

BOARD BUSINESS

From the Registrar's Desk

No. 76, October 2022



LICENSING REPORT

The table below shows the historical numbers of licensed dentists, graduate students, registered dental assistants, and corporations since 2017:

Year	Dentists	Graduate Students	Registered Dental Assistants	Dental Corporations
2022 (October 25, 2022)	596	19	842	423
2021 (Dec.31, 2021)	576	19	827	414
2020 (Dec.31, 2020)	567	18	842	395
2019 (Dec.31, 2019)	560	17	831	394
2018 (Dec.31, 2018)	570	19	805	376
2017 (Dec.31, 2017)	559	18	789	393

FUNCTIONAL COMMITTEE APPOINTMENTS AND REAPPOINTMENTS

Since the February 2022 Board Business publication, the Board made the following appointments and reappointments:

Complaints Committee

- Dr. Sarah Foley was appointed to the Complaints Committee.
- Dr. Tom Raddall was reappointed to the Complaints Committee.
- Ms. Alma Layden was reappointed to the Complaints Committee.
- Dr. Clare Champoux will be removed from the Registration Appeals Committee and appointed to the Complaints Committee effective October 10, 2022.



PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

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Mandatory Continuing Dental Education (MCDE) Committee

- Dr. Erin Hennessy was reappointed as Chair of the MCDE Committee
- Ms. Jackie Snooks was reappointed to the MCDE Committee

Dental Practice Review (DPR) Committee

- Dr. David Ingham was reappointed to the DPR Committee.

BOARD COMMITTEE APPOINTMENTS

Chair and Vice-Chair

At the September 23, 2022 meeting of the PDBNS Board, Dr. Russell MacSween and Dr. Sunita Sharma were elected as the Board's Chair and Vice-Chair respectively for two-year terms to begin on January 1, 2023.

FUNCTIONAL COMMITTEE UPDATE

COMPLAINTS COMMITTEE

The Complaints Committee met 9 times since the February 2022 Board Business publication.

February 17, 2022

Case 1: The Committee passed motions to refer the matter to the Discipline Committee and to report the decision in publications of the PDBNS on a named basis. These decisions are being appealed to the Discipline Committee by the registrant in accordance with Section 14 of the [PDBNS Discipline Regulations](#).

March 3, 2022

Case 1: The Committee passed a motion to table the complaint pending a more thorough review of the documentation by the registrant.

Case 2: The Committee passed motions to refer the matter to the Discipline Committee and to have the Registrar conduct regular Dental Practice Review visits until such time as the matter is brought before the Discipline Committee. As well, a motion was passed to report the decisions in publications of the PDBNS on a named basis. The decision regarding publication is being appealed to the Discipline Committee by the registrant in accordance with Section 14 of the [PDBNS Discipline Regulations](#).

March 10, 2022

The Committee reconvened to address the complaint tabled on March 3, 2022 (Case 1). Motions were passed to issue a letter of reprimand and to have the Registrar and/or his delegate

conduct 2 Dental Practice Review visits within the following 24 months. As well, a motion was passed to report the decisions in publications of the PDBNS on an unnamed basis.

March 17, 2022

Case 1: The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

March 31, 2022

Case 1: The Committee passed motions to counsel the registrant and to report the decision in publications of the PDBNS on an unnamed basis.

April 21, 2022

Case 1: The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

May 11, 2022

A special meeting of the Complaints Committee was held pursuant to Section 34 of [The Dental Act](#). After deliberations in this matter, the Complaints Committee passed a motion to place a temporary restriction on the registrant's sedation permit.

May 19, 2022

In response to the registrant's request and in compliance with Section 34(3) of [The Dental Act](#), the Complaints Committee held a meeting on Thursday, May 19, 2022 to hear the registrant's request for termination of the temporary restriction. After its deliberations following the meeting, the Committee resolved to maintain the restriction. As per Section 34(4) of the Act, this decision triggers a referral of the matter to the Discipline Committee which shall hold a hearing within thirty days, unless the dentist requests a hearing date that is more than thirty days after the referral of the matter to the Discipline Committee.

September 8, 2022

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee heard the case of a complaint against a registered dental assistant. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

September 26, 2022

On September 26, 2022, the PDBNS reached an agreement with a dentist who had been the subject of a complaint which was heard on November 21, 2021 and referred to the Discipline Committee.

The complaint resulted from treatment performed in 2015 in which a patient alleged that cessation of anticoagulant therapy prior to a surgical procedure had resulted in a stroke. According to the documentation provided, it appeared that review of the patient's health history, procedures related to informed consent, and instructions regarding ASA cessation were carried out not by the treating dentist, but rather by a different dentist in the practice and a treatment coordinator.

