

**PROVINCIAL DENTAL BOARD OF NOVA SCOTIA**

**MEETING 2007 - 3**

**September 21, 2007**

The third meeting of the 2007 Provincial Dental Board was held on September 21, 2007 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax.

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

Regrets: Dr. Lee Erickson  
Dr. Stephan Brayton  
Dr. David Precious

**AGENDA 1. CALL TO ORDER – 9:00 A.M.**

The Chair called the meeting to order and informed Board members that Dr. Blaine Cleghorn would be making a presentation to the Board at 11 a.m. and that the meeting agenda would be adjusted accordingly. As no additional amendments to the agenda were forthcoming

**Motion 2007 - 24**

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

“To adopt the agenda as circulated.”

**Motion Carried.**

**AGENDA 2.**

**MINUTES OF 2007-2 MEETING, May 11, 2007**

**a). Errors and / or Omissions**

**Motion 2007 – 25**

It was moved and seconded – Dr. E. Hatfield / Mr. D. Rudderham

“To approve the minutes of the May 11, 2007 meeting as circulated.”

**Motion Carried.**

**b). Business Arising from the Minutes.**

**Re: Suture Removal**

Following discussion:

**Motion 2007 – 26**

It was moved and seconded – Ms. A. Worsley / Ms. Judy Oakley

“That the Provincial Dental Board of Nova Scotia reaffirms that both intra and extra oral suture removal are accepted duties within the scope of practice for licensed dental assistants in Nova Scotia.”

**Motion Carried.**

It was further agreed that the inclusion of suture removal in the dental assistant scope of practice would occur at the next opportunity to amend the Regulation.

**AGENDA 3.**

**REGISTRAR’S REPORT**

Two items in the Registrar’s Report required Board direction.

- **Board Committee Reappointments** - the Registrar informed the Board that a number of the terms of members on the Complaints and Discipline Committee required reappointment prior to the September 2007 Board meeting. As a result, the Registrar granted extensions of the terms until October 2007.

**Motion 2007 – 27**

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

“To approve the slate of reappointments for members of the Complaints and Discipline Committees as described in the Board meeting documentation.”

**Motion Carried**

- **Directors and Officers / Errors and Omissions Insurance HKMB Proposal** –The Registrar reviewed the 2008 proposal for Directors and Officers Liability insurance that identified a \$ 2000.00 premium increase. Following a meeting with Mr. Stephen Rocchi, partner with HKMB International Insurance Brokers, the Registrar sought an explanation for the increase. Mr. Rocchi subsequently informed the Registrar that the broker (Lombard Canada) has decided to waive the increase and offer \$ 17,500.00 renewal premium.

**Motion 2007 – 28**

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

“To approve the HKMB 2008 premium of \$ 17,500.00 for Directors and Officers Liability insurance.”

**Motion Carried.**

The remainder of the items in the Registrar’s report were for the information of the Board members.

**AGENDA 4.**

**BOARD NOMINATIONS**

Nominations and reappointments to the Board’s Complaints, Discipline and Mandatory Continuing Dental Education Committees were presented to the Board.

**Motion 2007 -29**

It was moved and seconded - Dr. I. Doyle / Dr. B. MacLeod

“To approve the slate of nominations and reappointments to the Board Committees as presented.”

**Motion Carried.**

**Motion 2007 – 30**

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

“To approve the reappointment of Dr. Tom Boyle as Chair of the Board’s Discipline Committee for a two year term.”

**Motion Carried.**

**AGENDA 5.**

**PROPOSED REVISIONS TO THE CDAC DENTAL HYGIENE ACCREDITATION REQUIREMENTS**

As a result of the dramatic increase in the number of dental hygiene programs in the past several years and following concerns about the quality of the programs with respect to CDAC’s accreditation requirements, the Commission decided to eliminate “Accreditation Eligible” status and to replace it with “Application for Program Survey”.

The CDAC Documentation Committee was asked to consider revisions to the dental hygiene requirement as a result of the “Application for Program Survey” status decision. The Documentation Committee proposal has been circulated to all stakeholders for feedback prior to the November 2007 CDAC meeting.

