Provincial Dental Board of Nova Scotia Meeting 2021 – 08

Council Chambers, Student Union Building Dalhousie University 6136 University Ave, Halifax, NS

Friday September 24th, 2021 - 8:30am

A meeting of the Provincial Dental Board of Nova Scotia was held on September 24, 2021 at the Council Chambers, Student Union Building, Dalhousie University, 6136 University Ave, Halifax, Nova Scotia.

In Attendance: Dr. Daniel Albert (Chair)

Dr. Shelly Anderson (Vice Chair)

Dr. Kevin Walsh

Dr. Sunita Sharma

Dr. Russell MacSween

Dr. Terrie Logue

Dr. April Nason

Dr. Sachin Seth

Ms. Donna Rushton

Ms. Marina Crawford

Mr. David Melvin

Mr. Greg Fevens – joined via Zoom call

Dr. Doug Mackey (Registrar)

Dr. Curtis Gregoire (Deputy Registrar)

Ms. Jane Donovan (Executive Assistant)

Ms. Valerie Benoit (Receptionist)

Mr. Chris Holland (IT) – joined the meeting for agenda item 11 c) i)

Observers:

Dr. Chad Avery, Past President, NSDA, joined the meeting for agenda items 1-10

Regrets:

Dr. Ben Davis, Dean, Faculty of Dentistry, Dalhousie University

Agenda 1. Call to Order

At 8:42am the Chair welcomed Board members and guest Dr. Chad Avery to the meeting. General instructions regarding the proceedings were provided.

Agenda 2. 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 3. Approval of the Agenda

The Chair reviewed the agenda and no additions were noted.

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

Motion 2021 - 50

"That the agenda be approved as presented."

Motion Carried

Agenda 4. Minutes of 2021 - 07

a) Errors and/or Omissions

The Chair asked if there were any errors or omissions in the minutes from the May 28, 2021 meeting. No errors or omissions were identified.

It was moved and seconded -Dr. Sunita Sharma and Dr. April Nason

Motion 2021 - 51

"That the minutes of the May 28, 2021 meeting be approved as presented."

Motion Carried

b) Business arising

Business arising is incorporated into the agenda.

i) Website

Tabled for a later discussion

Agenda 5. Dean's Report

Dr. Ben Davis, Dean, Faculty of Dentistry, Dalhousie University was not able to attend today's meeting. Dr. Sachin Seth provided highlights of the Dean's report to the Board members which was featured in the resource material for today's meeting.

Highlights noted:

- -JD McLean Lecture, today, September 24, 2021. Streaming from New York City
- -CE Day, September 25, 2021
- Vaccination rates at Dalhousie University are high.
- -Students are required to be vaccinated. Those who are not vaccinated are subject to COVID testing twice a week.

Agenda 5.5. CBBC Career College Dental Assisting Program Update

A letter was submitted from the Cape Breton Business College (CBBC) updating the Board on their dental assisting program as of June 2021. This letter was featured in the resource material for today's meeting.

Agenda 6. NSDA Report

A report was submitted from the Nova Scotia Dental Association (NSDA) and was featured in the resource material for today's meeting.

Dr. Chad Avery, Past President of the NSDA, highlighted the key areas of the report which discussed the activities that the member services organization has been doing over the past year and said he would be happy to answer any questions the Board members had.

Agenda 7. NSDAA Report

Ms. Donna Rushton noted that there was nothing to report from the Nova Scotia Dental Assistants Association (NSDAA) since the last meeting of the Provincial Dental Board. The next meeting of the NSDAA will be held tomorrow, September 25, 2021. This will be their first meeting since their AGM in June.

Agenda 8. <u>Licensing Update</u>

Ms. Jane Donovan provided the licensing report and noted that the Dental Board office had a busy summer licensing dentists, students and registered dental assistants. There are 31 new dentists and 16 new dental assistants licensed so far. Students from the

graduating class at Nova Scotia Community College (NSCC) are still to be licensed and we are now starting to receive their applications.

The "Apply Online" button has been removed from the website after parting ways with Guild.

Ms. Donovan said it has been a very challenging year for license renewal but the staff has been doing their best to make things happen.

