”

Motion Carried.

AGENDA 2. MINUTES OF 2006-1 MEETING, January 27th, 2006

a). Errors and / or Omissions – A spelling correction was identified.

Motion 2006 -14

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

“To approve the amended minutes of the January 27th, 2006 meeting.”

Motion Carried.

b). Business Arising from the Minutes.

The Registrar identified two items;

i) National fees for licensees

ii) CDAC Nominations to the Dental Assistant Education Committee

Both items are included in the Registrar’s report for the 16 June 2006 meeting.

There was no other business arising from the minutes of the January 27th, 2006 meeting.

AGENDA 3. Items from the Registrar

The Registrar began his report by congratulating Ms. Angela Worsley on her appointment as the DRA representative to the Commission on Dental Accreditation of Canada’s Dental Assisting Education Committee.

The Registrar’s report included the following issues that required Board action.

B. Chinese Medicine & Acupuncture Association (CMAA) – request for support.

The Board directed the Registrar to seek information about the relationship between the CMAA and the Nova Scotia Acupuncture Association and to determine the decisions of Doctors of Nova Scotia and the College of Physicians and Surgeons of Nova Scotia on whether they supported this request, prior to the next meeting of the

Board on September 29th, 2006.

D. NDAEB Certificate Decision

Further to the Board's decision to adopt the NDAEB certificate as a requirement for licensure – the NDAEB asked the Board to nominate a representative to attend the NDAEB Annual General Meeting on October 13-14, 2006 as an observer at NDAEB's expense with the understanding that the nominee would be appointed to the NDAEB effective 1 April 2007.

Motion 2006 – 15

It was moved and seconded – Dr. E. Hatfield / Ms. A. Worsley

“ to nominate Ms. Judy Oakley as the Provincial Dental Board representative to the NDAEB.”

Motion Carried

J. Correspondence

(i) (a) Dental Assistant Reinstatement Fee Appeal – Ms. Nicole Cleveland

The Board considered Ms. Cleveland's correspondence and reviewed the Board's Policy that License fees must be received by the Registrar on or before the due date.

Motion 2006 – 16

It was moved and seconded – Ms. J. Oakley / Dr. J. Miller

“ to deny Ms. Nicole Cleveland's appeal of her Dental Assistant reinstatement fee.”

Motion Carried

(i) (b) Dental Assistant Reinstatement Fee Appeal – Ms. Cheryl Gavin

The Board considered Ms. Cheryl Gavin's correspondence and reviewed the Board's Policy that License fees must be received by

the Registrar on or before the due date.

Motion 2006 – 17

It was moved and seconded – Ms. J. Oakely / Dr. B. MacLeod

“to deny Ms. Cheryl Gavin’s appeal of her Dental Assistant reinstatement fee.”

Motion Carried.

(i) (c)

Dental Assistant Reinstatement Fee Appeal – Mr. Ali Natighi

The Board considered Mr. Ali Natighi’s correspondence and reviewed the Board’s Policy that License fees must be received by the Registrar on or before the due date.

Motion 2006 – 18

It was moved and seconded – Ms. J. Oakley / Mrs. K. Cormier

“ to deny Mr. Ali Natighi’s appeal of his Dental Assistant reinstatement fee.”

Motion Carried

(ii)

Nova Scotia Dental Assistants’ Association Correspondence

(a) Licensing Fees (5 May 2006)

Correspondence was received from the NSDAA regarding the annual license fee for dental assistants. The Board was asked to consider the amount of the license fee with respect to salaries. Currently this matter is under review by the Board.

(b) Additional Core Skills (5 May 2006)

Following discussion and the review of the report of the Ad-hoc Committee re Dental Assistant Duties (Agenda Item # 5, Provincial Dental Board meeting 27 May, 2005),

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

Motion 2006 - 19

“ to adopt the following six core skills

- Application of topical anesthetic.
- Application of disclosing agents
- Preparation of simple bite registrations.
- Applications of pit and fissure sealants.
- Application of desensitizing agents.
- Performing coronal whitening using non-prescription materials.

as additions to the scope of practice for dental assistants in Nova Scotia.”

