

PROVINCIAL DENTAL BOARD
OF
NOVA SCOTIA



PROCEEDINGS
2016

2016 BOARD PROCEEDINGS

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PROVINCIAL DENTAL BOARD OF NOVA SCOTIA
December 31, 2016



Chair – Christopher A. Baker
Vice Chair – Dr. Kevin Walsh
Registrar – Dr. Martin Gillis

Board Membership 2016

| <u>Member</u> | <u>Appointment</u> | <u>Term</u> |
|-----------------------------|--------------------|------------------|
| Dr. Chris A. Baker, Chair | Government | August 2017 (3) |
| Dr. Kevin Walsh, Vice-Chair | NSDA | Dec. 2019 (2) |
| Dr. Clare Champoux | NSDA | Dec. 2017 (3) |
| Dr. David Dignan | Government | August 2017 (2) |
| Dr. Tom Raddall, III | Government | August 2017 (3) |
| Dr. Daniel Albert | NSDA | Dec. 2019 (2) |
| Dr. Shelly Anderson | NSDA | Dec. 2019 (2) |
| Dr. Terrie Logue | NSDA | Dec. 2017 (1) |
| Ms. Donna Rushton, RDA | NSDAA | Dec. 2019 (2) |
| Ms. Marina Crawford, RDA | Government | August 2017 (1) |
| Mr. Greg Fevens | Government | October 2019 (1) |
| Mr. David Melvin | Government | October 2019 (1) |
| Dr. Tom Boran, Dean | Observer | |



Provincial Dental Board of Nova Scotia

Left to right: Ms. Marina Crawford; Dr. Shelly Anderson; Dr. Tom Raddall, III; Dr. Clare Champoux; Dr. Terrie Logue; Dr. Dave Dignan; Ms. Donna Rushton. Seated: Dr. Martin Gillis (Registrar); Dr. Chris A. Baker (Chair); Dr. Kevin Walsh (Vice-Chair)

Functional Committees 2016

Discipline Committee

Dr. Tom Boyle, Chair

Discipline Committee Membership

Complaints Committee

Dr. John S. Christie, Chair

Complaints Committee Membership

| | | | |
|--------------------|-----------|-------------------|-----------|
| Dr. Tom Boyle | Oct. 2017 | Dr. John Christie | June 2017 |
| Dr. Janet Cullinan | Dec. 2017 | Dr. Lee Erickson | June 2018 |
| Dr. Wayne Raimer | Oct. 2017 | Dr. Kim Mailman | Oct. 2017 |

| | | | |
|---------------------------|-----------|----------------------------|-----------|
| Dr. Ian Ross | May 2018 | Dr. Paul MacEachern | Oct. 2017 |
| Dr. Natalie Brothers | Oct. 2017 | Dr. Richard Raftus | Oct. 2017 |
| Dr. Peter Tomson | Oct. 2017 | Dr. Earle Carson | Oct. 2017 |
| Dr. Yvon Belliveau | Oct. 2017 | Dr. Blair Raddall | Oct. 2017 |
| Dr. William Whyte | Oct. 2017 | Dr. Nada Haidar | Oct. 2017 |
| Dr. Stuart Kirby | Oct. 2017 | Dr. Claire Karst | Oct. 2017 |
| Dr. Karen Furlong | Oct. 2017 | Ms. Natalie Penney, RDA | June 2017 |
| Dr. David Quigley | Oct. 2017 | Ms. Shirlene Dancause, RDA | Aug. 2018 |
| Dr. Mark Sutherland | Oct. 2017 | Ms. Alma Layden, RDA | June 2019 |
| Ms. Michelle Fowler, RDA | Oct. 2017 | Ms. Janelle Gray, Public | Jan. 2017 |
| Mr. R. Desborough, Public | June 2017 | Mr. Bill Watson, Public | Oct. 2017 |
| Mr. Michael Muise, Public | Oct. 2017 | | |
| Mr. John Scott, Public | June 2019 | | |

MCDE Committee

Dr. Doug Mackey, Chair

MCDE Committee Membership

| | |
|------------------------------|---------------|
| Dr. Doug Mackey, Chair | Jan. 2018 (2) |
| Dr. Joanne Carson | Oct. 2018 (3) |
| Dr. Reena Kapadia | Jan. 2017 (1) |
| Ms. Nichole Auby, RDA | Nov. 2018 (3) |
| Ms. Krista Emينو-Savory, RDA | Jan. 2018 (2) |