Following discussion it was moved and seconded – Dr. B. MacLeod / Ms. R. Bourque

**Motion 2007 – 31**

“To approve the proposed revisions to the CDAC Dental Hygiene Accreditation Requirements.”

**Motion Carried.**

**Presentation**

**DR. BLAINE CLEGHORN**

The Registrar introduced Dr. Cleghorn who is currently the Director of

Clinics at the Dalhousie Faculty of Dentistry.

Dr. Cleghorn has provided leadership in a number of issues that are of interest to the Board and the Registrar thanked him for his willingness to make a presentation to Board members.

Dr. Cleghorn described the development and approval process for the Dalhousie Faculty of Dentistry Policy on students and student applicants with Infectious Diseases.

The key points addressed in the Dalhousie policy include;

- CDAC (Commission on Dental Accreditation of Canada) requirements
- Requirement to perform clinical exposure-prone procedures
- Increased risk of bloodborne disease transmission is associated with exposure-prone procedure
- Students must provide care to all patients (regardless of their infectious disease status)
- Students must know their own infectious disease status
- Policy of mandatory immunizations to reduce risk of acquiring some infectious diseases
- Rights of patients and rights of students must be balanced
- Exclusion of HBeAg+ applicants and students (and/or students with a viral load  $>10^3$  genome equivalents/ml) from patient care activities
- Non-exclusion of HBsAg+/HBeAg-carriers, Hepatitis C carriers and HIV positive from patient care activities
- Mandatory monitoring of students who do not develop immunity to HB (annual blood tests)

Dr. Cleghorn also provided commentary on the 2007 American Heart Association Guidelines for the Prevention of Infective Endocarditis. Dr. Cleghorn consulted with the authors of the Guidelines to provide clarification of the conflicting statements included in the AHA document. Dr. Cleghorn has willingly provided the Board with his clarification of the 2007 AHA Guidelines and this information will be posted on the Board's webpage.

In addition Dr. Cleghorn provided an overview of the Vital Source computer project that is being phased into the Faculty of Dentistry curriculum.

## **AGENDA 6.**

### **(a) PDBNS GUIDELINES FOR SEDATION CONCERNING THE PROVISION OF GENERAL ANESTHESIA IN THE DENTAL OFFICE.**

The Registrar reported that he had met with Dr. Reg Goodday as directed by the Dental Board meeting of May 11, 2007. It was suggested by Dr. Goodday that the current Guidelines on the Use of Sedation in Dental Practice be left as is with the understanding that if the Dental Board agreed, that a Board Policy Statement on General Anesthesia in the Dental Office would be made available for the January 2008 Board meeting.

The Policy Statement would include the following principles;

- Definition of education / training required to provide General Anesthesia
- Description of the faculties, office protocols and equipment required and as well an evaluation process by an expert panel approved by the Provincial Dental Board
- That the provider of anesthesia not be the provider of dental treatment

Following discussion, the Registrar was directed to develop a Policy Statement with Dr. Goodday for Board consideration

**(b) College of Physicians and Surgeons of Nova Scotia Ad Hoc Committee on Bloodborne Pathogens.**

The Chair reviewed Dr. Cameron Little's letter confirming that the College of Physicians and Surgeons of Nova Scotia (College) was willing to assist all Provincial Dental Board licensees by providing access to the College's Ad Hoc Committee on Bloodborne Pathogens.

Following discussion and consideration of the documentation package and process used by the Ad Hoc Committee, it was moved and seconded – Dr. A. Stewart / Dr. J. Miller.

**Motion 2007 - 32**

“To adopt the College of Physicians and Surgeons of Nova Scotia process that provides Provincial Dental Board licensee's access to the College's Ad Hoc Committee on Bloodborne Pathogens.

**Motion Carried**

**AGENDA 7.**

**CERTIFICATION AND REGISTRATION OF FOREIGN TRAINED DENTAL SPECIALISTS.**

The Registrar circulated the 17 September 2007 draft of the MOU at the

Board meeting and identified the areas that had been enhanced with respect to the previous MOU dated 1 August 2007.

Following discussion the Board agreed to maintain its support for the continuing process.

