

**PROVINCIAL DENTAL BOARD OF NOVA SCOTIA**

**MEETING 2006 -3**

**September 29<sup>th</sup>, 2006**

The third meeting of the 2006 Provincial Dental Board was held on September 29<sup>th</sup>, 2006 at the Provincial Dental Board boardroom, 1559 Brunswick Street, Halifax.

In attendance: Dr. Andrew Nette, Chair  
Dr. Eric Hatfield, Vice-Chair  
Ms. Rosemary Bourque  
Dr. Stephan Brayton  
Mrs. Kore-Lee Cormier  
Ms. Odette d'Eon  
Dr. Ian Doyle  
Dr. Lee Erickson  
Dr. John Miller  
Mr. Dwight Rudderham  
Dr. Andrew Stewart  
Ms. Angela Worsley  
Dr. W. A. MacInnis, Registrar  
Dr. David Precious, Observer  
Ms. Jane Donovan, Administrative Assistant

Regrets: Ms. Judy Oakley  
Dr. Barry MacLeod

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

The Chair called the meeting to order and advised that an item dealing with the Board's Directors & Officers / Errors & Omissions Insurance would be considered under New Business. In addition the Chair sought the Board's agreement to modify the agenda as required to accommodate the invited guests making presentations to the Board.

**Motion 2006 – 31**

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

“To adopt the revised agenda.”

**Motion Carried.**

**AGENDA 2. MINUTES OF 2006-2 MEETING, June 16<sup>th</sup>, 2006**

**a). Errors and / or Omissions** – A correction of the minutes concerning additional core skills for dental assistants (pg 5). The corrected text was modified as follows:

*“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.*

**Motion 2006 -32**

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

“To approve the amended minutes of the June 16<sup>th</sup>, 2006 meeting.”

**Motion Carried.**

A suggestion was made to circulate the draft version of meeting minutes as soon as they are available following a Board meeting. The Registrar agreed to forward the draft minutes to the Board members.

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

No items were identified.

**AGENDA 3. Items from the Registrar**

Two items in the Registrar’s Report were scheduled for discussion in the Meeting Agenda:

- i) License / Association Fees Tabulation (Agenda item 14 – 2006/2007 Fees)
- ii) Directors & Officers / Errors & Omissions Insurance (Agenda item 16 – New Business)

The Registrar raised a question about the Boards intent in restricting hard copy distribution of the Board Business publication to the Board’s webpage unless a licensee specifically requests that the Board office continue to provide a hard copy.

Following discussion the Board re-iterated its goal of moving to electronic communication with its licensees as soon as possible. To assist in this transaction, the Board agreed that it will provide a hard copy of the October 2006 Board Business to all licensees with the understanding that the document clearly states the Board’s

intent to restrict hard copy distribution to only those who make a written request to the Board office. It was suggested that licensees could also be asked on their annual licensee invoice if they wished to continue receiving hard copies of Board communications.

**AGENDA 4. Board Nominations**

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

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

**Motion 2006 - 33**

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

**Motion Carried.**

**AGENDA 5. Settlement Agreement Procedures**

Further to Board Motion 2006 – 4, the Board’s legal counsel, Mr. Michael Wood was asked to provide advice and recommendations with respect to the use of Settlement Agreements in the Board’s discipline process.

Mr. Wood surveyed the use of a settlement process in other health professions and reviewed the Nova Scotia Dental Act to determine how a settlement process should be formalized in Nova Scotia. Draft regulations with respect to a settlement agreement process were forwarded for the Board to consider at its 16 June 2006 meeting.

Although Mr. Wood was unable to attend the 16 June 2006 meeting, the Board discussed the proposed settlement agreement document and developed a number of issues that the Board wanted to discuss with Mr. Wood at its next meeting.

At the September 29, 2006 meeting of the Board, Mr. Wood described the underlying philosophy of Settlement Agreements and stated that his proposal for a settlement agreement was consistent with processes followed by other professional regulatory authorities. Mr. Wood reiterated that the main reason for having the settlement agreement process in the Regulation is that it increases the

level of authority for the process.