The DDS license renewal invoices will be emailed out around mid October and corporations in mid November.

Agenda 9. Registrar's Report

a) Functional Committee Update

Complaints Committee

June 21, 2021

A meeting of the Complaints Committee took place via Zoom videoconference on June 21, 2021 to hear two cases.

Case 1: This was a reconvening of a previously tabled case. The Committee passed motions to have a letter of caution issued to the dentist, and that the reporting of the compliant would be on an un-named basis.

Case 2: The Committee passed motions to have the complaint dismissed, and that the reporting of the compliant would be on an un-named basis.

September 13, 2021

A meeting of the Complaints Committee took place via Zoom videoconference on September 13, 2021 to hear three cases.

Case 1: The Committee passed motions to have the complaint dismissed, and that the reporting of the compliant would be on an un-named basis.

Case 2: The committee decided to table the case, pending the receipt and review of further documentation.

Case 3: The Committee passed motions to have a letter of caution issued to the dentist, and that the reporting of the compliant would be on an un-named basis.

Discipline Committee

On May 28, 2021, the Discipline Committee approved a settlement which can be found here: <u>Dr. Daniel Tam | Hearings | Provincial Dental Board of Nova Scotia (pdbns.ca)</u>.

On June 11, 2021, the Discipline Committee approved a settlement which can be found here: <u>Dr. Louis Bourget - Oral Surgeon | Hearings | Provincial Dental Board of Nova Scotia (pdbns.ca)</u>.

Mandatory Continuing Dental Education (MCDE) Committee

Although no MCDE audit took place this year, the Committee met on June 17, 2021 for its business meeting. Two issues received particular attention.

1. The Management of Medical Emergencies in the Dental Office

There was much discussion around the mandatory course on the management of medical emergencies in the dental office.

It was agreed that to fulfill this requirement, the course would have to cover, at a minimum, the following topics:

- 1. Basic Physiology
- 2. Emergency preparedness
- 3. Equipment and Supplies
- 4. Medical Emergencies
 - a. Loss of consciousness (an approach to)
 - i. Vasovagal syncope
 - b. Angina/Myocardial infarct
 - c. Aspiration/Airway obstruction
 - d. Allergy/Anaphylaxis
 - e. Acute asthma/bronchospasm
 - f. Diabetic emergencies
 - g. Seizures
 - h. Stroke/CVA
- 5. Pain Management
- 6. Hemostasis and Managing the Bleeding Patient

In the interest of facilitating access to such a course, it was agreed to approach the Department of Continuing Professional Education at Dalhousie's Faculty of Dentistry to develop and deliver an online course. This course would be asynchronous (on-demand) and would include post-tests which would be tailored to the assessment of either dentists of dental assistants.

2. CBCT Course

Following discussion regarding questions from RDAs about this requirement, the MCDE Committee is providing the following information for clarification:

Qualifications for Registered Dental Assistants Designated to take Dentoalveolar or Craniofacial CBCT Scans

As outlined in the "Use of Cone Beam Computed Tomography (CBCT) in Dental Practice Standard", training is to include both didactic and hands-on experience and include principles of radiation safety and protection, operating principles of CBCT equipment, exposure parameters and patient positioning. This training can be completed by various means. Most manufacturers will provide training that will fulfill this educational requirement. Dentists who have completed a PDBNS approved CBCT course can also provide training to their Registered Dental Assistants.

Registered Dental Assistants who operate CBCT equipment will be required to attest to having completed the appropriate training as part of their annual license renewal. The attestation question will be included in next year's license renewal form for Registered Dental Assistants.

Dental Practice Review (DPR) Committee

The Dental practice Review Committee met on June 24, 2021. It was noted that there were 2 site visits from the 2020 DPR process that had not yet been conducted due to the pandemic. They have since taken place by the time of this writing.

The Committee reviewed the forms from all dentists randomly selected for self-assessment for the 2021 audit. It was determined that in addition to the 16 dentists randomly selected for site visits, 4 others would receive visits related to concerns raised by their self-assessments.

As well, there are other site visits occurring on an ongoing basis related to Complaints and Discipline proceedings.