## **AGENDA 8.**

### **LEGISLATIVE AMENDMENTS**

- (a) (i) The Registrar reviewed the documentation with respect to the draft amendment to Regulation No. 6 – Settlement Agreements proposed by the Registry of Regulations. After considerable review the Department of Justice decided to forward the proposed Regulation No. 6 for approval with only minimal reformatting.

(ii) Dental Assistant Regulation No. 8 – The Registrar informed the Board that the proposed amendments to Regulation No. 8 have been forwarded for approval without further amendment.

(iii) Dental Practice Review Regulation - The Registrar reviewed the circulated documentation that described the significant revisions proposed by the Registry of Regulations and the Department of Justice. On the advice of the Board's legal counsel, Mr. Michael Wood, a revised draft Practice Review Regulation was written and was circulated for consideration of the Board.

Following discussion it was moved and seconded – Mr. D. Rudderham / Dr. A. Stewart

#### **Motion 2007 – 33**

“To approve the revised Practice Review Regulation.”

**Motion Carried.**

#### **(b) Amendments to the Dental Act – Dental Hygiene**

In response to a request from the Department of Health, the Provincial Dental Board legal counsel was directed to draft amendments to the *Dental Act* and Regulations that would carve out the current provisions respecting dental hygiene.

Mr. Michael Woods proposed amendments were circulated for the Board members consideration.

Following discussion a number of editorial amendments were identified and

agreement was achieved on recommendations concerning the quorum for Board Committees.

**Motion 2007 – 34**

It was moved and seconded – Mr. D. Rudderham / Dr. E. Hatfield

“To approve the proposed amendments to the *Dental Act* and Regulations.”

**Motion Carried.**

**AGENDA 9.**

**NOTICE OF MOTION**

“That the initial registration fee for Dental Specialists be the same as for dentists.”

The Chair provided an overview of this topic and following discussion it was moved and seconded – Dr. E. Hatfield / Dr. I. Doyle

**Motion 2007 - 35**

“That the initial registration fee for Dental Specialists be the same as for dentists.”

**Motion Carried.**

**AGENDA 10.**

**REVENUE AND EXPENSE PROJECTION**

- a) The Chair reviewed the 2008 Revenue and Expense projections for the Board. Following due consideration it was moved and seconded – Dr. A. Stewart / Dr. E. Hatfield.

**Motion 2007 – 36**

“ That the 2008 Licensing Fees be reduced by 10 %”

**Motion Carried**

**Abstained: Ms. R. Bourque  
Ms. O. d’Eon  
Mrs. Kore-Lee Cormier**

## **AGENDA 11.**

### **POLICIES AND PROCEDURES AD HOC COMMITTEE**

Some confusion was evident on the status of the Policy & Procedures initiative. The Registrar agreed to collect the draft documents that have been developed and collate them into a single format for review in January 2008.

A copy of the Investments Committee Terms of Reference was included for the information of Board members.

## **AGENDA 12.**

### **COMPLAINTS / DISCIPLINE COMMITTEE REPORT**

The Registrar reported that the Dentistry Complaints Committee met once since the last Provincial Dental Board Meeting.

Prior to dealing with a request for reconsideration of a Complaints Committee decision, the Committee with the assistance of legal counsel, developed the following policy to manage requests for reconsideration of Committee decisions.

1. The Complaints Committee has the right to reconsider previous decisions but will only do so in the following circumstances:
  - a) Where one of the parties has knowingly withheld significant information.
  - b) Where new information has become available that likely would have influenced the decision if it had been available.
2. That in the event the Committee decides to reconsider a decision, both parties must be informed of the decision to reconsider and give the opportunity to respond.
3. It is the Committee's expectation that requests for reconsideration should be received by the Registrar within three months of receipt of the Committee's decision.
4. The initial Complaints Committee decision continues to be valid until the reconsideration decision is rendered by the Committee.

The Committee considered five cases at its 12 July 2007 meeting.

#### **Case 1.**

Given the documentation available for review, the Committee determined

that:

- The new information provided by the complainant did not pertain to the original complaint.
- All the “new” information provided was available and considered by the Committee at the time of the initial decision.