Mr. Wood reviewed the role of the Registrar and the licensee in proposing a settlement agreement and described the role, responsibility and control of a settlement agreement by the Complaints Committee until the point when a disciplinary hearing begins.

In response to questions about the Discipline Committee's involvement in the settlement agreement process, Mr. Wood explained that the Complaints Committee is limited in its jurisdictional powers. When sanctions are proposed i.e. practice monitoring, suspensions or restrictions on practice – the Discipline Committee must be party to the settlement agreement in order to implement the sanctions.

Additional discussion involved the nature of a Discipline hearing to consider a settlement agreement, the need for a new slate of hearing panel members should an agreement be denied by the Discipline panel as well as the risks / benefits of adopting the Settlement Agreement process as Board policy in advance of legislative approval of the proposed regulation amendment.

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

**Motion 2006 - 34**

“To adopt the proposed Regulation amendment to the Discipline Regulations with respect to Settlement Agreements.”

**Motion Carried.**

**AGENDA 6.**

**Dental Practice Review – Draft Regulation No. 11**

Board members considered Mr. Green's correspondence of 7 September 2006 and his attached draft Regulation No. 11 with respect to the Dental Practice Review process.

Discussion related to the composition of the Dental Practice Review Committee and the Board's commitment to ensure that the implementation of the Regulation process will be consistent with the Board's focus on remediation through education and support.

It was moved and seconded – Dr. A. Stewart / Mr. D. Rudderham

**Motion 2006 - 35**

“To adopt the Dental Practice Review Program Regulation No. 11 as presented.”

**Motion Carried.**

Abstained – Dr. Lee Erickson

**AGENDA 7.**

**Dental Assistant Scope of Practice Draft Regulation No. 8**

Board members reviewed correspondence from Mr. Peter Green dated 11 September 2006 and a proposed amendment to Regulation No. 8 to accommodate the additional six core skills approved by the Board on 16 June 2006.

A number of questions were raised concerning Mr. Green's correspondence and his statement that the Provincial Dental Board might use section 5 (1) (k) of Regulation No. 8 to approve other intra oral duties performed by dental assistants without the necessity of amending the Regulation.

Following considerable discussion it was the consensus of the Board members that the intent of using 5 (1) (k) was to expedite and authorize approval of the three core skills – Application of topical anesthetic, application of desensitizing agents and performing coronal whitening using non-prescription materials – knowing that extensive consultation and scrutiny had already occurred in this process.

It must be clearly understood that the Board remains committed to ensuring that appropriate consultation and discussion occurs prior to consideration of issue(s) and that 5 (1) (k) is not to be considered as a method to by pass appropriate approval processes.

In response to a question about the Board's policy on suture removal as an approved intra-oral duty – the Registrar said he would investigate this matter and report to the Board at its next meeting.

It was moved and seconded – Dr. J. Miller / Mr. Dwight Rudderham

**Motion 2006 - 36**

“ To notify dental assistants that under Regulation No. 8, section 5 (1) (k) the remaining three core skills – Application of topical anesthetic, application of desensitizing agents and performing coronal whitening using non-prescription materials can be performed effective 29 September 2006.”

**Motion Carried.**

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

**Motion 2006 - 37**

“to approve the draft Regulation No. 8 amendments as written and to forward this regulation change for legislative approval.”

**Motion Carried.**

Abstained – Ms. Rosemary Bourque

**AGENDA 8.**

**Dental Assisting Program – Cape Breton Business College**

Ms. Terri Billard, Director of the proposed Dental Assisting program at the Cape Breton Business College made a presentation to the Board members. Ms. Billard described the proposed curriculum that has been developed based on the accredited dental program curriculum models utilized by the Northern Alberta Institute of Technology and Oulton College in Moncton.