Motion Carried.

It was the understanding of the Board that three of the core skills – preparation of simple bite registrations, application of disclosing agents and application of pit & fissure sealants can be performed by licensed dental assistants in Nova Scotia immediately following notification of the Board’s decision. The remaining three core skills – application of topical anesthetic, application of desensitizing agents and performing coronal whitening using non-prescription materials will require rewording of the Regulation and approval of Regulation change before these duties can be carried out in practice.

Furthermore the Board, after considerable discussion agreed that no further mandated educational upgrading was required prior to carrying out these additional intra oral duties. The Registrar was asked to write to NSCC-IT, NSDAA and Dalhousie to encourage them to consider offering continuing education programs relating to the additional six duties for interested dental assistants.

Two items of information were identified for further action.

C. Report on Range of National License Fees.

The Registrar was asked to obtain the licensee fees and association fees for dental assistants and dental hygienists in each province prior to the next meeting of the Board in September.

K. Distinguished Service Award – Mr. Peter Green

The Board directed the Chair to write a letter of congratulation to Mr.

Peter Green on his award for distinguished and exceptional service to the Canadian Bar Association.

AGENDA 4. Board Nominations

Nominations for the Mandatory Continuing Dental Education Committee and reappointments to the Complaints Committee and the Discipline Committee were presented to the Board.

It was moved and seconded – Dr. A. Stewart / Dr. I. Doyle

Motion 2006 - 20

“to approve the slate of nominations to the Mandatory Continuing Dental Education Committee and the reappointments to the Complaints Committee and Discipline Committee as presented.”

Motion Carried.

AGENDA 5. Commission on Dental Accreditation of Canada

a) Proposed amendments to the DDS / DMD Accreditation Requirements.

The Registrar reviewed the rationale for the revision of the requirements with particular reference to the need for the DDS / DMD programs to provide evidence of their strategies in place to evaluate the program competencies in their curriculum. In addition the benefits of integrating the Practice Outcomes Assessment during the Accreditation site visit process was discussed.

It was moved and seconded – Dr. E. Hatfield / Ms. O d’Eon

Motion 2006 - 21

“ that the Board write to the Commission on Dental Accreditation indicating its support for the proposed amendments to the DDS / DMD accreditation requirements.”

Motion Carried

b) 2006 Regulatory Authority Grants

Documentation relating to the budget with respect to the 2006 Regulatory Grants to the CDAC were reviewed by the Board. In addition, the proposed draft CDAC budget for 2007 as well as the proposed 2007 grants and fees to support CDAC activities were discussed.

The Board noted the revised increase in administrative cost percentage allocated to dental hygiene to reflect the increase in the number of programs requiring accreditation visits.

It was moved and seconded – Dr. E. Hatfield / Dr. A. Stewart

Motion 2006 - 22

“ to approve the 2006 regulatory grants to the CDAC on the basis of \$ 16.12 per licensed dentist, \$ 6.85 per licensed dental hygienist and \$ 6.62 per licensed dental assistant.”

Motion Carried.

AGENDA 6. **Provincial Dental Board Guideline Reviews**

a) Guidelines for Dental Record Keeping

Following several minor issues of clarification, it was moved and seconded – Mrs. K. Cormier / Dr. A. Stewart.

Motion 2006 - 23

“ the Board approve the draft Record Keeping Guidelines dated 21 March 2006.”

Motion Carried.

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

The Registrar identified several editorial modifications to the Guidelines suggested by Dr. S. Brayton and proposed revisions to Appendix IV to accommodate the changes that have occurred as a result of editorial and layout revisions.