At the time of this writing, the visits for 2021 have begun to take place. It has been noted that all offices visited thus far have been extremely effective at implementing the recommendations in the PDBNS Covid-19 Reopening Plan.

In reviewing the self-assessment forms at the June meeting, the Committee noted that there was lack of clarity among dentists as to the need for lead shielding in dental radiography. The Committee asked the Registrar to send an advisory to registrants regarding this, with specific reference to Health Canada Safety Code 30. This Advisory was subsequently sent on July 23, 2021.

Registration Appeal Committee

An appeal has been brought before this Committee for the first time. This Committee was established to provide an avenue for appeal when a registrant's application for registration or (re-)licensure is denied by the Registrar.

An orientation session for the Committee was held via Zoom videoconference on August 24, 2021, led by Mr. Jason Cooke. A panel has been struck and a time for the hearing is being determined.

b) CDRAF

i) CDRAF Strategic Plan

The strategic plan for CDRAF was provided in the resource material for information purposes.

ii) NDSE

Dr. Mackey provided an overview (with respect to the National Dental Specialty Examination) of the considerations for whether an examination should be required for certification of dental specialists. This was followed by a robust discussion.

It was moved and seconded - Dr. Kevin Walsh and Dr. Russell MacSween

Motion 2021 - 52

"That the Provincial Dental Board of Nova Scotia supports having a national examination as part of the certification for dental specialists."

Motion Carried

iii) Application for New Dental Specialty

There is a process underway whereby there is an application for CDRAF to recognize Dental Anesthesia as a specialty in dentistry in Canada. It is presently recognized in Ontario as a specialty. For information purposes only. The Board will be updated as this process unfolds.

iv) Joint Competency Document (CDRAF/ACFD/NDEB)

CDRAF along with the ACFD and the NDEB are working on a competency document for the beginning dental practitioner. Dr. Sachin Seth is part of the working group for this project as a representative of the Association of Canadian Faculties of Dentistry (ACFD) and he provide the Board members with an overview of this process.

c) NDEB

Dr. Mackey provided and update on the activities of the NDEB. He outlined the initiative to revise the format of the Assessment of Clinical Skills which is part of the Equivalency Process for graduates of non-accredited dental education institutions. The proposed new format would involve all administrations occurring at a dedicated test center in Ottawa. In addition to the clinical skills which have been tested since the inception of the ACS in 2011, the new format would see the incorporation of situational judgement stations where examinees would be tested on KSAs not previously tested (e.g., ethics, informed consent, treatment plan development, communication).

The current list of NDEB examiners recommended by the PDBNS was presented for information.

d) CDAC

The Commission of Dental Accreditation of Canada (CDAC) is undergoing a reorganization of its governance structure. Key among the goals of the restructuring

process would be for CDAC to become independent from the CDA and to develop a new sustainable and predictable funding model.

e) Network

Among its other initiatives, the Network of Health Professionals hopes to plan a workshop for all regulated health professions to assist in developing policies to do with equity, diversity, and inclusion.

f) Guild Update

Dr. Doug Mackey provided an update on Guild. In July 2021, the decision was made to terminate the relationship with Guild Software Inc. (Guild) for online registration and data management. The PDBNS is currently seeking access to the transfer of data back from Guild to transition to a new service provider. Guild will need to maintain the platform and data until the PDBNS is satisfied that all the data has been properly exported.

g) Update on IPAC and Covid-19 Protocols

In June 2021, the Oral Health Regulators sent a letter to the NSDA thanking them for the work they have been doing on the new Infection Prevention and Control document and that the Regulators would like to take this and adopt it as a Standard.

The four Oral Health Regulators have been meeting to standardize the new IPAC document. This document will become a Standard of Practice enforced by the Regulators

h) PDBNS Strategic Plan

The 2020-2023 PDBNS Strategic Plan was reviewed. Progress has been made on several of the objectives, with many being completed.

i) Prescription Monitoring Program (PMP)

The PMP is going through a governance change to move the Board to having an advisory role only.

Agenda 10. Chair

a) Chair's Report

Dr. Albert provided his Chair's report which was featured in the resource material.