In addition Ms. Billard reviewed the consultations that have occurred with the Commission on Dental Accreditation of Canada and the National Dental Assistant Examining Board as the program has been developed. Ms. Billard stated that the Dental Assisting Program had been approved by the Nova Scotia Department of Education.

Ms. Billard described the program teacher’s qualifications, intra oral duties supervision, proposed clinical facilities and responses from local area dental practitioners with respect to student placement experiences. As well Ms. Billard responded to questions concerning the training relative to the current scope of practice in Nova Scotia, the applications accepted to date, the perceived job prospects in the area as well as the tuition costs for the program.

Ms. Billard informed the Board that the CDAC has agreed to conduct a site visit at the Program and she described the agreements that have been undertaken with Oulton College to have the Cape Breton Business College program student’s intra oral skills evaluated.

Ms. Billard identified the need for the program to have the Provincial Dental Board’s approval to operate an intra oral program.

It was moved and seconded - Dr. I. Doyle / Dr. E. Hatfield

**Motion 2006 – 38**

“To approve the Cape Breton Business College Dental Assisting Programs – Intra Oral Program.”

**Motion Carried.**

Furthermore it was moved and seconded – Ms. A. Worsley / Dr. I. Doyle

**Motion 2006 - 39**

“Whereas the initial graduates from the Cape Breton Business College will graduate from a non accredited program – the Provincial Dental Board of Nova Scotia will license graduates of the Program on the basis that they pass both the National Dental Assisting Examining Board Examination and the Clinical Practice Evaluation offered by Oulton College.”

**Motion Carried.**

**AGENDA 9.**

**Policies and Procedures Ad hoc Committee**

The Chair of the Ad hoc Committee, Ms. Rosemary Bourque, provided an overview of the documentation included in the Board’s meeting binder. Ms. Bourque agreed that the ad hoc report is a template and should be considered as a living document that will change as the organization grows and develops.

Numerous suggestions were provided by Board members and an agreement was achieved to proceed with developing the document in an incremental fashion. Board members were encouraged to forward their comments and suggestions on the document to the end of section 2-8 to Ms. Bourque so that the report can be modified in preparation for the next Board meeting.

The Chair congratulated the ad hoc Committee members for their efforts to date developing their report.

**AGENDA 10.**

**Working Group – Dental Specialists Trained in Non-accredited Institutions**

Dr. Brayton shared with the Board members, his disappointment that the Working Group Report is still not available for circulation to stakeholders. It is Dr. Brayton’s expectation that the Report will be distributed in advance of our next Board meeting in January 2007.

**AGENDA 11. Academic Licensure**

Dean David Precious was invited to open the discussion about Academic Licensure and Dr. Precious began by stating that the University needs a way to have Academic Licensure available for appropriately qualified individuals. Dr. Precious described the issue of foreign trained professionals as a growing national public policy focus not just a local, municipal or provincial issue. In Dean Precious' opinion, by supporting the proposal for academic licensure – the Board would demonstrate to any observer that the Board is meeting its duties to be reasonable, fair and accommodating. Furthermore, by expecting academic specialists to successfully complete the National Dental Specialty Examination (NSDE), the Board would demonstrate their interest in protecting the health of Nova Scotians by requiring the same level of competency as everyone who is licensed as a specialist in the province.

Dean Precious concluded by stating that the University does not want to hire anyone who cannot pass the NDSE.

Intense discussion followed concerning the two options presented in the proposed motion, the recent provincial judicial decision with respect to restricted licenses, the appropriateness of continuing to require the NDEB certificate, the lack of a specialist scope of practice document and the model that Medicine has used to manage the licensure of foreign trained medical specialists.

Following numerous amendments to Motion 11 (a), it became clear that neither option 1 nor option 2 met the expectations of the Board.

A consensus position was proposed that described the following process for Academic Licensure in Nova Scotia.