It was moved and seconded – Dr. E. Hatfield / Dr. B. MacLeod

Motion 2006 - 24

“ the Board approve the revised draft Guidelines on the Use of Sedation in Dental Practice dated 17 May 2006.”

Motion Carried.

AGENDA 7. Nova Scotia Prescription Monitoring Program

Ms. Ann Foran, Manager of the Nova Scotia Prescription Monitoring Program gave a presentation on the history, legislation and features of the new on-line monitoring system. As well, Ms. Foran provided an update on the implementation strategies involved in bringing the major pharmacy chain stores on side and on-line.

AGENDA 8. Working Group on Dental Specialists Trained in Non-Accredited Institutions.

Dr. S. Brayton was unable to attend the 16 June 2006 meeting of the Board and in his place provided a brief synopsis of the recent progress of the Working Group.

It was moved and seconded - Dr. E. Hatfield / Dr. J. Miller

Motion 2006 -25

“ to table discussions of this item until the September 29th, 2006 meeting of the Board.”

Motion Carried.

AGENDA 9. Academic Licensure

The Registrar reviewed the motions regarding Academic Licensure that had been adopted in principle at the CDRAF meeting in Ottawa on 27 April 2006 following a presentation from the ACFD Deans Committee. Following discussion the Chair asked that this matter be tabled until the September 29, 2006 meeting when Dr. S. Brayton and Dr. D. Precious would be in attendance.

It was moved and seconded - Dr. J. Miller – Dr. B. MacLeod

Motion 2006 - 26

“to table further consideration of this item until the September 29, 2006 meeting of the Board.”

Motion Carried.

AGENDA 10. Settlement Agreement Procedures

The Chair was informed at the beginning of discussions of this matter that Mr. Michael Wood would not be able to attend the Board meeting due to a conflicting obligation.

Following discussion it was agreed that the following feedback concerning Mr. Wood’s Settlement Agreement document be forwarded to Mr. Wood for his review and reaction at the next meeting of the Board.

- That a time limit to establish a settlement agreement be determined and, that a defined time be determined in which to complete the terms of the agreement.
- Issues were raised about the accused being required to admit guilt in the process. What impact would this have on a potential civil action?
- It was suggested that the Board be required to bring a settlement offer without prejudice.
- Concern that the Settlement Agreement process is required to involve the Discipline Committee. And that an uninformed Discipline Committee has the power to accept and worse that they have the power to reject an agreement.
- That the portion of the Discipline Committee action would be required to be part of the public domain.

The overall sense of the discussion was that the Board liked the current Settlement Agreement process and if the proposed Regulation could not be modified – the Board would rather approve a by-law to manage this issue.

AGENDA 11. Policies and Procedures Ad hoc Committee

Ms. A. Worsley provided a verbal report on the activities of the Ad hoc Committee. Two meetings and two conference calls have occurred over the past year. They will be reviewing a draft document in July and

will bring a report to the next Board meeting scheduled for September 29th, 2006

AGENDA 12. Dental Practice Review

The Registrar presented the results of six dental office visits that were conducted at offices that had volunteered to field test the Dental Practice Review document. Each of the offices visited was highly cooperative and supportive of the process and provided excellent feedback on improving the self assessment document.

The Board reviewed a revised draft of the self assessment document and the Registrar welcomed additional feedback from Board members. As education and support will be the foundation of this initiative, it was agreed that the Board would commit to sharing knowledge and recurring feedback on the Dental Practice Review process through presentations at regional society and association meetings.

The Registrar indicated that a draft Regulation for the Dental Practice Review initiative would be available at the 29 September 2006 Board meeting.

AGENDA 13. Webpage Report

Mr. Fraser Ross of Semaphor provided an overview of the Board's webpage. Mr. Ross explained the process by which Ms. Jane Donovan will be able to manage the webpage as required to update content. It was agreed that the Board will focus its energies on streamlining our processes and to take advantage of the Management System Software to move to a "wireless, paperless" environment as soon as possible. Mr. Ross was thanked for his assistance in this project.

