

BOARD BUSINESS

From the Registrar's Desk

No. 62, March 2017



RADIOGRAPHY INSPECTIONS – REPORTS

Biomedical Engineering Inc. has completed dental radiography inspections of most dental offices outside of Halifax and will complete the remainder of the office visits in the Summer - Fall of 2017. In February 2017, Dental X-Ray Radiation Inspection Reports and CBCT Inspection Reports prepared by Biomedical Engineering Inc. were mailed by the Provincial Dental Board to every dental office inspected in 2016. The reports contained detailed information regarding the functionality of the equipment and office protocols. The reports stated that the clinic either passed inspection or that the clinic has reporting requirements based on the findings of Biomedical Engineering Inc.

If the clinic did not pass inspection there are recommendations and reporting requirements. The recommendations must be implemented. The Provincial Dental Board paid the cost of the inspection; however the cost of implementing the recommendations is the responsibility of the owner(s) of the equipment. If there are any questions regarding the recommendations, dentists are advised to contact Mr. Dan Hanson (Biomedical Engineering Inc.) by email at dan@danhanson.net. Mr. Hanson will review the report and provide assistance. For those needing assistance it helps to know where the identifying numbers are on the equipment, which matches the ID number on the report. Each machine is assigned a room ID in the form of a sticker attached either to the head of the machine or near the head, or on the articulating arm as near as possible to the head. The sticker has the Provincial Dental Board colors on it and a 4 or 5 digit code. Most of the service people are aware of this and the locations. If help is needed, it may be worthwhile for the owners to contact their service representative.

For dentists with reporting requirements, a letter of response with supporting documents must be sent by the dentist to the Provincial Dental Board verifying that the recommendations have been met. The deadline for the response is May 31, 2017.



PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

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If there is difficulty complying with the recommendations by the deadline date, dentists are advised to notify the Provincial Dental Board. A failure to comply with the recommendations will result in the Provincial Dental Board filing a written report with the Department of Occupational Health and Safety Division, Province of Nova Scotia, which may initiate further action by the Department through its Regulations as it deems appropriate.

LEGISLATIVE AMENDMENTS

The legislative amendments committee with the guidance of legal counsel is meeting on a regular basis to draft the new *Dental Act*. The current *Act* was enacted twenty-five years ago and requires substantial change to reflect the current landscape of health care regulation in Nova Scotia. Once the draft *Act* is completed it will go to stakeholders for review.

FUNCTIONAL COMMITTEES – UPDATE

Complaints Committee

June 6, 2016

A meeting of the Complaints Committee was held on June 6, 2016. Seven cases were heard and all were dismissed and published on a no-name basis.

September 19, 2016

A meeting of the Complaints Committee was held on September 19, 2016. Two cases were heard.

Case 1: Counsel, publish on a no-name basis.

Case 2: Dismissed, publish on a no-name basis.

October 3, 2016

A meeting of the Complaints Committee was held on October 3, 2016 to hear one case.

Case 1: Dismissed, publish on a no-name basis.

November 7, 2016

A meeting of the Complaints Committee was held on November 7, 2016 to hear four cases.

Case 1: Caution, publish on a no-name basis.

Case 2: Tabled.

Case 3: Caution, publish on a no name basis.

Case 4 Tabled.

December 19, 2016

A meeting of the Complaints Committee was held on December 19, 2016 to hear two cases.

Case 1: Dismissed, publish on a no-name basis.

Case 2: Dismissed, publish on a no-name basis.

Discipline Committee

June 29, 2016

The Discipline Committee was scheduled to meet on June 29, 2016 to hear four Settlement Agreements. The meeting was adjourned.

February 6, 2017

The Discipline Committee met on February 6, 2017 to hear a proposed Settlement Agreement. The following Settlement Agreement was accepted by the Discipline Committee and is published on a no-name basis.

Summary of Settlement Agreement

Further to a complaint received by the Provincial Dental Board of Nova Scotia with respect to dental treatment provided by Dr. xx to a patient, the Complaints Committee of the Provincial Dental Board of Nova Scotia referred the matter to the Board's Discipline Committee for a formal hearing. Pursuant to s. 16 of the Discipline Regulation made under the Dental Act, a Notice of Charge was laid against Dr. xx on 26 February 2016.