DPR Committee

Dr. Graham Opie, Chair

Dental Practice Review Committee Membership

| | |
|------------------------|---------------|
| Dr. Graham Opie, Chair | Dec. 2016 (3) |
| Dr. Joanne Thomas | Jan. 2018 (1) |
| Dr. Glenn Anderson | Dec. 2016 (3) |

Board Committees

Finance & Audit Committee 2016

| | | |
|--------------------------|------|-----------|
| Dr. Daniel Albert, Chair | NSDA | Dec. 2019 |
| Dr. Terrie Logue | NSDA | Dec. 2017 |

Human Resources Committee 2016

| | | |
|---------------------------|------|-----------|
| Dr. Clare Champoux, Chair | NSDA | Dec. 2017 |
| Dr. Shelly Anderson | NSDA | Dec. 2019 |

Governance Committee 2016

| | | |
|------------------------|------------|-------------|
| Dr. Dave Dignan, Chair | Government | August 2017 |
| Dr. Kevin Walsh | NSDA | Dec. 2019 |
| Ms. Donna Rushton | NSDAA | Dec. 2019 |
| Ms. Marina Crawford | Government | August 2017 |

Ad-hoc Committees

Radiography / CBCT 2016

Dr. David Dignan (Chair)
Dr. Kevin Walsh
Ms. Donna Ruston
Dr. Martin Gillis

Registration Review 2016

Dr. Kevin Walsh (Chair)
Dr. David Dignan
Ms. Donna Rushton
Dr. Martin Gillis

Botox 2016

Dr. Shelly Anderson (Chair)

Dr. Daniel Albert

Dr. Clare Champoux

Ms. Marina Crawford

Dr. Martin Gillis

Dental Assisting 2016

Dr. Daniel Albert (Chair)

Ms. Donna Rushton

Ms. Marina Crawford

Legislative Amendments 2016

Dr. Chris Baker (Chair)

Dr. Kevin Walsh (Vice-Chair)

Dr. Tom Raddall, III (Past Chair)

Dr. Martin Gillis

Sedation 2016

Dr. Daniel Albert, Chair

Dr. Terrie Logue

Dr. Curtis Gregoire

Dr. Jennifer MacLellan

Dr. Martin Gillis

Record Keeping 2016

Dr. Kevin Walsh, Chair

Dr. Terrie Logue

Dr. Joanne Thomas

Ms. Ann Smith

Ms. Morgan Knickle-Smith

Report of the Chair – 2016

The Provincial Dental board of Nova Scotia (PDBNS) held five full Board meetings in 2016. Three meetings were hosted at the office of the PDBNS, those of January 29, May 27, and September 29/30. There were also two conference calls involving the full Board, these on April 7 (conference call), and December 5 (conference call).

On January 1, 2016, Dr. Christopher A. Baker and Dr. Kevin Walsh assumed their new positions as Chair and Vice-Chair of the Provincial Dental Board. They will serve two year terms.

The PDBNS welcomed two new appointees in 2016. Mr Greg Fevens and Mr David Melvin joined the Board for Orientation in November and participated in their first meeting on the conference call of December 5. They were both appointed as Public Representatives by Governor in Council, and will serve three-year terms.

In 2016, The PDBNS developed and adopted a Strategic Plan, setting a clear direction for Board members and staff, and serving as a decision making tool for the organization. With strict consideration of our mandate of public protection, all activity, guided by the core values will support the strategic mission and vision of the organization. An operational plan has been formalized to aid in implementation of the strategies outlined, and to assist as the board moves forward. After the three year time frame, the Board will review the Strategic Plan and reflect upon strategic direction beyond 2019.

In 2015 the PDBNS was tasked by the Department of Health and Wellness to move forward with legislative amendments to the 1992 *Dental Act*, the purpose of which is to become current with legislative expectations pertaining to the PDBNS's mandate and role as a regulatory authority. This necessitates the separation of the Nova Scotia Dental Association from being a component of the same *Act* that regulates the Board and its activities. The Association will be responsible for the production of it's own legislation, and this legislation, along with a revised *Dental Act*, is expected to move forward to gain government approval in tandem.