The following highlights were noted:

- The COVID-19 protocol is working well right now. The Chief Medical Officer of Health (CMOH), Dr. Robert Strang will give us directives on when we can move away from the present protocol into phase 5.
- Discussions on the NDSE continue at the CDRAF
- A retirement dinner is being planned for Dr. Martin Gillis, past Registrar of the PDBNS on October 1, 2021 at the Westin Hotel in Halifax. In respect of COVID-19 guidelines, this event has a limited attendance number. Dr. Gillis will be asked to drop into the Board's November meeting so the members can all wish him well in his future endeavours.

b) Covid-19 Update

Dr. Albert reiterated that the Provincial Dental Board takes their direction from the CMOH, Dr. Robert Strang. The PDBNS provides updates to the public and to licensed dentists and registered dental assistants when new information is provided from the Nova Scotia government.

c) Board Effectiveness Survey

The Board Effectiveness Survey was conducted online. The Chair thanked all the Board members for completing the survey and providing their feedback. The survey results were reviewed. Dr. Albert noted that overall, most of the results had a high score rating. Some of the comments in the survey included that holding meetings via Zoom was a necessity during the COVID-19 pandemic but not as effective as a face-to-face meetings. Some members felt that they were not kept up-to-date specifically with information related to COVID. Also, a point was suggested about CE topics. At the November Board meeting there is generally a CE component where a speaker comes in and gives a presentation to the Board members. Dr. Albert mentioned that it would be a good idea to ask for CE topics as a question in future surveys.

Agenda 11. Board Committee Reports

There was a motion to move in camera

It was moved and seconded - Dr. Sachin Seth and Mr. David Melvin

Motion 2021 - 53

"To move the meeting in camera."

Motion Carried

a) Finance and Audit Committee (In Camera)

i) Proposed Budget 2022 and

ii) Proposed Fees 2021-22

Dr. Logue provided a review of the proposed budget for 2021 as well as proposed fees for 2021-2022. There was a thorough and robust discussion around these items.

It was moved and seconded - Mr. David Melvin and Dr. Russell MacSween

Motion 2021 - 54

"That the proposed fee schedule, reflecting a 25% fee increase be approved."

Motion Carried

It was moved and seconded – Dr. Shelly Anderson and Dr. Russell MacSween

Motion 2021 - 55

"That the proposed budget be approved."

Motion Carried

iii) Policy on Restricted / Unrestricted Net Assets

Dr. Logue reviewed the Policy on Restricted/Unrestricted Net Assets. There is to be no change at this time.

There was discussion about the investment policy followed by direction from the Board to have the Finance Committee meet with Cumberland to reassess the investment policy and come back to the Board with a recommendation.

iv) Directors / Officers, Errors & Omissions Insurance

Dr. Logue presented the Directors/Officers, Errors & Omissions Insurance policy for renewal. The cost will be \$27, 200.00 for the period of October 5, 2021 to October 5, 2022.

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

Motion 2021 - 56

"That the Directors and Officers Liability Insurance Proposal be approved."

Motion Carried

Following the Board meeting, On September 30, 2021, a revised Directors and Officers Liability Insurance Proposal was sent to the Board office. Hub International had made an error on the previous proposal which was approved at the September 24 meeting. The corrected proposal was sent to the Board members vial email who all responded that they were all in favour of amending the motion.

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

Motion Amended 2021 - 57

"That the Directors and Officers Liability Insurance Proposal, with the cost of \$29,900 for the period of October 5, 2021 to October 5, 2022, be approved."

Motion Carried

v) Travel Insurance

Dr. Logue presented the Travel Insurance Policy for renewal.

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

Motion 2021 - 58

"That the Travel Insurance policy be approved."

Motion Carried

vi) CDAC Grant

Dr. Logue presented the 2021 CDAC invoice to the Board for approval. CDAC requests annual grants from the provincial dental regulatory authorities in support of accreditation activities. Due to the virtual nature of the CDAC activities in 2021 and the cost savings associated, CDAC is providing a one-time 25% COVID-19 abatement. The 2021 dental regulatory grant has been provisionally set at \$13.55 per licensed dentist and the dental assisting regulatory grant has been set at \$5.72 per licensed dental assistant.

It was moved and seconded - Dr. Russell MacSween and Dr. Sachin Seth

Motion 2021 - 59

"That the grant to the Commission on Dental Accreditation of Canada be approved as presented."