In a Settlement Agreement dated 18 May 2016 signed by Dr. xx and the Registrar of the Provincial Dental Board of Nova Scotia, Dr. xx admitted the facts set out in a Statement of Facts with respect to the patient's treatment and that they constitute unprofessional conduct as defined in the Discipline Regulations of the Provincial Dental Board.

On 6 June 2016 the Complaints Committee endorsed the proposed Settlement Agreement and forwarded it to the Discipline Committee.

On 6 February 2017 the Discipline Committee accepted the proposed Settlement Agreement.

Sanctions

Dr. xx and the Provincial Dental Board of Nova Scotia agree that Dr. xx shall be subject to the following sanctions:

- (a) Dr. xx will be issued a written reprimand by the Discipline Committee.*
- (b) Dr. xx is required to successfully complete the Recordkeeping Course offered by the Royal College of Dental Surgeons of Ontario. This course is to be completed to the satisfaction of the Registrar within 12 months of the date of this Settlement Agreement and all costs are to be paid by Dr. xx.*
- (c) Dr. xx is required to successfully complete the Ethics course offered by the Royal College of Dental Surgeons of Ontario. This course is to be completed to the satisfaction of the Registrar within 12 months of the date of this Settlement Agreement and all costs associated with the course are to be paid by Dr. xx.*

(d) *Dr. xx is required to successfully complete a customized educational program to the satisfaction of the Registrar within 12 months of the date of this Settlement Agreement involving the following disciplines:*

- *Oral diagnosis and treatment planning*
- *Endodontics*
- *Fixed and removable prosthodontics*

All costs associated with the program are to be paid by Dr. xx.

(e) *Dr. xx dental practice will be monitored on a semiannual basis for a period of two years following this Settlement Agreement and all costs associated with the monitoring will be paid by Dr. xx.*

(f) *The Discipline Committee shall retain jurisdiction to monitor the implementation of the terms of this Settlement Agreement and may make such further orders or give such further directions as the Committee considers appropriate until all of the terms and conditions have been satisfied by Dr. xx.*

Costs

Dr. xx shall pay the full costs of the discipline proceeding incurred by the Provincial Dental Board of Nova Scotia from the date of the referral of the complaint to the Discipline Committee by the Complaints Committee.

Mandatory Continuing Dental Education (MCDE) Committee

The MCDE Committee meeting and audit was held on February 5, 2017. Eleven dental assistants were audited. Seven were successfully completed and four must be successfully completed by the license renewal deadline (May 1, 2017). Eight dentists were audited; six had incomplete audits and two remain outstanding. These dentists will have until November 30, 2017 to complete the requirements. If licensees do not successfully complete the MCDE audit the licensee will be struck from their Register, and will not be eligible for reinstatement until all MCDE requirements are met.

At the 2016 MCDE audit concerns were identified regarding the provision of courses by non-recognized CDE sponsors or by study clubs not registered or approved by the Provincial Dental Board; and a lack of clarity in the MCDE Guideline document regarding the definition of sponsors of CDE courses. In light of these issues a review of the MCDE Guidelines was undertaken, revisions made, and an updated document was adopted by the Provincial Dental Board at the September 2016 meeting. A copy of the updated MCDE Guidelines will be mailed to all licensees.

Dental Practice Review (DPR) Committee

On December 31, 2016 Dr. Graham Opie (Chair) and Dr. Glen Anderson completed their final terms as members of the Dental Practice Review Committee. At the January 27, 2017 meeting of the Provincial Dental Board, Dr. Joanne Thomas was appointed as Chair and Drs. Mariette Chiasson and Curtis Gergoire were appointed to the Committee.

The DPR Committee meeting and audit is scheduled for April 8, 2017 at which time the self-assessment documents will be reviewed for the dentists randomly chosen for the audit. From this pool a subsequent audit will be performed to determine which dentists will be chosen for site visits of their practices. Dr. Simone Abbass will conduct office visits in the Halifax region while Dr. Gillis will conduct office visits in Cape Breton/ Northern Nova Scotia and the Valley/South Shore regions.