The Provincial Dental Board has updated the registration forms for both dentists and dental assistants applying for licensure and licensure renewal in Nova Scotia. With the new application forms, applicants for registration and licensing as a dentist or dental assistant will be required to answer questions about conduct during academic studies, and judicial past conduct. These forms required strengthening to ensure due diligence in all aspects of the PDBNS's licensure process.

The Provincial Dental Board has engaged the services of Innovative Biomedical Engineering Ltd. to perform radiographic inspections of dental offices in Nova Scotia. All radiographic equipment will be inspected to evaluate the proper functioning of dental radiography devices in Nova Scotia. The Provincial Dental Board will pay the cost of the inspection. To support the Radiography and Cone Beam Computed Tomography Inspections, the Provincial Dental Board has developed a Policy which was adopted at a meeting on April 7, 2016.

The Finance Committee forwarded a balanced Budget for 2017 which was adopted at the September 2016 meeting. The PDBNS approved a 3% increase in fees in all licensing categories for 2017, resulting in the following license fees: Dentists - \$1112.00; Dental Assistants - \$228.00; Students - \$64.00; and Corporation Permit Fees - \$171.00.

The Board currently has ad hoc committees struck for the review and update of several guideline documents: Recordkeeping, Sedation, Mandatory Continuing Dental Education (MCDE) and Botox. It is anticipated that updated versions of these guidelines will be completed in 2017. Recordkeeping Guidelines review requires the incorporation of regulations on privacy legislation. Sedation Guidelines review will introduce facility visits by inspection teams. The review of the MCDE guidelines redefined a number of categories, and review of Botox policy will focus on determining competency for the delivery of care.

The Board continues to collaborate with its stakeholders.

The PDBNS, along with the NSDA, met with the Denturists Licensing Board to discuss the expansion of their scope of practice. The Denturists will consider the information provided to them and contact the PDBNS and the NSDA with a proposal for legislative change to their Act.

The Commission on Dental Accreditation of Canada (CDAC) is the body responsible for accrediting dental, dental specialty, dental residency, dental hygiene and dental assisting education programs in Canada. Dalhousie University Faculty of Dentistry was selected for accreditation review of its DDS and QP programs, as well as its Graduate Periodontics and Oral and Maxillofacial Surgery Residency Programs in February 2016. The Chair, representing the PDBNS, was included on the survey team. Following a series of site visits, a comprehensive Accreditation Report was formulated, including recommendations and suggestions to be implemented to ensure the ongoing quality of the education of dentists in Nova Scotia.

The Board continues to play an active role in our National Regulatory organization, the Canadian Dental Regulatory Authorities Federation- the CDRAF. Participation facilitates involvement in regulatory issues on a national, and occasionally, international scale.

The Chair, Vice-Chair, and Registrar met with the Minister of Health and Wellness in November 2016. Updates as to the Board's activities were provided and respectful and well-informed discussion was realized.

The Provincial Dental Board engaged a summer student employee to assist at the Board office. She assisted the Registrar and Executive Assistant in conducting a research project on the root causes of complaints received at the Provincial Dental Board.

The Mandate of the PDBNS is public protection, a role each and every member of the Board takes very seriously. Decisions are arrived at by consensus, with fairness and respect. Gratitude must be expressed to the Members of the Board for their hard work and unwavering commitment, and to the exceptionally dedicated Board staff for their focus and strong support. Special recognition must also be extended to Dr. Tom Raddall III, Past Chair, for sharing his wealth of experience, and careful wisdom. His guidance has been invaluable.

Respectfully Submitted,
Dr. Christopher A. Baker, Chair

Report of the Registrar – 2016

Statistics (December 31, 2016)

| | |
|----------------|-----|
| DDS | 549 |
| DDS Students | 19 |
| RDA | 746 |
| Incorporations | 384 |

Provincial Dental Board

Board Appointments

| | |
|------------------|----------------------------|
| Mr. Greg Fevens | Public member (Government) |
| Mr. David Melvin | Public member (Government) |

Board Reappointments

| | |
|---------------------|-------|
| Dr. Daniel Albert | NSDA |
| Dr. Shelly Anderson | NSDA |
| Ms. Donna Rushton | NSDAA |
| Dr. Kevin Walsh | NSDA |