Motion Carried

b) Human Resources and Governance Committee

i) Appointments / Reappointments

There were no appointments or reappointments requiring approval.

ii) Date for Staff Performance Reviews

The Staff Performance Reviews have been set for Friday, November 26, 2021.

iii) Summer Student 2022

The Board will be applying for funding to hire a summer student in 2022. The Board will submit the application for processing.

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

Motion 2021 - 60

"That the PDBNS apply for funding to hire a summer student for 2022."

Motion Carried

c) Standards and Guidelines Committee

i) Dentist Renewal Form

A new online license renewal form for dentists has been created which is now fillable and incorporates the survey for the Department of Health and Wellness. Dr. April Nason, Chair of the Standards and Guidelines Committee reviewed the online form with the Board members. She thanked staff for their work on this.

ii) Controlled Substance Guideline

The Guideline for Prescribing Opioids and Benzodiazepines in Dental Practice was presented for approval and was featured in the resource material. This document was developed by an *ad hoc* Committee under the guidance of Dr. Curtis Gregoire and will be published on the PDBNS website once it has been finalized.

It was moved and seconded - Dr. Terrie Logue and Dr. Shelly Anderson

Motion 2021 - 61

"That the Guideline for Prescribing Opioids and Benzodiazepines in Dental Practice be approved as presented."

Motion Carried

iii) Social Media Guideline

A document on *Guidelines for the Use of Social Media by Dentists and Registered Dental Assistants* has been developed by an *ad hoc* Committee chaired by Dr. Russell MacSween.

This agenda item was tabled until feedback is received from all stakeholders.

It is anticipated that this will be presented to the Board for adoption at its November 2021 meeting.

iv) Oral Radiology Guidelines

The Registrar and Deputy Registrar are planning to develop a Guideline for Oral Radiology. This is not expected to be an onerous task as there are well-established documents in existence created by other organizations and dental regulators in other jurisdictions. Dr. Mackey has reached out to Dr. Carl Canning and Board member Marina Cooper to form an *ad hoc* committee to work on this.

d) Nominating Committee

Dr. Daniel Albert's term as Chair on the Provincial Dental Board will come to an end on December 31, 2021. As such a call for nominations was put forth to the Board in August. Nominations were reviewed and the Nominating Committee unanimously proposed the following candidates: Dr. Shelly Anderson as Chair and Dr. Russell MacSween as Vice Chair with terms beginning on January 1, 2022. There were no further nominations from the floor.

It was moved and seconded - Dr. Sachin Seth and Dr. Terrie Logue

Motion 2021 - 62

"To appoint Dr. Shelly Anderson as Chair and Dr. Russell MacSween as Vice Chair starting January 1, 2022."

Motion Carried

Agenda 12. Old Business

a) Legislative Amendments Update

There has been no activity on legislative amendments for the new Dental Act since stakeholder feedback was submitted to government in March 2021. The change in government, the restructuring of government departments, and the installation of new ministers will likely delay this project even further.

b) Term for NDEB Representative

Each provincial DRA has its own terms for its representative on the NDEB. Some are indefinite, while others are more limited like 2 or 3 years but renewable indefinitely. The Board members discussed the different options for reappointing our representative to the NDEB and agreed on a 2-year indefinite renewable term.

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

Motion 2021 - 63

"That the term for the PDBNS Representative on the National Dental Examining Board of Canada be 2 years renewable indefinitely."

Motion Carried

Agenda 13. New Business

a) Request from Public to Review Sedation Standard

Dr. Albert presented to the Board the concerns of a member of the public whose child experienced an unexpected incident while undergoing treatment with nitrous oxide sedation in February, 2021. The parent was requesting a review and modification of the requirements for dentists to administer sedation, particularly to children.

The Board members were provided with redacted versions of all the correspondence between the parent and the PDBNS. A robust discussion

followed. Specifically, the Board members considered whether the PDBNS Sedation Standard (The Provincial Dental Board of Nova Scotia's Standard of Practice: Use of Sedation and General Anesthesia in Dental Practice) fulfills the Board's mandate, which is public protection.