<b>Step</b>	<b>Event</b>	<b>Activity</b>	<b>Comments</b>
1	Application	Submission of documentation	
2	Knowledge Assessment	Review of CV and publications	Panel of DRA designates and Faculty conjointly structured.
3.	Clinical Assessment	Review of clinical documentation and oral evaluation	Panel of DRA designates and Faculty conjointly structured.
4.	Gap Training	As required	Appointees evaluated in steps 2 & 3 would receive specific Gap Training.
5.	Specialist Examination	NDSE offered by RCDC	To be examined by the RCDC as appropriate to the qualifications and experience of individual candidates.
6.	Registration	Appointee registers	

		with local DRA	
	License	Academic Specialist	

It was moved and seconded – Dr. A. Stewart / Dr. S. Brayton

**Motion 2006 - 40**

“The Provincial Dental Board of Nova Scotia approves the amended Nova Scotia process for Academic Licensing.”

Abstained: Ms. Rosemary Bourque  
Ms. Angela Worsley

**Motion Carried.**

The Chair asked the Board to begin consideration of Motion 11 (b).

During this discussion it was agreed that the proposed motion be amended to include the term “academic” and the amended motion was moved and seconded – Dr. Lee Erickson / Dr. A. Stewart.

**Motion 2006- 41**

“The Provincial Dental Board of Nova Scotia approves the creation of an academic license / registration category “certified specialist restricted to their specialty” recognizing that these specialists will not have a NDEB certification.”

**Motion Carried.**

**AGENDA 12. Complaints / Discipline Committee Report**

The Complaints Committee met on Monday evening 25 September 2006 to consider four complaints.

- One case was related to inadequate record keeping and resulted in a *Letter of Reprimand* to the dentist involved.
- Two cases regarding quality of care were dismissed.
- A dentist became aware of the fact that a dental assistant employed in the office was performing intra oral duties while not licensed. An Agreed Statement of Facts was signed by both parties. The Complaints Committee awarded the dentist a *Letter of Counsel*. The dental assistant case will be heard by the Complaints Committee in early October.

The Registrar informed the Board that planning continues for a Discipline Hearing.

**AGENDA 13. Policy Statement – Tooth Whitening**

The Board reviewed correspondence received from Dr. Richard Price concerning the Pola Office Bleaching Kit. Following a review of the Board's existing policy on Tooth Whitening / Bleaching it was moved and seconded – Ms. A. Worsley / Mrs. K. Cormier

**Motion 2006 - 42**

“To maintain the Board's policy on Tooth Whitening / Bleaching which was established in September 2004.”

**Motion Carried.**

The Registrar was directed to correspond the Board's decision in this matter to Dr.'s LeGallais and West.

**AGENDA 14. Revenue & Expense Projection**

**2006/ 2007 Fees**

The Registrar presented a Revenue & Expense Projection for the 2007 year. A review of the Revenue & Expense process revealed the potential for a modest surplus at the end of the 2006 fiscal year.

It has been recommended by the Board's auditor that the Board should have a surplus reserve at least equal to one years operating costs. Currently the Board's reserve meets this requirement.

**Motion 2006 – 43**

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

“Based on the budget projections, the Board maintains the 2006/ 2007 fees at 2006 levels.”

**Motion Carried**

**AGENDA 15. Items from the Chair**

No items were presented.

**AGENDA 16.      New Business**

- a) The Board reviewed a proposed renewal policy from HKMB for Directors & Officers / Errors & Omissions insurance. The proposed premium of \$ 17,500.00 was consistent with the previous year charges.

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

**Motion 2006 - 44**

“To adopt the proposed Directors & Officers / Errors & Omissions insurance as presented.”

**Motion Carried.**

- b) Meeting dates were selected for the 2007 meeting of the Board:
- January 26, 2007
  - May 11, 2007
  - September 28, 2007

**AGENDA 17.      In camera session**

**AGENDA 18.      Dr. I. Doyle moved to adjourn the meeting at 3:00 p.m.**

Approved: \_\_\_\_\_ Date \_\_\_\_\_

Dr. Andrew Nette, Chair