

**Provincial Dental Board of Nova Scotia  
Meeting 2022 – 06**

**Westin Nova Scotian  
Saturday, November 26, 2022 @ 8:00 am**

A meeting of the Provincial Dental Board of Nova Scotia (PDBNS) was held on Saturday, November 26, 2022 at the Westin Nova Scotian.

**In Attendance:** Dr. Shelly Anderson (Chair)  
Dr. Russell MacSween (Vice-Chair)  
Dr. Daniel Albert (Past-Chair)  
Dr. Kevin Walsh  
Dr. Sunita Sharma  
Dr. Terrie Logue  
Dr. April Nason  
Dr. Sachin Seth  
Ms. Donna Rushton  
Ms. Marina Crawford  
Mr. David Melvin  
Mr. Greg Fevens  
Dr. Doug Mackey (Registrar)  
Ms. Jane Donovan (Executive Assistant)

**Observers:** Ms. Sherry Whytewood, RDA, NSDAA appointee 2023, Dr. Tim Silver, NSDA appointee 2023  
Mr. Steve Grundy, Chief Administrative Officer & Registrar NDAEB  
Mr. Elroy Officer, CDA, President NDAEB

**Regrets:** Dr. Erin Hennessy, NSDA Appointee for 2023

**Agenda 1. Call to Order**

The meeting was called to order at 8:06 am. General instructions regarding the proceedings were provided.

**Agenda 2.** Introductions were made for the benefit of the observers attending the meeting and it was noted that the Board's two public members who have yet to be reappointed by government would be included in discussion but would not be able to vote on matters before the Board.

**Agenda 3. Conflict of Interest Declaration**

The Chair asked the Board if they had or were aware of any other Board members who had a conflict of interest with today's agenda. No conflicts of interest were identified.

**Agenda 4. Approval of the Agenda**

The Chair reviewed the agenda and asked if there were any additions or omissions.

It was moved and seconded – Dr. Sachin Seth and Dr. April Nason

**Motion 2022 - 81**

"That the agenda be approved as presented."

**Motion Carried**

**Agenda 5. Minutes of the September 23, 2022 Meeting**

**a) Errors and/or Omissions**

The Chair asked if there were any errors or omissions in the minutes from the September 23, 2022 meeting. No errors or omissions were identified.

It was moved and seconded – Dr. Sachin Seth and Dr. Kevin Walsh

**Motion 2022 – 82**

"That the minutes of the September 23, 2022 meeting be approved as presented."

**Motion Carried**

**b) Business Arising**

Business arising is incorporated into the agenda.

**Agenda 6. Minutes of the October 24, 2022 Meeting**

**a) Errors and/or Omissions**

The Chair asked if there were any errors or omissions in the minutes from the October 24, 2022 meeting. No errors or omissions were identified.

It was moved and seconded –Dr. Russell MacSween and Dr. Daniel Albert

**Motion 2022 – 83**

“That the minutes of the October 24, 2022 meeting be approved as presented.”

**Motion Carried**

**b) Business Arising**

Business arising has been incorporated into the agenda.

**Agenda 7. Presentation to PDBNS from the National Dental Assisting Examining Board (NDAEB)**

Mr. Steve Grundy, Registrar and Mr. Elroy Officer, President attended the meeting to present to the Board the new branding and logo for their organization. The NDAEB is celebrating their 25<sup>th</sup> year of service to Canada.

Their new logo recognizes their past and symbolizes innovation and their continued quest for excellence. Their logo will represent their commitment to their mission, within a deeper culture of diversity, inclusion, and transparent, evidence-based decision making. Their new look is accompanied by innovation. They announced changes to their exam certificate to make it more verifiable and more accessible for the public, regulators, and oral health practitioners across Canada. They also announced a new 5-year strategic plan that will position the NDAEB for enhanced leadership in dental assisting, accreditation, and assessment along with exciting strategies to embrace the diversity of Canada.

The NDAEB has implemented a Land Acknowledgment statement that recognizes and respects Indigenous Peoples as traditional stewards of this land and the enduring relationships that exists between Indigenous Peoples and their traditional territories.

A plaque was presented to the Board in recognition of the Board’s continued support for the NDAEB which Dr. Mackey accepted on the Board’s behalf.

Ms. Donna Rushton, RDA was also thanked for her continued involvement with NDAEB and for representing the PDBNS for the past nine years in various roles on the Executive of the NDAEB.

**Agenda 8.     Licensing Report**

Ms. Jane Donovan provided the licensing report which focused on the renewal of dentists' licenses which will be coming to an end on November 30<sup>th</sup>. At this point in the renewal process there are still 43 dentists whose license renewals are outstanding. The Board gave direction to the Registrar to send out a final notice via email on the morning of November 30<sup>th</sup> to those outstanding dentists. Any dentist who does not complete the license renewal process by November 30<sup>th</sup> will be subject to a reinstatement fee which is 50% of the annual license fee.

