



Provincial Dental Board of Nova Scotia

Board Business

From the Registrar's Desk
No. 78, November 10, 2023



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NEW DATABASE AND DENTIST LICENSE RENEWAL

The license renewal process for dentists using Alinity, our new database platform, is well underway. Things are generally going quite smoothly as we all learn to navigate this new process.

We have appreciated hearing from some dentists who will be a few days beyond the November 10 deadline for the uploading of final documentation (e.g., verification of CPR/BLS). Having this knowledge helps us manage our workflow and allows us to reassure you that this will not have a catastrophic result for your license renewal.

We realize that in addition to the learning curve on the part of staff here and the ironing out of technical glitches on this first run, adapting to a new internet-based renewal process poses challenges for some registrants. We are working hard to help everyone involved complete this process and appreciate the patience shown by most.

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
2023 (Nov. 10, 2023)	601	18	826	396
2022 (Dec. 31, 2022)	580	19	822	410
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

In compliance with the [Patient Access to Care Act \(PACA\)](#), we are issuing licenses within 5 business days of receiving a **completed application** (unless the applicant wishes to defer).

A completed application means that all required supporting documentation has been submitted and that the Registrar has been able to perform the necessary follow-up that may be triggered by the documentation (e.g., investigation of previous professional conduct history).

STATUTORY COMMITTEE APPOINTMENTS AND REAPPOINTMENTS

At the September 29, 2023 Board meeting, the following reappointments to statutory committees were approved. (There were no new appointments to statutory committees required at that time.)

Complaints Committee

Dr. Nada Haidar (2023 – 2026 October)

Ms. Shirlene Dancause (2023 –2026 September)

Dr. Earle Carson (2023 – 2026 October)

Dr. Blair Raddall (2023 – 2026 October)

Discipline Committee

Dr. Tom Boyle (2023 – 2026 October)

Dr. Stuart Kirby (2023 – 2026 October)

Dr. Mark Sutherland (2023 – 2026 October)

Dr. Natalie Brothers (2023 – 2026 October)

Dr. David Quigley (2023 – 2026 October)

Dr. Wayne Ramier (2023 – 2026 October)

Dr. Chris Baker (2023 –2026 November)

Dr. William Whyte (2023 – 2026 October)

Dr. Daniel MacLellan (2023 –2026 November)

Ms. Michelle Fowler RDA (2023 – 2026 October)

BOARD APPOINTMENTS

Members

In September 2023 Dr. Scott Schofield began the first of three possible three-year terms on the Board as an NSDA appointee. The NSDA has appointed Dr. Asile El-Darahali as its appointee to replace Dr. Terrie Logue who will complete her third and final three-year term on the Board on December 31, 2023.

On October 31, 2023, Ms. Marina Crawford RDA completed her third and final three-year term as a government appointee to the Board. Also on that date, Dr. April Nason completed her first three-year term and did not seek reappointment as she pursues other professional endeavours. I extend much appreciation to Marina, April, and Terrie for their unique and valuable contributions to the Board.

Although I gather that there have been individuals who have applied to government through its [Agencies, Boards, and Commissions \(ABCs\)](#) application process in early summer to replace Marina and April, we are still awaiting word from government on these appointments. We also await word on government's reappointment of Dr. Sunita Sharma for her third term and Dr. Sachin Seth for his second term. Sunita and Sachin completed their second and first terms respectively on October 31, 2023.

Board Committee Appointments

At the September 29, 2023 Board meeting, Dr. Scott Schofield was appointed to the Registration Review Committee and the Infection Prevention and Control Committee.

LEGISLATIVE CHANGES

On October 12, 2023 the Honourable Minister of Health introduced Bill 323 – the [Regulated Health Professions Act](#) which will ultimately replace the existing 21 Acts regulating health professionals in Nova Scotia. The Bill has worked its way through the fall sitting of the legislature and was approved at Third Reading late last evening. The final step for this to become law will be for the Bill to receive Royal Assent, presumably in the very near future.

Like all other Nova Scotia health regulators, the PDBNS welcomes new legislation which will modernize health regulation in Nova Scotia and achieve consistency in regulatory best practices across health professions. The PDBNS specifically welcomes the modernization of its complaints and discipline processes (e.g., allowing the Registrar to dispose of frivolous or vexatious complaints) as well as the institution of bylaw-making powers by the Board which the PDBNS currently lacks under the 1992 Dental Act.