The Complaints Committee determined that although there was no conclusive evidence that the interruption of ASA was the causative factor for the stroke, the dentist had failed to meet the standard of care in the treatment of the patient. They further agreed that a significant portion of the patient's care was delegated inappropriately without the dentist taking personal responsibility, including the failure to elicit a thorough medical history prior to initiating treatment, all of which placed the patient's health at risk. Finally, the panel found that the dentist's protocol for the management of patients on anticoagulants was inappropriate. The Complaints Committee referred the matter to the Discipline Committee.

In the agreement reached on September 26, 2022, the Registrar agreed to stay the proceedings before the Discipline Committee provided that the dentist agree not to return to the practice of dentistry in Nova Scotia. The PDBNS retains the option to re-commence the disciplinary proceedings if the dentist applies to return to practice dentistry in Nova Scotia. In addition, the dentist was required to reimburse the PDBNS for a portion of the costs related to these proceedings.

Other Complaints Business

Over the summer, there has been work on the part of the Registrar, Deputy Registrar, and legal counsel managing various aspects of previous complaints which have required settlement agreements or of which the decisions have been appealed.

As well, investigation and preparation are underway for other complaints which will be brought before the Complaints Committee. There are presently 19 such complaints in various stages of investigation, in addition to multiple complaints against a single registrant.

With respect to these multiple complaints against the single registrant, they will be heard as individual complaints rather than as an aggregate. The first set of these complaints is scheduled to be brought before the Committee in the near future.

Trends in Complaints:

In consideration of the complaints heard over the past months, the Committee directed the Registrar to advise registrants of the following:

- **FEES:** Informed consent includes ensuring that patients understand their financial responsibilities. Although the Board informs the public on its [website](#) and through other communications that *“Provincial legislation does not allow the Dental Board to deal with complaints involving fee disputes or requirements to refund fees”*, **misunderstandings over fees continue to be a significant driver of complaints**. The NSDA has repeatedly sent messaging to dentists regarding this. Notably, on page ii of the 2022 NSDA Fee Guide it is states that “dentists must present the fee for treatment before commencing”. On page 10 of NSDA’s [Principles of Best Ethical Practice](#) is found the following: “Ensure you review the estimated cost range of your treatment options (including lab fees or that there will be lab fees). Do not delegate this important discussion.”
- It is important for dentists to recognize their limitations as well as the need to refer appropriately for consultation and/or treatment.
- Dentists must take measures to ensure that informed consent has occurred. This may entail various modalities, including printed information, signed consent forms, and verbal dentist-to-patient communication. There is no single formula for informed consent which will be effective in all circumstances.
- Dentists are responsible for recordkeeping in accordance with the [PDBNS Recordkeeping Guidelines](#).

DISCIPLINE COMMITTEE

The Discipline Committee has had no meetings since the last publication of Board Business. However, the Chair and legal counsel for the Discipline Committee have been engaged with negotiating settlement agreements for referred cases.

MANDATORY CONTINUING DENTAL EDUCATION (MCDE) COMMITTEE

The MCDE Committee met on March 25, 2022 to perform its annual audit. Of the 20 dentists who were audited, 4 were found to have incomplete audits, all of which were due to failure to provide verification that a course in CPR had been taken within the cycle. Of these 4 dentists, 2 have submitted verification and the others will have until their November 2022 licence renewal to do so.

Although proof of CPR training is required only once per cycle under the MDCE Guidelines, it is of vital importance that all registrants have current certification in CPR/ALS at all times. The timeframe for recertification may vary depending on the provider.

Of the 31 RDAs who were audited, 12 were found to have incomplete audits. Of those, 11 subsequently submitted documentation confirming that the requirements had been met prior to the April 30 deadline for license renewal. 1 DRA did not submit the required documentation prior to April 30 and was struck from the dental assistant’s register.

The Committee wished to remind registrants of the following:

- As per the [MCDE Guidelines](#), *“courses, or their educational equivalent, shall have significant intellectual or practical content directly related to the practice of dentistry or to the professional responsibility or ethical obligation of the participant”*.
- Live webinars will be given credit in Category 1 provided the content is scientific/clinical. In order for on-demand (i.e., not live) online experiences to qualify for Category 1, supporting documentation must indicate that a **post-test** has taken place.
- For regional society meetings where presentations are made, participants will receive 50% of the total meeting hours in Category 3 for meeting attendance. The remaining 50% of the total meeting hours will be assigned to Category 1 or 3, depending on the subject matter. Society administrators are again asked to be mindful of this when providing verification of attendance.