In early December once the license renewal period is over, the incorporated dentists will receive their email to renew their corporation permits.

**Agenda 9.     Chair**

Since the last full Board meeting in September, the Chair, along with the Registrar, attended the Canadian Dental Regulatory Authorities Federation (CDRAF) annual Board meeting by Zoom on October 13<sup>th</sup>. An important topic discussed was the new governance model for the Commission on Dental Accreditation of Canada (CDAC). Under this model, there will be an 11-member Board of Directors (1 nominee from CDRAF), a Standards Review Committee (1 nominee from CDRAF) and four Accreditation Review Committees (2 nominees from CDRAF). Former PDBNS Board member Dr. Chris Baker has been appointed as the CDRAF appointee to the Accreditation Review Committee for dentistry. It was due to Dr. Baker's strong work on the team for the 2016 Dalhousie Dentistry accreditation process that has led to this nomination by CDRAF.

The Chair attended the National Dental Examining Board (NDEB) Annual Meeting held in Ottawa on October 22<sup>nd</sup>. Topics covered included the transition from the Written and OSCE (Objective Structured Clinical Examination) to a single Virtual OSCE beginning in March 2023. There is to be a pilot run in December which CDRAF has asked to be reviewed by the DRAs. The ACS (Assessment of Clinical Skills) exam for graduates of non-accredited dental training institutions is retired and has been replaced with the NDECC (National Dental Examination of Clinical Competence). This examination tests operative

skills as well as situational judgement (e.g., ethics, communication, health promotion, informed consent). With the new testing center, they can now examine year-round, and attempts are unlimited. As well, the new testing centre has provided an environment for examinees which is more pleasant and less stressful than the previous model of testing twice a year at Canadian dental schools.

There have been numerous meetings of the Network of Regulated Health Professions of Nova Scotia (the Network) to develop a joint response to the Department of Health and Wellness (DHW) with respect to proposed legislative changes. This process was guided and the response formulated by Ms. Marjorie Hickey, legal counsel for a number of the health regulators. The Board's Legislative Amendments Committee met on November 2<sup>nd</sup> to finalize the PDBNS' supplemental response with the help of PDBNS legal counsel.

As this was Dr. Anderson's last meeting as Chair and as a Board member after fulfilling 9 years, she took a moment to reflect and to welcome the new Chair, Dr. Russell MacSween.

- **Strategic Plan Review**

The timeframe originally set for the current Strategic Plan was three years (2020-22). However, due to the unforeseen circumstances created by the COVID-19 pandemic, the Provincial Dental Board, like all health regulatory bodies in Nova Scotia, was required to develop protocols and procedures to meet the challenges created by the pandemic. This caused the pausing of some strategic initiatives. The regulatory challenges of the pandemic continue today. As a result, the period for the strategic plan was extended to a four-year plan (2020-23). In 2023 the Board will develop a strategic plan for 2024-2026 once the direction of legislative changes becomes clearer.

- **Update on Legislative Amendments**

Dr. Daniel Albert updated the Board on recent developments regarding the provincial government's move to replace the existing 22 health profession acts with a single "common foundations" Act which would govern all health professions. He explained that each regulator would have profession-specific regulations, by-laws, and policies.

For the benefit of incoming Board members who were present as observers, Dr. Albert reviewed the history of the PDBNS Legislative Amendment file leading up to early 2022 when preparations were underway to hold public consultations on the proposed new Dental Act. He explained that there was some frustration among members of the PDBNS

Legislative Amendments Committee with respect to the significant investment made by the PDBNS leading up to government's move to change direction in early 2022.

The submissions to government from the PDBNS and the Network were included in the resources for reference.

Dr. Albert expressed appreciation for the collaborative approach of the Network of Regulated Health Professions of Nova Scotia (the Network) in discussing these issues and providing feedback to government.

#### **Agenda 10. Board Committee Reports**

##### **a) Human Resources and Governance**

###### **i. Staff Changes**

Dr. Sharma informed that Board that Ms. Valerie Benoit resigned her position as Administrative Assistant at the Board. The HR Committee will be pursuing a replacement in early 2023.

###### **ii. Appointments and Reappointments**

Earlier in the fall, Dr. Rick Raftus had announced his intention to step down from the Complaints Committee effective December 31, 2022 after serving on the Committee since 2005. Dr. Clare Champoux was approached and has agreed to let her name stand for appointment to the position of Chair of the Committee. In a recent development, it was determined that Dr. Raftus would need to stay on the Complaints Committee into the early part of 2023 to complete the hearing of a case which was tabled in late November 2022.