The health regulators are grateful for the consultation process regarding this new Act which took place with the Department of Health and Wellness (DHW) in 2022. It is noteworthy, however, that the regulators were not given the opportunity to see the drafting of the new legislation before its introduction in the House on Thursday, October 12, 2023.

The health regulators had only one working day to review the Bill (63 pages printed) prior to it being presented before the Law Amendments Committee on Monday, October 16, 2023. There were, however, some obvious inconsistencies and ambiguities in the proposed legislation which were identified despite the short timeframe for review. These were communicated to the Law Amendments Committee by Mr. Ryan Baxter of MacInnis Cooper in his role as legal counsel for the Nova Scotia Network of Registered Health Professions (the "Network"). Prior to arriving at

the Third Reading, the Bill had received several amendments in response to the Network's submission at Law Amendments.

Once the Bill receives Royal Assent, the next stage will be the development of general Regulations followed by profession-specific Regulations for the first cohort of professions to be brought under the new Act in 2024 (which we believe will include dentistry). We are hopeful that the consultation process for the development of the Regulations will be more meaningful and responsive to the expertise of the regulators than were the consultations on the Act itself. (This has been expressed to DHW and we have received some assurances that this is typically the case. The Minister herself reiterated this assurance in the House last evening.)

Powers of Ministerial Intervention

A notable change in direction with this legislation is with respect to new powers given to the Minister of Health and Governor in Counsel (Cabinet) to intervene in regulatory matters. Sections 13 through 22 of the Bill outline over one hundred domains in which the Governor in Council and/or the Minister will be able to make Regulations or exert some sort of influence on a regulator. These powers are unprecedented in Nova Scotia health regulation but have been in place in some other provinces.

Although certain aspects of these powers are somewhat concerning to the health regulators, they were not entirely unexpected. The Act contains some "guardrails" to limit government's power. For example, government will not be able to intervene in specific professional conduct (complaints) processes. However, It appears that government will be able to intervene in individual registration and licensing decisions – this was unexpected.

Section 16 and 17 of the Bill outlines the Minister's power to obtain, from the Registrar, registrants' personal information (de-identified "whenever possible") and disclose it for various purposes.

Appointment of an Administrator

Section 22 outlines how the Governor in Council may replace the Board with an administrator it appoints to "exercise all the powers of a regulatory body, its board, officers, or committees...".

One notable case when such power has been used in Canada was in 2012 when the Ontario Minister of Health appointed an administrator to take over the Ontario College of Denturists to "get the college back on stable footing and safeguard the public interest". This is described in a very brief 2012 [Toronto Star article](#) on the matter. A 122-page report commissioned by the Ontario Minister of Health noted "an inability of the college leaders to distinguish between the public interest and the profession's self-interest".

Similar concerns in British Columbia in 2018 led to [An Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act](#) and is ultimately leading to the complete restructuring of health regulation in that province (for all professions).

I am confident that the PDBNS has, and will continue to, diligently execute its mandate to protect the public interest and will not attract such an intervention.

STATUTORY COMMITTEE UPDATE

COMPLAINTS COMMITTEE

The Complaints Committee can report on these previously unpublished proceedings:

June 8, 2023

Case 1: The Committee heard a complaint against Dr. Errol Gaum. The Committee passed motions to **refer the complaint to the Discipline Committee** under Section 11(1)(b) of the [PDBNS Discipline Regulations](#) and to report the decision in publications of the PDBNS on a **named** basis.

Case 2: The Committee heard a complaint against Dr. Errol Gaum. The Committee passed motions to **refer the complaint to the Discipline Committee** and to report the decision in publications of the PDBNS on a **named** basis.

Case 3: The Committee heard a complaint against Dr. Errol Gaum. The Committee passed motions to **refer the complaint to the Discipline Committee** and to report the decision in publications of the PDBNS on a **named** basis.

(The details of these and any other referred complaints are not reported at this stage because, once referred, the ultimate determination of alleged breaches of professional standards rests with the Discipline Committee.)