Over the summer, members of the MCDE Committee participated in the pilot run of the PDBNS course on the Management of Medical Emergencies in the Dental Office and gave valuable input. This course was launched on September 1, 2022 and is addressed later in this publication.

DENTAL PRACTICE REVIEW (DPR) COMMITTEE

The DPR Committee met via Zoom videoconference on May 12, 2022 to review self-assessment submissions from the pool of randomly chosen dentists. There were 82 dentists included in the self-assessment. Of those, 13 were randomly chosen for a site visit. The Committee directed the Registrar and/or Deputy Registrar to conduct site visits for 7 additional dentists based on the Committee’s review of the self-assessment submissions.

Each year, questions are asked by dentists regarding the DPR selection process. Many dentists question if the process is truly random. An explanation of this process is as follows:

The PDBNS Dental Practice Review (DPR) process is a legislated requirement of the Board under the [PDBNS Dental Practice Review Regulations](#). The parameters for sampling are also legislated.

As per section 5(1) of the Regulations, *"Once a year, the Committee, using a random sampling process that is approved by the Board and stratified by district, **must** select 15% of licensed dentists in private practice to complete a **self-assessment document**".*

Since 2010, this sampling had been conducted by [Dr. Samuel Stewart](#) of the Department of Community Health and Epidemiology at Dalhousie's Faculty of Medicine. Dr. Stewart is given an anonymized list of numbers from our database corresponding to licensed dentists in private practice which he uses to produce the sample. No names are given to Dr. Stewart. This arm's length process ensures that no dentist is specifically targeted, and that each dentist has an equal likelihood of being selected each calendar year. (For those interested, the randomization is performed in R version 4.1.0, using the command *sample()*, the documentation for which can be found [at this link](#).)

As per Section 6(1) of the Regulations, *"After reviewing and evaluating returned self-assessment documents under subsection 5(3), the Committee, using a random sampling process that is approved by the Board and stratified by district, **must** select 15% of the licensed dentists who*

*returned self-assessment documents for a **practice review**" (i.e., site visit).* Similar to the self-assessment process, this sampling also occurs through an arm's length process conducted by Dr. Stewart.

The likelihood of any given dentist in private practice being randomly selected for a visit in a particular year is 2.25% (15% of 15%). So, while it is possible for a dentist to be randomly selected for visits in two consecutive years, its occurrence would be extremely rare.

In addition to the 15% of those who complete self-assessment forms and are then randomly selected for DPR site visits, the DPR Committee may direct the Registrar and/or Deputy Registrar to conduct a visit if the responses in the self-assessment raise a flag of concern.

REGISTRATION APPEALS COMMITTEE

On October 6, 2022 an appeal was brought before the a panel of the Registration Appeals Committee consisting of the Chair, Dr. Doyle, another dentist and two public members. The appeal had been filed by a dentist previously licensed in another province who was denied licensure based on their failure to accurately complete their application form. This failure included the omission of a substantial complaint/discipline history in the province of previous licensure.

In evaluating applications, the Registrar is guided by and bound to the [Qualifications for Registration and Licensing of Dentists Regulations](#) pursuant to the [Dental Act of Nova Scotia \(1992\)](#).

Specifically, Section 4 of the Regulations outlines the criteria for persons whom the Registrar shall enter in the Dentists' Register. In part, it shall be a person who:

- *"if the subject of a previous written complaint in another jurisdiction provides full details to the Registrar"; and*
- *"completes an application in a form satisfactory to the Board".*

Also pertinent in this matter is Section 30 of the [Dental Act of Nova Scotia \(1992\)](#) regarding **"Consequence of false representation"** which states that *"A person who makes a false representation in an application for registration or licensing shall be struck from the applicable register. 1992, c. 3, s. 30."*

Section 11 of [the Regulations](#) offers a provision for the applicant to appeal the Registrar's decision to deny registration or licensure.

After the lengthy and thorough hearing on October 6, 2022, the Committee deliberated and determined that it would deny the appeal, upholding the decision of the Registrar to deny registration and licensure to the applicant.

These proceedings highlight the importance for registrants to verify that that the information submitted on licence renewal forms and other applications is accurate. This responsibility applies whether or not the completion of the form is delegated.