It was moved and seconded – Dr. Sachin Seth and Dr. Kevin Walsh

##### **Motion 2022 – 84**

“That Dr. Rick Raftus step down as Chair of the Complaints Committee and that Dr. Clare Champoux be appointed Chair of the Complaints Committee effective January 1, 2023.”

##### **Motion Carried**

**Mandatory Continuing Dental Education (MCDE) Committee** - With her January 1, 2023 appointment to the Board, Dr. Erin Hennessy's term on the MCDE Committee will end.

It was moved and seconded – Dr. Sachin Seth and Dr. Daniel Albert

**Motion 2022 – 85**

“That Dr. Kevin Walsh be appointed to the MCDE Committee as Chair effective January 1, 2023.”

**Motion Carried**

**Dental Practice Review (DPR) Committee** - In the spring of 2022, Dr. David Ingham asked that he not be appointed for an additional term on the DPR Committee. Since a replacement could not be found after some searching, Dr. Ingham graciously agreed to stand for reappointment until a replacement could be found.

It was moved and seconded – Dr. Sachin Seth and Dr. Sunita Sharma

**Motion 2022 – 86**

“That Dr. Daniel Albert be appointed to the Dental Practice Review Committee effective January 1, 2023.”

**Motion Carried**

**Registration Appeals Committee** - The removal of Dr. Clare Champoux from the Registration Appeals Committee in October 2022 left a vacancy.

It was moved and seconded – Dr. Sunita Sharma and Dr. Terrie Logue

**Motion 2022 – 87**

“That Dr. Sarah Fakhraldeen be appointed to the Registration Appeals Committee effective November 26, 2022.”

**Motion Carried**

Dr. Ian Doyle will be retiring and relinquishing his licence on November 30, 2022 and therefore will end his term on the Committee.

It was moved and seconded – Dr. Sunita Sharma and Ms. Donna Rushton

**Motion 2022 – 88**

“That Dr. Terry Worthen be appointed to the Registration Appeals Committee effective November 26, 2022.”

**Motion Carried**

**b) Finance and Audit**

**i. Proposed Fixed Rates for Legal Services**

Dr. Logue presented a proposal from PDBNS legal counsel Mr. Jason Cooke of Burchell’s LLP regarding a fixed hourly rate for 2023-2024.

It was moved and seconded – Dr. Terrie Logue and Dr. Daniel Albert

**Motion 2022 – 89**

“That the hourly fixed rate for Mr. Jason Cooke (Legal Counsel) be approved for 2023 – 2024 as presented.”

**Motion Carried**

**c) Standards and Guidelines**

**(i) EDIAA Committee Draft Policy**

Dr. Russell MacSween presented to the Board the draft policy on “Equity, Diversity, Inclusion, Access and Anti-racism” (EDIAA) that his Committee has been working on. The purpose of this EDIAA Policy is to ensure that the PDBNS remains focused in its commitment to protecting the interests of the general public by ensuring that the diverse needs and realities of all Nova Scotians are reflected and considered. The goal is for every member of the Board, the functional committees and staff to embrace EDIAA values as they participate in the Dental Board’s processes and decision-making. Support was expressed by the Board members of the work done so far. Dr. MacSween indicated that the Committee would continue to refine the document in the coming months.

## **Agenda 11. Old Business**

### **Recognition of Dental Anesthesia as a Dental Specialty**

All Canadian dental regulatory authorities (DRAs) had been asked to submit a completed table indicating their level of support for various aspects of the application from the Canadian Academy of Dental Anesthesia for specialty recognition. The four criteria groups for which feedback was requested centered around whether there was:

- a sponsoring organization
- a distinct body of knowledge
- need and value (e.g., to improve oral health care)
- acceptable advanced education

After a fulsome discussion among Board members, there was general consensus that although the application may satisfy the criteria for specialty recognition as laid out in the process established by CDRAF, this did not necessarily satisfy all Board members concerns regarding how this recognition could potentially impact public safety. Specifically, Board members were uncertain whether a PDBNS Standard of Practice would supersede a definition of scope of practice put forth by the professional association and whether the PDBNS would be able to defend a challenge to its Standard with respect to various parameters around dental anesthesia. Such parameters include location of treatment (i.e., distance from hospital), age and health status of patients for out-of-hospital treatment, and composition of the treatment team (i.e., whether the anesthetist and operative/surgical dentist can be the same person).

Direction was given to the Registrar to seek a formal opinion from legal counsel on the relative authority of a PDBNS Standard of Practice and a position of a professional association.

## **Agenda 12. New Business**

### **a. Communications with Government regarding Public Board Members' Appointments**

Public members are now expecting to receive their reappointments by mid-December 2022.