**Decision:**

**The Complaints Committee not re-consider its original decision.**

**Case 2.**

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

- It is not a violation of the Personal Information Protection and Electronic Documents Act (PIPEDA) for a dentist to refuse treatment to a patient who will not consent to the collection, use or disclosure of personal information for purposes that are reasonable and appropriate in the circumstances.
- It is indeed appropriate, prudent and responsible for a dentist to request the signing of the PIPEDA waiver prior to providing treatments except in extreme emergency situations. In the event that additional clarification is required please contact the Privacy Commissioner of Canada at 112 Kent Street, Ottawa, Ontario K1A 1H3 or at [www.privcom.ca](http://www.privcom.ca)

**The complaint was dismissed.**

**Case 3 & 4.**

Concerned allegations of violations concerning quality of care.

**Both cases were dismissed.**

**Case 5.**

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

- It appears that Dr. X only gave the patient two treatment options where other options of a temporary nature could have addressed the patient’s immediate esthetic concern.

- By ignoring the temporary treatment options available, Dr. X created a crisis situation that eliminated consideration of other definitive treatment choices and / or alternatives such as referral to a specialist or sending Patient Y back to her dentist of record for definitive treatment.
- Dr. X failed to communicate with the patient's dentist of record concerning the dental treatment provided.
- In failing to recognize the limitations of the treatment provided, Dr. X led the patient to believe that they had received a permanent resolution to their problem.

**Decision: That a Letter of Reprimand be issued to Dr. X as a result of his failure to treat Patient Y with a standard of skill, knowledge or judgment expected.**

**Discipline Hearing:  
Scheduled for October 11, 12, & 13, 2007**

#### **AGENDA 13.**

#### **DENTAL HYGIENE LEARNING OUTCOMES PROJECT**

The Chair asked Mr. Rosemary Bourque to provide an overview of this topic which had been tabled at the 11 May 2007 meeting. Following Ms. Bourque's presentation questions were asked about the commitments of other stakeholders to this project. Ms. Bourque agreed to seek out the information required and forward it to the Registrar prior to the January 2008 Board meeting.

It was subsequently moved and seconded – Mr. D. Rudderham / Dr. I. Doyle

#### **Motion 2007 – 37**

“That the Provincial Dental Board of Nova Scotia agree in principle to support the Dental Hygiene Learning Outcomes Project.”

**Motion Carried.**

#### **AGENDA 14.**

#### **ITEMS FROM THE CHAIR**

The Chair paid tribute to former Chair, Dr. Steve Brayton who has completed his third term. As well Dr. Nette spoke of the contribution that Dr. Jamie Allen made as Chair of the Mandatory Continuing Dental Education Committee.

The Chair thanked the members of the Board for their diligence, commitment and support during his term as Chair and wished them well in the future.

**AGENDA 15.**

**NEW BUSINESS**

**1) Election of Board Chair**

**Motion 2007 -38**

It was moved and seconded – Dr. J. Miller / Dr. I. Doyle

“That Dr. Eric Hatfield be elected as Chair effective 1 January 2008”.

**Motion Carried**

**2) Election of Vice-Chair**

**Motion 2007 – 39**

It was moved and seconded – Mr. D. Rudderham / Dr. B. MacLeod

“That Dr. Ian Doyle be elected as Vice-Chair effective 1 January 2008”.

**Motion Carried.**

**3) 2008 Meeting Dates**

The following dates were agreed upon for the Provincial Dental Board Meetings

- Friday, January 25, 2008
- Friday, May 30, 2008
- Friday, September 26, 2008

Vice Chair – Dr. Eric Hatfield congratulated Dr. Nette for his contribution to the Provincial Dental Board including the last two years as Chair. Dr. Hatfield identified that Dr. Nette’s characteristics of open mindedness and respect for all Board members made serving on the Board a true pleasure. On behalf of the Board, Dr. Hatfield presented a Certificate of Appreciation to Dr. Nette.

**AGENDA 16.            IN CAMERA SESSION**

**AGENDA 17.            ADJOURNMENT**

It was moved by Dr. A. Stewart to adjourn the meeting.

Approved:

\_\_\_\_\_ Date \_\_\_\_\_  
Dr. Eric Hatfield, Chair