July 13, 2023

Case 1: The Committee heard 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 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 3: The Committee heard 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.

July 31, 2023

Case 1: The Complaints Committee approved and recommended to the Discipline Committee acceptance of a Settlement Agreement signed by the Registrar and a dentist, related to a complaint heard by the Complaints Committee in January 2023 and referred to the Discipline Committee.

September 14, 2023

Case 1: The Committee heard 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 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 3: The Committee heard 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 4: The Committee heard 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.

September 21, 2023

Case 1: The Committee heard 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 a complaint against a dentist. The Committee passed motions to **refer the complaint to the Discipline Committee** under Section 11(1)(b) of the [PDBNS Discipline Regulations](#) and to report the decision in publications of the PDBNS on an **unnamed** basis.

October 5, 2023

Case 1: The Committee heard 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 a complaint against a dentist, Dr. X. The Committee passed motions to issue a written **reprimand** under Section 11(1)(c)(iii) of the [PDBNS Discipline Regulations](#) and to report the decision in publications of the PDBNS on an **unnamed** basis.

This complaint was lodged by a patient who had complications following the placement of several posterior composite restorations. The Complaints Committee panel determined that the treatment did not meet the expected standard for a dentist in Nova Scotia, most obviously with respect to the contour and occlusal morphology of posterior composite restorations.

Further, it was noted that the patient had come to Dr. X as a new patient with no recent history of dental caries requiring restorations. The preoperative radiographs provided by Dr. X indicated that interproximal lesions extended minimally, if at all, into dentin. Panellists expressed that it would have been more conservative and appropriate in a situation like this, particularly with a new patient, to place the areas of concern under observation, undertake a caries risk assessment, employ preventive measures, and re-evaluate at subsequent recall examinations.

After careful deliberations on this case, members of the panel unanimously determined that in the treatment of the patient, Dr. X had:

- failed to maintain records that included comprehensive documentation of clinical history, assessment, diagnosis, treatment-planning, and progress notes;
- failed to meet a reasonable standard for clinical assessment, diagnosis and treatment-planning;
- failed to meet a reasonable standard of skill, knowledge or judgement in the provision of restorative treatment;
- contributed to pain and suffering for the patient.

The Complaints Committee directed the Registrar to conduct two practice review visits with Dr. X within twelve months and to strongly suggest that Dr. X take continuing education courses related to restorative dentistry.

November 2, 2023

Case 1: The Committee has yet to submit its decision on this complaint. (Under the Discipline Regulations, the Complaints Committee has up to 30 days to submit its decision to the Registrar, after which the Registrar has 7 days to deliver it to the respondent (dentist or dental assistant) and the complaint.

Case 2: The Committee heard 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 3: The Committee heard 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.

Summary of Complaints Committee Decisions

Of the 16 complaints reported above:

- 11 were dismissed,
- 1 resulted in a written reprimand, and
- 4 were referred to the Discipline Committee (3 pertaining to a single dentist).

Trends in Complaints

As previously communicated, the Committee finds that a significant percentage of complaints could be avoided with better communication between the dentist and the patient.

In their review of documentation related to complaints, members of the Complaints Committee frequently comment on the wide variation in the comprehensiveness of clinical notes. Members of the Complaints Committee have noted that they are able to obtain a better picture of clinical situations and patient interactions when the clinical notes are sufficiently detailed. Registrants are encouraged to review the [PDBNS Recordkeeping Guidelines](#).

Advertising and Areas of Practice

The Complaints Committee has directed the Registrar to advise registrants to review the [PDBNS Advertising Standards Regulations](#), specifically Section 6 of the Regulations which states:

“No dentist shall publish, display, distribute, cause or permit directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to the dentist’s practice that....makes reference to an area of practice, dental procedure or treatment unless the advertisement, announcement or information discloses whether the dentist is a licensed specialist or general practitioner and, if a specialist, in what particular specialty.”

The Committee has found that the failure of some dentists to adhere to this Regulation has been misleading to the public and has led to members of the public erroneously believing that a general dentist is providing specialist care. Over the past year, this has resulted in the Complaints Committee finding some dentists in breach of professional standards with respect to advertising.