DENTISTS' RESPONSIBILITY TO PROVIDE EMERGENCY CARE

At its September 2022 meeting, the Board directed the Registrar to remind dentists of their professional and ethical responsibility to provide emergency care for their patients of record. As per Article 4 under Responsibilities to Patients in the [PDBNS Code of Ethics](#):

A dental emergency exists if professional judgment determines that a person needs immediate attention to relieve pain, or to control infection or bleeding. Dentists have an obligation to consult and to provide treatment in a dental emergency, or if they are unavailable, to make alternative arrangements.

Dental emergencies also include the management of post-operative complications of treatment rendered.

This responsibility includes ensuring that patients of record can contact their dentist after hours or that alternate arrangements are in place in the event that the dentist will be unavailable for contact.

It is recognized that dentists will not always be able to provide the necessary operative/surgical treatment for an emergency owing to limitations in skill and/or training. In these cases, however, dentists still have a responsibility to provide assessment, pharmacological management, and referral as appropriate.

INFECTION PREVENTION AND CONTROL (IPAC) STANDARD

At its September 23, 2022 meeting, the Board passed a motion to approve a PDBNS Standard of Practice for Infection Prevention and Control (IPAC) which will be published later in the fall and have a compliance date 3 months following the date of publication.

This 2022 PDBNS Infection Prevention and Control (IPAC) Standard of Practice will be concurrent and in accord with Standards of the other three Nova Scotia Oral Health Regulators: the College of Dental Hygienists of Nova Scotia (CDHNS), the Denturist Licensing Board of Nova Scotia (DLBNS), and the Nova Scotia Dental Technicians Association (NSDTA).

The development of this document was initiated by the Nova Scotia Dental Association's Clinical Affairs Committee as a replacement for the 2013 NSDA document Infection Prevention and Control Guidelines. The Nova Scotia Oral Health Regulators owe a debt of gratitude to this NSDA Committee for the tremendous groundwork laid before transferring responsibility to the Oral Health Regulators. Particular appreciation goes to Dr. Kyla Romard for her dedication to this project.

UPCOMING LICENCE RENEWAL FOR DENTISTS

On October 17, 2022, dentists were sent an email inviting them to complete their online licence renewal. The deadline for submission of the form and payment is November 15, 2022.

PDBNS COURSE ON THE MANAGEMENT OF MEDICAL EMERGENCIES IN THE DENTAL OFFICE

In 2019, the Board of the PDBNS instituted the requirement for all registrants to complete a course on the Management of Medical Emergencies in the Dental Office at least once during their Mandatory Continuing Dental Education (MCDE) cycle.

The first group for whom this is required is the 2020-2023 MCDE cycle cohort. (Registrants are reminded that their MCDE cycle is now printed on their license cards for easy reference.)

Through feedback from registrants, it became clear to us that many individuals were experiencing challenges finding an acceptable course that was accessible financially and/or geographically.

To mitigate these challenges and to facilitate access for registrants, the PDBNS developed an online course option which was launched on September 1, 2022. This course consists of 12 video lectures, each followed by a quiz which must be passed before progressing to the subsequent lecture.

Participants are able to complete the sections at their own pace over the course of 30 days. Upon successful completion of the course, a certificate will be issued, and participants will be awarded 8 MCDE credit hours.

Following successful completion of the course, participants will be sent an email with links to the videos in the lecture series for future reference and review.

The fee structure for the course is as follows:

- PDBNS-licensed RDAs: \$25.00
- PDBNS-licensed dentists: \$50.00
- Non-registrants: \$100

While this course fulfills the mandatory requirement for registrants, in no way are registrants required to take this course specifically. In fact, registrants are encouraged to seek training and education on this important topic from a variety of sources and in a variety of formats.

To date, the uptake of and response to the course have been quite favorable. We would like to express our appreciation to Dr. James Brady and Dr. JC Doucet for their work in developing the lectures for this course as well as to Jean St-Armand of QB Marketing and PDBNS IT Consultant Chris Holland for their expertise in navigating the technological aspects of the course delivery.

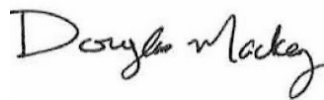
COVID-19

At its meeting on October 24, 2022, the Board passed a motion that that the PDBNS would continue to align its masking policy for dental offices with that of Nova Scotia Health for ambulatory settings pending future re-evaluation.

As per page 5 of the [Nova Scotia Health protocols](#) updated on September 22, 2022, masks are required in waiting rooms.

Dental offices may find it helpful for patients, public, and staff to share [this downloadable poster](#) which identifies the origin of this policy.

Respectfully submitted,

A handwritten signature in black ink that reads "Doug Mackey". The signature is written in a cursive, flowing style.

Dr. Doug Mackey, Registrar