Functional Committees

The following appointments and reappointments to the Board's Functional Committees were approved:

Complaints Committee

| | |
|--------------|----------------|
| Appointments | Reappointments |
| None | None |

Dental Practice Review Committee

| | |
|-------------------|----------------|
| Appointments | Reappointments |
| Dr. Joanne Thomas | None |

Discipline Committee

| | |
|----------------|----------------|
| Appointments | Reappointments |
| Mr. John Scott | None |

Mandatory Continuing Dental Education

| | |
|--------------|----------------------|
| Appointments | Reappointments |
| None | Dr. Doug Mackey |
| | Dr. Joanne Carson |
| | Dr. Natalie Bouchard |
| | Ms. Nichole Auby |

Board Committees

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

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.

Respectfully submitted,
Dr. Martin R. Gillis, Registrar

Report of the Complaints Committee 2016

2016 was a year of increasing activity for the Committee. Each year seems to be busier than previous ones with increasing numbers of complaints of ever more complexity. As a legal forum, it is incumbent, on the members to be well prepared and thus preparation time is getting more onerous. The Committee views its role as the Board mechanism to identify those complaints which have merit and then determine what can be done by way of corrective action. A large number of complaints are dismissed while others are concluded with a counsel, caution, or reprimand. Generally, advice is offered which the members hope will encourage the defending licensee to modify their treatment or administration methods to avoid future complaints. Regrettably a small number of complaints are serious enough or of sufficient complexity that they must be forwarded to the Discipline Committee for a full hearing. The members of the Committee have never taken a referral to Discipline lightly. It is worth noting that Complaints hearings are confidential whereas Discipline hearings are open to the public.

The question then is how does a licensee avoid coming into contact with either Committee? Sometimes there is no easy answer. The provision of dental care being the complex and very personal branch of health care that it is, there are bound to be occasional issues arise in spite of best efforts and outstanding care. No one hits a home run every time. The risk of generating a complaint is often heightened by increased and sometimes unrealistic patient expectations. The members of the Committee are well aware of these realities.

However, many complaints are successfully defended if the licensee demonstrates the following:

1. Comprehensive, accurate progress notes and records

2. Good evidence of thorough treatment planning
3. Good evidence that all reasonable treatment options were presented
4. Evidence that appropriate referrals to specialists were recommended

I would like to thank, the members of the Committee, Registrar Martin Gillis, and Jane. Congratulations to legal counsel Ann Smith on her appointment to the bench and welcome to Jason Cooke, her successor.

Respectfully submitted,
Dr. John Christie, Chair

Report of the Discipline Committee - 2016

This past year, 2016 saw lots of preparatory activities at the Discipline Committee but no actual hearings were held. The hearings will be held sometime early 2017.

On a positive note, we welcomed Mr. John Scott to the Committee as a member of the general public.

I would like to thank all the members of my committee who make my job easy by always being available when asked.

Respectfully submitted,
Dr. Tom Boyle, Chair

Report of the Registration Appeal Committee - 2016

The Provincial Dental Board received no appeals of registration or licensing decisions made by the Registrar in 2016. As a result the Registration Appeal Committee experienced no activity in 2016.

Respectfully submitted,
Dr. Eric Hatfield, Chair

Report of the Mandatory Continuing Dental Education Committee - 2016

The Mandatory Continuing Dental Education (MCDE) Committee of the Provincial Dental Board of Nova Scotia (PDBNS) had a productive year. The Committee met for regular business on February 5, 2016 with all members present, as well as the Registrar, Dr. Martin Gillis and PDBNS staff person, Ms. Jane Donovan.

The Committee reviewed correspondence from two licensees enquiring whether courses that they sponsored at their offices would be eligible for MCDE credits. After much discussion, the Committee held that under the current guidelines, for such courses to be eligible, they would have to fall under the umbrella of an approved study club or have an approved sponsor. In essence, an individual

dentist, whether a specialist or a generalist, should not expect to independently offer courses and have them accepted for credit.

There was also an enquiry from a licensee as to whether training to become a yoga instructor would qualify for MCDE credit. The Committee held that while there is a myriad of activities that could contribute to the wellness of a licensee, courses must have specific relevance to the practice of dentistry to be eligible for credit.

Under the Audit Review process for the 3-year cycle ending in December of 2015, a sample of 22 dentists and 18 dental assistants was randomly selected by RK House.