At this time of the year the Board office receives phone calls from dentists questioning why the Board has selected them for the DPR audit when they were chosen the prior year. The answer is that it is a regulatory requirement that all licensed dentists be included in the audit pool regardless of prior audit selection. The Board recognizes this concern and will be addressing this aspect of the audit process when it reviews the Dental Practice Review Regulation during legislative amendments.

Registration Appeal Committee

The Registration Appeal Committee had no activity since the last meeting of the Provincial Dental Board.

FUNCTIONAL COMMITTEE APPOINTMENTS AND REAPPOINTMENTS

Mandatory Continuing Dental Education (MCDE) Committee

Reappointments: Dr. Joanne Carson, Dr. Reena Kapadia, and Ms. Nichole Auby

Dental Practice Review (DPR) Committee

Appointment of Chair: Dr. Joanne Thomas

Appointments: Dr. Mariette Chiasson, Dr. Curtis Gregoire

Complaints Committee

No appointments or reappointments.

Discipline Committee

No appointments or reappointments.

Registration Review Committee

No appointments or reappointments.

Board Committees

One of the outcomes of the Strategic Plan which was adopted in 2016 was to undertake a restructuring of the Board's Committees. At the September 2016 meeting the following changes were adopted by the Board:

1. The creation of an Executive Committee comprised of the Chair, Vice-chair, Past-chair and Registrar;
2. The amalgamation of the Human Resources and Governance Committees into the Human Resources- Governance Committee;

3. The creation of the Standards and Guidelines Committee; and
4. The Finance and Audit Committee will remain unchanged.

A Terms of Reference for each of the new committees will be created and the committees will be populated with members in 2017.

PROVINCIAL DENTAL BOARD APPOINTMENTS

The Provincial Dental Board welcomes Mr. Greg Fevens (Yarmouth, NS) and Mr. David Melvin (Halifax, NS), as the two new public members appointed by Governor in Council on November 1, 2016. Both Mr. Fevens and Mr. Melvin bring considerable experience to the board table which will serve them well in their future service on the Board. At this time the Board also wishes to thank Mr. Stuart Beaton (Antigonish, NS) and Mr. Brian Slaney (Sydney, NS) for their past service as public members on the Board.

LEGAL COUNSEL

In October 2016, the Provincial Dental Board's legal counsel Ms. Ann Smith Q.C. was appointed to the Supreme Court of Nova Scotia. The Board congratulates Justice Smith on her appointment and wishes to thank her for the exemplary service she provided to the Board. The Board welcomes Mr. Jason Cooke into his role as legal counsel for the Provincial Dental Board. Mr. Cooke has worked with Justice Smith at Burchell's prior to her judicial appointment and he is well versed in the workings of the Provincial Dental Board.

NEW PREMISES

In May 2017 the Provincial Dental Board will be moving its office from 1559 Brunswick Street, Halifax to 210 Waterfront Drive, Bedford. Board staff are working to make the transition to the new location as seamless as possible.

LICENSING REPORT

As of March 6, 2017 the number of licensed dentists, students, assistants and corporations are:

Year	DDS	Students	RDA	Corporations
2017	547	20	763	403
2016	555	18	769	406
2015	539	17	791	416
2014	545	11	795	414
2013	561	11	790	407

ON THE HORIZON

Obstructive Sleep Apnea: Dr. Reg Goodday presented on the topic of Obstructive Sleep Apnea to the Board at its January 2017 meeting. Subsequent to his presentation, the Provincial Dental Board will be exploring the creation of Guidelines for Dentists in the Treatment of Obstructive Sleep Apnea with the advice of Dr. Goodday.

Dental Clinics in Long Term Care Facilities: A working group has been struck to examine the regulatory issues of dental clinics in long term care facilities. The working group will report back to the Board outlining regulatory responsibilities for dental practice in these locations.

Respectfully submitted,

A handwritten signature in blue ink that reads "Martin Gillis". The signature is written in a cursive, flowing style.

Dr. Martin Gillis, DDS
Registrar