



PROVINCIAL DENTAL BOARD
OF NOVA SCOTIA

**REGISTRATION POLICY
ACCOMMODATION OF DISABILITIES**

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1 POLICY STATEMENT

The Provincial Dental Board of Nova Scotia (“Provincial Dental Board”) is a legislated body mandated to protect the general public’s interests in matters related to the delivery of dental care. This mandate is fulfilled by ensuring that only properly trained, qualified and licensed professionals render dental treatment and that the treatment meets the standards of skill, knowledge, and judgment that are reasonable in the practice of dentistry in Nova Scotia.

The Provincial Dental Board of Nova Scotia recognizes the diversity of its applicants. The Provincial Dental Board will make reasonable efforts to accommodate applicants with special needs, including those with physical and mental disabilities and medical conditions, provided that the accommodation does not cause undue hardship to the Board.

2 PURPOSE

The purpose of this Policy is to provide guidelines regarding the accommodation of qualified applicants with disabilities who apply for an initial licence with the Provincial Dental Board.

The objective of this Policy is to promote the dignity and independence of people with disabilities and ensure that their rights are respected and protected through all aspects of the registration and licensure process operated by the Provincial Dental Board of Nova Scotia.

3 SCOPE

This Policy applies to all applicants with a disability or medical condition who may require reasonable accommodation(s) during the registration process.

The *Accommodation of Disabilities Policy* is intended to be read in a manner that is consistent with and adherent to all relevant and applicable human rights legislation.

4 DEFINITIONS

- 4.1 **“Bona Fide Occupational Requirement”** means a necessary requirement of employment. A *bona fide* occupational requirement may justify placing limitations on an individual right where it is imposed

honestly, in good faith, and is reasonably necessary to assure efficient and economical job performance without endangering the applicant or member, other members or employees, patients, or the general public.

4.2 “Disability” or “Handicap” refers to all disabilities protected under the *Nova Scotia Human Rights Act*, RSNS 1989, c 214 (the “*Act*”). Physical disability or mental disability is defined in Section 3(l) of the *Act* as an actual or perceived:

Loss or abnormality of psychological, physiological or anatomical structure or function;

Restriction or lack of ability to perform an activity;

Physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment; speech impairment or impediment or reliance on a hearing-ear dog, a guide dog, a wheelchair or a remedial appliance or device;

Learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

Condition of being mentally impaired;

Mental disorder; or,

Dependency on drugs or alcohol.

4.3 “Reasonable Accommodation” means providing alternative arrangements or measures to persons who are protected under the *Act*. . Accommodation is intended to support the needs and requirements of the applicant without causing undue interference to the operations of the Provincial Dental Board.

4.4 “Undue Hardship” means that all reasonable methods of accommodation have been exhausted and only unreasonable or impracticable options remain. Undue hardship may include factors such as operational costs, financial impact, or safety concerns..

5 STATEMENT OF ACCOMODATION

The Provincial Dental Board has a responsibility to work together in good faith with applicants to reach a reasonable accommodation(s) in the circumstances. Applicants are expected to cooperate in the accommodation process and accept an offer of

accommodation that would be reasonable in all of the relevant circumstances. The Provincial Dental Board of Nova Scotia will respect the individual applicant's right to privacy and confidentiality (including their medical history and documents) while fulfilling the duty to accommodate.

6 REQUEST FOR ACCOMMODATION

- 6.1** Requests for accommodation(s) are to be made in writing and are to be addressed to the Registrar.
- 6.2** A request for an accommodation must include:
- (i) the nature of the disability;
 - (ii) the type of accommodation being requested, and,
 - (iii) where available, a description of what accommodation(s) the applicant has received in the past (for example by their university or other related programs).
- 6.3** Depending on the nature of the disability and the type of accommodation(s) being requested, the Registrar may request that the applicant or provide additional documentation and information to support their request. Such additional documentation may include, but is not limited to, a formal medical diagnosis or documentation from a qualified health practitioner explaining the need for the accommodation being requested. Any documentation or information provided in support of the request should be as specific as possible. The requirement for and the extent of the documentation necessary will be determined on a case by case basis.
- 6.4** The applicant is expected to cooperate with all requests for additional information and is expected to participate and provide assistance in the process for determining possible accommodation(s).
- 6.5** If a request for accommodation does not arise from a physical or mental disability and/or a medical condition but is reasonable and necessary to ensure fair and equal treatment, reasonable accommodation may be provided at the discretion of the Registrar of the Provincial Dental Board. This will be determined on a case by case basis.

7 EXAMPLES OF POSSIBLE ACCOMODATION

7.1 Statement on Examples:

It should be noted that any examples provided are not intended to be viewed

as an exhaustive list. The Provincial Dental Board recognizes the diverse characteristics of those living with disabilities and acknowledges that accommodation often cannot and should not be provided in a uniform manner. The accommodation provided by the Provincial Dental Board will largely depend on the nature of the applicant's personal circumstances.