AGENDA 14. Complaints / Discipline Committee Report

The Complaints Committee met on three occasions since the last Board meeting.

February 21, 2006 (15)

The Committee considered 15 complaints during this meeting. Two (2) cases were determined to have failed to meet the standard of skill, knowledge or judgment expected and were subsequently referred to the Discipline Committee.

Three (3) cases – 2 involving orthodontic treatment and 1 involving major restorative care – were tabled until additional requested information was received.

Eight (8) complaints regarding alleged quality of care issues and two (2) relating to administrative matters were dismissed.

May 2, 2006 (11)

The Committee considered 11 complaints during this meeting. In one case involving orthodontics the Committee concluded that the quality of the record keeping and diagnostic information available and the questionable treatment outcomes were not up to the accepted standard of care expected. The Committee awarded a Letter of Reprimand to the dentist and accepted the dentist's suggested plan for remedial training.

Five (5) cases regarding alleged quality of care issues and three (3) cases relating to administrative matters were dismissed.

Two (2) cases were tabled until additional requested information was received.

May 29, 2006 (3)

The Committee considered 3 cases during this meeting. One involved a complaint that was tabled until additional information was provided. Further analysis on this matter is required and the complaint was re-tabled. One complaint alleging quality of care issues was dismissed.

The third issue considered involved the outcome of a Settlement Agreement. On the basis of the dentist's favorable report from the remedial educational program and their consent to undergo a two year monitoring process by the Board's appointed dentist – the Complaints Committee awarded a Letter of Reprimand.

AGENDA 15. Items from the Chair.

The Chair reported that he attended several meetings with the Registrar since the last Board meeting in January 2006.

AGENDA 16. New Business

(a) CDRAF Motion 3

The Board considered this motion not to be within our mandate as a Regulatory Authority and as such it was moved and seconded – Ms. A. Worsley / Dr. L. Erickson

Motion 2006 – 27

“the Provincial Dental Board of Nova Scotia not support the funding to the CDA for a survey on the contribution to society and the pro bono / charitable contributions of dentists to the oral health of Canadians.”

Motion Carried.

Correspondence – Dr. Daryl West.

(b) Board Policy Statement – Tooth Whitening / Bleaching

The current Board policy with respect to Tooth Whitening / Bleaching was determined following advice obtained from Dr. Richard Price who is a content expert in this matter. It was agreed that Dr. West’s correspondence would be forwarded to Dr. Price and that his response be considered at the September 29th, 2006 meeting of the Board.

AGENDA 17. In Camera Session

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

AGENDA 18. Auditors Report – Grant Thornton

Mr. Gerry Lecroix, Senior Manager at Grant Thornton reviewed the Auditor’s report with the Board. One issue that was identified as a result of the Auditor’s review was presented by Mr. Lecroix. He suggested that the Board establish an Investment Committee that would meet its fiduciary responsibilities in managing the Board’s operating funds as well as overseeing the management costs of the Board’s long term investments.

Following discussion and clarification from Mr. Lecroix, it was moved and seconded – Dr. B. MacLeod / Dr. A. Stewart

Motion 2006 - 28

“to accept the Provincial Dental Board Financial Statement of 2005 as presented by Grant Thornton.”

Motion Carried.

Further it was moved and seconded – Dr. I. Miller / Dr. B. MacLeod

Motion 2006 - 29

“ to appoint Dr. Lee Erickson and Dr. Eric Hatfield to the Investment Committee and that draft terms of reference for this Committee be presented to the Board at its September 29th, 2006 meeting.”

Motion Carried.

Opposed – Dr. A. Stewart

AGENDA 19. Adjournment

Motion 2006 – 30

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

“That the meeting be adjourned.”

Motion Carried.

Approved: _____ Date _____

Dr. Andrew Nette, Chair