Further, it should be noted that the current list of dental specialties is well-defined in Section 3 of the [PDBNS Specialist Regulations](#). Advertising or promoting oneself as an “implantologist” or a “sleep dentist”, for example, can be misleading to the public as it can lead them to believe that a general dentist putting this forth is a specialist.

Thanks to the Complaints Committee

Members of the Complaints Committee invest a significant amount of time in preparation for meetings to ensure that they conduct a thorough, fair, and impartial process while keeping their mandate of public protection at the fore.

Recently the Committee had alternate legal counsel present for a meeting since the Board's regular counsel was unable to attend. The individual, who has extensive experience in health regulation, commented in part, *"I was very impressed with the Complaints Committee's process, analysis, and discussions. Dr. Clare Champoux is an exceptional chair. The profession is lucky to have her and the other committee members contribute to their profession in such important roles."*

DISCIPLINE COMMITTEE

August 2, 2023

The Discipline Committee met regarding the matter of a registrant who was arguing their right to appeal a decision of the Complaints Committee following the second hearing of a complaint. The Registrant had been granted a *de novo* second hearing with a new Complaints Committee panel after appealing the decision of the first Complaints Committee panel. Prior to the second hearing, there had been a Consent Order signed by legal counsels for the registrant, the Registrar, and the Discipline Committee that the decision of the second panel could not be appealed.

Early in the August 2, 2023 proceedings, the Discipline Committee granted a petition from the registrants' legal counsel to adjourn the meeting and to reconvene at a later date. In granting this, the Discipline Committee ordered the registrant to contribute \$2000 toward the cost of the proceedings.

October 16, 2023

The Discipline Committee met and approved a Settlement Agreement signed by the Registrar, the Chair of the Complaints Committee, and Dr. Joshua Profitt in accordance with Section 17(A) of the [PDBNS Discipline Regulations](#).

These proceedings followed a complaint which was heard in January 2023 and referred to the Discipline Committee. The case stemmed from findings following an email and photos sent to the Dental Board from a member of the public regarding partially destroyed dental records found on the side of the road. These records were collected by the Deputy Registrar and sorted by the Registrar, Deputy Registrar, and staff. Further investigation revealed that there were multiple patient records which had been transported, stored, and destroyed in an unsecure manner. As well, records had been destroyed which were within the [currently-prescribed retention period](#) for dental records which is 17 years (and for minors, 17 years from the age of majority). In its deliberations, the Committee had found that Dr. Profitt had breached several professional standards. Specifically, the Committee had determined that Dr. Profitt had:

- committed unprofessional conduct under Section 4(1)(g) of the [PDBNS Discipline Regulations](#) by failing to maintain adequate patient records;
- failed to abide by the [PDBNS Dental Recordkeeping Guidelines](#), specifically Section IV (Privacy Compliance) and Section VII (Stewardship of Dental Records);
- failed to comply with the Nova Scotia Personal Health and Information Act (PHIA) as outlined in Section IV of the Recordkeeping Guidelines;
- breached the [PDBNS Code of Ethics Regulations](#) (Responsibilities to Patients Articles 9 and 12) with respect to confidentiality and recordkeeping;
- engaged in infamous conduct under Section 4(4)(c) of the PDBNS Discipline Regulations, in their management of patient records.

At their January 2023 meeting, Complaints Committee panelists had expressed the critical importance of safeguarding patient information. They noted that erosion of public trust in dentists' handling of patient information could result in patients withholding pertinent health information and lead to negative treatment outcomes. The Committee had also noted that it is the responsibility of professionals to be aware of established professional standards and guidelines.

The executed Settlement Agreement can be found [at this link](#).

November 1, 2023

The Discipline Committee reconvened regarding the matter adjourned on August 2, 2023. The matter could not be resolved within the three hours allotted for the meeting.

November 6, 2023

The Discipline Committee reconvened regarding the matter previously adjourned on August 2, 2023 and November 1, 2023. The Discipline Committee has yet to render its written decision at the time of this writing.

MANDATORY CONTINUING DENTAL EDUCATION (MCDE) COMMITTEE

The MCDE Committee has not met since the July 2023 Board Business publication. The Chair of the Committee, Dr. Kevin Walsh, is soon to begin conducting a jurisdictional scan of other Canadian Dental Regulatory Authorities (DRAs) with respect to their models of "continuing competence" assessment. This is in anticipation of new Regulations under incoming legislation.