### **b. PDBNS Policy on Registrants with Bloodborne Pathogens**

At the September 2007 meeting of the PDBNS Board, a motion was passed to “adopt the College of Physicians and Surgeons of Nova Scotia (CPSNS) process that provides Provincial Dental Board licensees access to the Colleges Ad Hoc Committee on Bloodborne Pathogens”. Through this process, a medical or dental licensee who self-identified as having a bloodborne pathogen (e.g., HIV, Hepatitis C) would receive expert

advice from an arm's length committee regarding their medical/dental practice in the interest of furthering the safety and well-being of Nova Scotians.

The committee would also monitor the progression of the licensee's illness and provide an annual written report to the appropriate regulatory authority (CPSNS or PDBNS). In 2013, then PDBNS Registrar Dr. Bill MacInnis confirmed with Dr. Gus Grant, Registrar of the CPSNS, that the PDBNS remained committed to using the services of the committee.

Dr. Grant has recently indicated that the CPSNS has since disbanded the Ad Hoc Committee on Bloodborne Pathogens. It is the current view of the CPSNS that hepatitis and HIV among physicians (including surgeons) carry no greater risk to patients than other issues such as mental health issues and burnout. This is in light of the fact that these bloodborne diseases are very well managed with today's treatments. Individuals with HIV, for example, who are adherent to prescribed antiretroviral therapy tend to have an undetectable viral load. As such, the CPSNS no longer has a separate stream for such registrants. Dr. Grant suggested to Dr. Mackey that it would be prudent to obtain a fitness to practise attestation from the licensee's treating physician and that there could be a requirement to provide this at the time of annual license renewal.

After a fulsome discussion, support was expressed to move toward the process similar to the one currently in place for the CPSNS.

It was moved and seconded – Dr. Daniel Albert – Ms. Donna Rushton

#### **Motion 2022 – 90**

"That prospective or current licensees who have any bloodborne pathogen be required to disclose this and have their treating physician submit a fitness to practice attestation at the time of initial application and at annual license renewal."

#### **Motion Carried**

Board members directed the Registrar to revisit the health attestation on the current application for registration and license renewal to ensure it adequately stressed the imperativeness of registrants disclosing health issues which could potentially negatively affect the health and safety of patients or staff.

c. Letter from CAOMR and PDBNS Response

Dr. Mackey shared correspondence from the Canadian Association of Oral and Maxillofacial Radiologists over the interpretation of radiographic images by individuals not licensed in Canada or potentially not licensed in any jurisdiction.

There was a discussion around accountability with respect to the prescription, taking, and interpretation of radiographs. It was acknowledged that dentists are prudent to recognize their limitations and refer to an outside interpretation service as appropriate. In light of the fact that there are no oral and maxillofacial radiologists in Nova Scotia, dentists may need to engage interpretation services outside Nova Scotia and that in these instances, the prescribing dentist is ultimately responsible for the interpretation of the radiograph. This will be highlighted in the PDBNS Oral Radiology guideline which is in development.

d. Inquiries Regarding Scope of Practice for RDAs

Dr. Mackey outlined some of the questions received by the PDBNS office from registrants who seek clarification on the scope of practice for RDAs. While some of these questions are easily answered by referring to current legislation, other questions are less-easily answered (e.g., those involving emerging technologies). The PDBNS looks forward to the hopefully increased agility in adapting standards of practice under the new legislative framework.

e. Dental Assistants added to list of Professionals Eligible for Permanent Residence

The federal government recently announced 16 new professions/trades for which individuals would be eligible for an expedited process to obtain permanent residency status as the federal government looks to boost immigration to tackle labour shortages across the country. Among these occupations is dental assisting. There was discussion that while these positive changes facilitate individuals in navigating the immigration process, it is important that regulatory standards are maintained with respect to qualifications for licensure so that the public is protected by having appropriately trained and qualified individuals receive licensure.

It was moved and seconded – Dr. April Nason and Ms. Donna Rushton

**Motion 2022 – 91**

“That the meeting be moved *in camera*.”

**Motion Carried**

It was moved and seconded – Dr. Daniel Albert and Mr. David Melvin

**Motion 2022 – 92**

“That the formal meeting be adjourned.”

**Motion Carried**

Following the conclusion of the formal agenda, there were two guest presenters:

11:00-12:00 Presentation from Mr. Dean Benard of [Benard + Associates Inc.](#) on Equity, Diversity, Inclusion and Access

1:00-3:00 Presentation/Workshop with Ms. Maureen Olson of [The Chapman Group](#) on Governance and the Role/Mandate of the PDBNS and its Board Members

  
Dr. Shelly Anderson, Chair

  
Date