Of the dentists sampled, the Committee found 13 to have incomplete audits. All 13 dentists were contacted and subsequently completed their audits prior to the December 1, 2015 re-licensure date.

Of the dental assistants sampled, the Committee found 9 to have incomplete audits, which were returned to the dental assistants with requests from the Committee. By April 30, 2014, 8 of the dental assistants in question had completed their audits. The 9th had moved to another jurisdiction without notifying the PDBNS.

It is worth noting that in the majority of instances, the incomplete audits occurred as a result of incomplete documentation submission rather than an inadequate number of continuing education credits.

There were also instances in which licensees had submitted courses that were not offered by approved sponsors (as described in paragraph 2 above).

On September 1, 2016, I met with Dr. Gillis to review the MCDE Guidelines which had not been updated since 2003. Specifically, we were hoping to improve the clarity of sections involving study clubs, course sponsorship, and qualification for Category 3 credit hours. Several amendments were proposed and the revised Guidelines were presented to the Board for review at their September meeting.

Respectfully Submitted,
Dr. Doug Mackey, Chair

Report of the Dental Practice Review Committee - 2016

In January of 2016, a stratified random sample of 75 dentists, completed by Dr. Sam Stewart of Dalhousie University, was selected to complete the annual Dental Practice Review Self-Assessment document. The sample included 40 dentists from HRM, 21 from Yarmouth-South Shore-Valley and 14 from Northeastern-Cape Breton.

The Dental Practice Review Committee met in April of 2016 to review the returned Self-Assessment forms. Follow-up reports were sent to the participating dentists notifying them that they either satisfactorily completed the audit or that they had to supply the Dental Board with additional information. Committee discussion also involved minor modification of the 2017 Self-Assessment form.

Subsequently, a secondary stratified random sample of 17 dentists was selected to participate in an office site visitation. These visits were satisfactorily completed by the Registrar's office.

The Dental Practice Review process was conducted with transparency, co-operation and support from the members.

Respectfully submitted,
Dr. Graham Opie, Chair

Report of the NDEB – 2016

This past year was a busy and productive one for the National Dental Examining Board of Canada (NDEB). The NDEB has implemented some changes in its organizational structure and is moving forward on some important initiatives. The organization continues to deliver Examinations and Assessments which are respected internationally.

Our Examinations and Assessments continue to perform well, as is verified by rigorous post-examination statistical analysis. In 2016, 1010 dentists were certified through our licensing examinations. As in previous recent years, approximately 50% of these were graduates of dental training institutions outside of Canada.

Much of the NDEB's focus is on the delivery of the Equivalency Process (EP), the assessment process for graduates of non-accredited institutions. In 2016 the NDEB received 1093 new applications from individuals wishing to participate in the EP, a number which is fairly consistent with previous years. In the same timeframe, 292 participants successfully completed all 3 Assessments of the EP and became eligible to challenge the Certification Examinations. The decision to continue administering Assessments twice a year is putting demands on the NDEB's resources.

Having successfully defended a complaint to the Human Rights Tribunal of Ontario by an unsuccessful EP participant in 2015, the NDEB is now involved in a judicial review. We have been made aware that other unsuccessful participants have engaged lawyers and we anticipate more judicial reviews. The efforts to defend the fairness of our Assessments are a huge draw on financial and human resources.

The Electronic Examination Implementation Team of the NDEB is making great strides in the development of the new integrated examination, the VOSCE, which will replace the present Written and OSCE Certification Examinations. The target date for this change is 2020. While the present Examinations are internationally recognized as being valid, reliable, and fair assessment tools, we feel that the new format, delivered electronically, will enable us to deliver test items through which candidates will demonstrate integration and application of knowledge in clinical applications. We also feel that this format will be more resistant to test reconstruction and copyright infringement.

The period ahead will once again be defined by change. We are presently engaged in a search to replace Dr. Jack Gerrow, our longstanding Executive Director and Registrar, who anticipates retirement in the coming year. The NDEB will continue to strive to serve the provincial DRAs, establish and maintain a standard for dental practitioners in Canada, and contribute to the protection of the public interest in oral health care.

Respectfully Submitted,
Dr. Doug Mackey
Nova Scotia Board Member and NDEB President