Mandatory Medical Emergencies Course

Registrants whose current MCDE cycle concludes at the end of 2023 are reminded that they are in the first cohort for whom it is required to take a course on the management of medical emergencies in the dental office. An outline of the course requirements and links to acceptable course options can be found [at this link](#). (MCDE cycles are indicated on registrants' license cards.)

This is distinct from the Board’s requirement that registrants always maintain CPR/BLS certification, the currency of which must be verified at time of license renewal.

DENTAL PRACTICE REVIEW (DPR) COMMITTEE

Office site visits under the DPR process for 2023 are underway. The Chair of the Committee, Dr. Mariette Chiasson, has been trained and has assumed the responsibility of conducting most of these visits.

During visits, five main areas are focused on:

- Infection Prevention and Control
- Medical Emergency Preparedness
- Radiology Protocols
- Sedation (if applicable)
- Recordkeeping

This process is meant to be educational and to encourage dentists to reflect on ways in which they can elevate their standards which are already generally found to be very high. Visits have revealed that the majority of dentists are meeting or exceeding the standards set by the PDBNS. It is very rare that serious concerns are raised.

Where deficiencies exist, they tend to often be in the area of recordkeeping. Dentists are encouraged to review the [PDBNS Recordkeeping Guidelines](#). While the guidelines are not overly prescriptive in terms of the form dental records must take, they are more prescriptive in terms of content. Dental records should include evidence of the following elements:

- adequate patient information/data
- medical history that is sufficiently detailed and updated regularly
- dental history that is sufficiently detailed
- recording of extraoral and intraoral findings, both at initial and recall examinations
- recording of periodontal status, both at initial and recall examinations
- radiographs being ordered on a patient-specific basis and of adequate diagnostic quality
- diagnosis to support treatment prescribed
- treatment planning, options given, and informed consent obtained (the extent varying based on treatment complexity)
- adequate detail in clinical notes

As per the Recordkeeping Guidelines, if no concerns are identified in a comprehensive new patient or recall examination, there should be an indication of “within normal limits” (or “WNL”) for the various elements of a clinical examination.

Interestingly, as noted above, Complaints Committee members have also noted a wide disparity in the levels of recordkeeping in the dental records they review during Complaints Committee proceedings.

REGISTRATION APPEAL COMMITTEE

On Thursday June 29, 2023 the Registration Appeal Committee met to hear an appeal from an applicant who was denied registration and licensure based on them not having passed the Clinical Practice Evaluation administered by the [National Dental Assisting Examining Board \(NDAEB\)](#). The successful passing of this exam is a requirement under the [Dental Act](#) and the [Dental Assistants Regulations](#) for individuals who have not met the continuous practice requirement for applicants previously licensed in another Canadian jurisdiction.

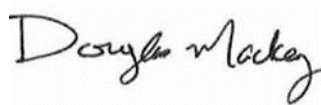
After meeting with the Registrar and appellant and having reviewed the documentation available, the Registration Appeal Committee passed a motion to uphold the decision of the Registrar to deny registration and licensure. This was based on the Regulations in place and the Committee's responsibility to not make a decision which contravenes the Act or Regulations.

In his letter to the appellant outlining the decision, the Chair of the Committee, Dr. Gorman Doyle, encouraged the assistant to take the necessary steps to successfully complete the Clinical Practice Evaluation (CPE) administered by the National Dental Assisting Examining Board (NDAEB) to make them eligible for dental assisting licensure in Nova Scotia. He expressed that the Committee felt that the appellant would be an asset to the dental assisting profession in Nova Scotia.

THANKS

I cannot overstate my appreciation to the members of the PDBNS Board and Committees, consultants, staff, Deputy Registrar, and legal counsel for the work that they do. Although we are a much smaller organization than dental regulators in larger provinces, the PDBNS essentially has to manage and deliver the same number of regulatory processes as these larger regulators, many of which have dedicated and specialized departments of staff to fulfill these roles. I do not expect these demands to diminish as we move forward under new legislation.

Sincerely,

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

Dr. Doug Mackey, Registrar