7.2 Methods of Accommodation:

- 7.1.1** Assistance with completing forms (for example, application and renewal forms);
- 7.1.2** Methods of communication that differ from the Provincial Dental Board's regular processes;
- 7.1.3** Alternate times/locations for in-person meetings/interviews/hearings;
- 7.1.4** Modified forms (for example, large font, coloured paper, and/or computerized documents);
- 7.1.5** Other methods as deemed fit on a case by case basis.

8 GOOD MORAL CHARACTER / FIT AND PROPER REQUIREMENT

8.1 Individuals licensed to practice dentistry or dental assisting must do so in a manner that is expected to uphold the public's trust in the profession. They must demonstrate professional behaviour that is ethical, supersedes self-interest, and strives for excellence. Applicants and members must be committed to continuing professional development, and they are expected to be accountable to individual patients, to the profession, and to the general public.

8.2

The *Dental Act* governs the Provincial Dental Board of Nova Scotia. The *Qualifications for Registration and Licensing of Dentists Regulations* made under the *Dental Act* state that:

4(1) The Registrar shall enter the name of a person in the Dentist's Register who:

(c) Is of good moral character and a fit and proper person to be registered as a dentist.

8.3 The Provincial Dental Board's application processes are designed to provide the Registrar with the necessary information to determine whether an applicant is of good moral character and meets the requirement of being a fit

and proper person to be registered as a dentist or dental assistant.

- 8.4** The Board's *Assessment of Good Character for Registration and Licensing of Dentists in Nova Scotia Policy* contains a non-exhaustive list of evidence of lack of good moral character and evidence that the applicant is not a fit and proper person to be registered as a dentist.

This non-exhaustive list includes the following:

Physical or mental disability, condition or disorder which would impair the applicant's ability to practice dentistry safely and competently or which, if left untreated, would impair the applicant's ability to practice dentistry safely and competently.

- 8.5** Evidence of a lack of good character or that the applicant is not a fit and proper person to be registered as a dentist may result in the applicant being:
- (a) Denied licensure; or,
 - (b) Licensed with conditions or restrictions.
- 8.6** In making the determination to deny licensure or license with conditions or restrictions, the Registrar will assess whether the applicant, because of a physical or mental disability, condition or disorder, is completely impaired in the ability to practice dentistry safely and competently, or, whether with treatment, supports, or accommodations will be able to practice dentistry safely.
- 8.7** A request for accommodation by the Provincial Dental Board in regards to communication, accessibility, form modification and time/location will not be considered in the determination of the applicant's overall competence/ability.
- 8.8** The determination of mental or physical disability will be based on the overall assessment of the applicant's ability to practice dentistry safely and competently, with or without treatment, supports, or accommodations.

9 METHOD OF ACCOMMODATION

- 9.1** The Provincial Dental Board is not required to provide the applicant with their preferred type of accommodation. In cases where the applicant's specific request cannot be accommodated, the Registrar will work with the applicant to determine a reasonable accommodation.
- 9.2** If the applicant and the Provincial Dental Board cannot agree on what type of

accommodation is appropriate in any case, the Registrar will make a determination as to what accommodation, if any, is to be provided.

- 9.3** The Registrar may decline to provide an accommodation when doing so would circumvent a bona fide occupational requirement. This Section is intended to be read in accordance with Section 6(f)(i) of the *Act*, which allows for a denial, refusal, or other form of alleged discrimination based upon a *bona fide* occupational requirement.
- 9.4** The Provincial Dental Board will make reasonable efforts to accommodate applicants with special needs including those with physical or mental disabilities or and medical conditions provided that the accommodation does not result in undue hardship.
- 9.5** This section of the Policy is intended to be read in accordance with the Board's mandate of protecting the public pursuant to the *Dental Act* and *Regulations* and with the Board's *Assessment of Good Character for Registration and Licensing of Dentists in Nova Scotia Policy*.

10 CONFIDENTIALITY

- 10.1** The Provincial Dental Board of Nova Scotia will respect the individual applicant's right to privacy and confidentiality and shall only be entitled to information that is necessary in order to make a determination on licensure.
- 10.2** Notes related to the accommodation request will be kept separate from other file materials in order to prevent and avoid incidents of inappropriate disclosure of personal information.
- 10.3** The *Accommodation of Disabilities Policy* is intended to be read in a manner that adheres to and is consistent with all relevant privacy legislation.
- 10.4** The *Accommodation of Disabilities Policy* is intended to be read in a manner that adheres to and is consistent with the Provincial Dental Board's *Privacy Policy* and all other relevant internal policies.