Members of the Board noted that this Standard went through a thorough revision in 2020 to be amongst the most stringent of those across the country. Hundreds of hours were devoted to the development of the standard. This included engagement of several consultants with expertise in adult and pediatric sedation and anesthesia from both medical and dental backgrounds. The Board thoroughly examined the document before approving its adoption in 2020.

The Board considered, as was mentioned in Dr. Gillis' letter, that the PDBNS does not provide training to registrants. However, the Standard does clearly outline the programs which are approved by the PDBNS to provide the appropriate training and are required for any dentist receiving a sedation permit. These programs are offered by accredited faculties of Dentistry and Medicine across Canada.

It was noted that training requirements differ depending on the depth/modality of the sedation the practitioner wishes to use, and all courses approved by the PDBNS include airway management as a component. Additionally, each registrant who is granted a permit to perform sedation must comply with the mandatory continuing education requirements to maintain their permit. There are also requirements for BLS/ACLS/PALS/medical emergencies courses depending on the depth/modality of sedation the practitioner is permitted to use all of which teach airway management skills. Lastly, airway management is taught in undergraduate dental curricula. Dentists work in the oral cavity and an understanding of how to manage airway emergencies is essential, should they arise during the provision of care. Stimulating a gag reflex with resultant vomiting is not an unusual event in a dental office.

The PDBNS has a sedation inspection team comprised of external consultants who are experts in the field of sedation and anesthesia. The anesthesiologist, being a specialist in their field, has a thorough knowledge of both adult and pediatric sedation/anesthesia. The Board members are very confident in the anesthesiologist's knowledge, training, and their ability to investigate these matters.

This team investigates all complications related to dental sedation/anesthesia since reporting is mandatory as outlined in the PDBNS Sedation Standard. The sedation inspection team also performs audits of dental offices to ensure offices permitted to provide sedation are in compliance with the standard.

Fortunately, there has been an extremely low number sedation complications that have occurred in the province despite the high frequency with which sedation is performed in the dental setting. While sedation is used in hundreds of cases weekly in the province, the Provincial Dental Board has been required to investigate only three sedation-related incidents since 2014. Fortunately, none of these sedation-related adverse events resulted in any form of permanent harm, and none were considered life-threatening. Board members expressed that this is a testament to the PDBNS Sedation Standard.

With respect to the incident in question, the team did perform an office inspection which included interviewing Dr. XXXXXXX about the incident. They provided to Dr. Gillis a report which included recommendations which were communicated to Dr. XXXXXXXX and were implemented into their practice. Based on their report, there were no grounds for Dr. Gillis to pursue a complaint against Dr. XXXXXXX. The Board has full confidence in the sedation inspection team and the work they do for the PDBNS.

The Board discussed one of the parent's recommendations which was to mandate the presence of an anesthesiologist or anesthesia assistant during nitrous oxide and oxygen sedation. It was noted that nowhere in Canada is this a requirement. It was felt that this could be potentially harmful to the public as it would essentially preclude its usage. If this were the case, patients requiring this modality of sedation for the provision of their dental care could potentially go untreated, which would lead to unnecessary harm.

The members of the Board acknowledged that despite the most rigorous standards and training, complications do occur. The PDBNS has taken a proactive approach that aligns with its mandate of public protection in an attempt to minimize and hopefully eliminate sedation complications through the creation of its latest Sedation Standard.

At the completion of the discussion, all twelve members of the Board (including the two public members), felt the Standard in its current form does in fact serve to protect the safety of the public and did not make a recommendation to amend the document at present.

b) Upcoming Board Meetings

- November 27, 2021
- January 28, 2022
- May 27, 2022

- September 23, 2022
- November 26, 2022

Agenda 14. In Camera

There was a motion to move in camera

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

Motion 2021 - 64

"That the meeting be moved in camera."

Motion Carried

Agenda 15. Adjournment

Meeting was adjourned at 3:42 pm.

It was moved and seconded – Dr. Russell MacSween and Ms. Donna Rushton

Motion 2021 - 65

"That the meeting be adjourned."

Motion Carried

Next Board Meeting – Saturday, November 27, 2021

Approved,

Dr. Daniel Albert, Chair

Date