



Provincial Dental Board
of Nova Scotia

PROCEEDINGS
2022



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PROVINCIAL DENTAL BOARD OF NOVA SCOTIA

December 31, 2022



Chair – Dr. Shelly Anderson
Vice-Chair – Dr. Russell MacSween
Registrar – Dr. Doug Mackey
Deputy Registrar – Dr. Curtis Gregoire

Board Membership 2022

<u>Member</u>	<u>Appointment</u>	<u>Term Ending</u>
Dr. Shelly Anderson, Chair	NSDA	Dec. 2022 (3)
Dr. Russell MacSween, Vice-Chair	NSDA	Dec. 2023 (2)
Dr. Daniel Albert, Past-Chair	NSDA	Dec. 2022 (3)
Dr. Kevin Walsh	NSDA	Dec. 2022 (3)
Dr. Terrie Logue	NSDA	Dec. 2023 (3)
Dr. Sachin Seth	Government	Nov. 2023 (1)
Dr. April Nason	Government	Nov. 2023 (1)
Dr. Sunita Sharma	Government	Nov. 2023 (2)
Ms. Donna Rushton, RDA	NSDAA	Dec. 2022 (3)
Ms. Marina Crawford, RDA	Government	Nov. 2023 (3)
Mr. Greg Fevens, Public	Government	Oct. 2022 (2)
Mr. David Melvin, Public	Government	Oct. 2022 (2)

Staff

Ms. Jane Donovan Executive Assistant
Ms. Valerie Benoit Reception

Provincial Dental Board of Nova Scotia 2022



Top Row: Dr. April Nason, Ms. Marina Crawford RDA, Dr. Russell MacSween (Vice-Chair)

2nd Row: Dr. Terrie Logue, Dr. Doug Mackey (Registrar), Mr. David Melvin

3rd Row: Dr. Kevin Walsh, Dr. Sunita Sharma, Mr. Greg Fevens

4th Row: Dr. Daniel Albert (Past-Chair), Dr. Shelly Anderson (Chair)

Front Row: Ms. Jane Donovan, Ms. Donna Rushton RDA, Dr. Sachin Seth, Dr. Curtis Gregoire (Deputy Registrar)

Functional Committees 2022

Complaints Committee

Dr. Rick Raftus, Chair

Dr. Earle Carson

Dr. Blair Raddall

Ms. Shirlene Dancause, RDA

Ms. Susan Wedlake, Public

Dr. Lee Erickson

Dr. Nada Haidar

Dr. Thomas Raddall III

Ms. Alma Layden, RDA

Ms. Donna Dickie, RDA

Dr. Glenda Ross

Dr. Sarah Foley (April-December)

Dr. Claire Karst (January-March)

Ms. Janelle Gray, Public

Dr. Clare Champoux (October-December)

Discipline Committee

Dr. Tom Boyle, Chair

Dr. Peter Thomson

Dr. David B. Quigley

Dr. Mark A. Sutherland

Ms. Michelle D. Fowler, RDA

Mr. John Scott, Public

Dr. Janet Cullinan

Dr. William A. Whyte

Dr. Wayne C. Ramier

Dr. Christopher A. Baker

Mr. Rod Desborough, Public

Dr. Ian W. Ross

Dr. Stuart J. Kirby

Dr. Natalie N. Brothers

Dr. Daniel MacLellan

Mr. Michael Muise, Public

Mandatory Continuing Dental Education (MCDE) Committee

Dr. Erin Hennessy, Chair
Ms. Jackie Snooks, RDA

Dr. Sayed Mirbod
Ms. Audra Hayden, RDA

Dr. Raegan Meadows

Dental Practice Review (DPR) Committee

Dr. Mariette Chiasson, Chair
Dr. David Ingham
Dr. Stuart A. MacDonald

Registration Appeal Committee

Dr. Gorman Doyle, Chair
Dr. Ian Doyle
Dr. Clare Champoux (January-October)
Ms. Angela O'Hanley, RDA
Mr. Doug Lloy, Public
Ms. Gwen Haliburton, Public

Board and Ad Hoc Committees 2022

Finance and Audit Committee

Dr. Terrie Logue, Chair
Dr. Kevin Walsh
Mr. Greg Fevens

Human Resources and Governance

Dr. Sunita Sharma, Chair
Mr. David Melvin
Dr. Russell MacSween
Dr. Sachin Seth
Dr. Shelly Anderson

Standards and Guidelines Committee

Dr. April Nason, Chair
Ms. Marina Crawford
Ms. Donna Rushton
Dr. Kevin Walsh

Executive Committee

Dr. Shelly Anderson, Chair
Dr. Russell MacSween, Vice-Chair
Dr. Daniel Albert, Past Chair
Dr. Doug Mackey, *Ex-officio*
Dr. Curtis Gregoire, *Ex-officio*

Infection Control and Prevention

Ms. Donna Rushton, Chair
Dr. April Nasson
Dr. Terrie Logue
Mr. Greg Fevens

Registration Review

Dr. Kevin Walsh, Chair
Ms. Donna Rushton
Dr. Doug Mackey

Equity, Diversity, Inclusion, Accessibility, and Anti-Racism

Legislative Amendments

Dr. Daniel Albert, Chair
Dr. Shelly Anderson
Dr. Kevin Walsh
Dr. Russell MacSween
Ms. Marina Crawford
Mr. David Melvin
Dr. Doug Mackey
Dr. Curtis Gregoire

Sedation Inspection Team

Dr. Curtis Gregoire (Oral and maxillofacial surgeon)
Dr. Ben Schelew (Medical anesthesiologist)
Mr. Kevin Piggott (Biomedical engineer)

Dr. Russell MacSween, Chair

Dr. April Nasson

Dr. Sachin Seth

Sedation Permit Fee Committee

Dr. Daniel Albert (Chair)

Dr. Terrie Logue

Dr. Russell MacSween

Dr. Curtis Gregoire

Standards and Guidelines

Dr. April Nasson (Chair)

Ms. Marina Crawford

Ms. Donna Rushton

Dr. Kevin Walsh

Report of the Registrar 2022

The past year was a busy and productive one for the Provincial Dental Board of Nova Scotia (PDBNS). Beyond normal operations, some notable highlights are as follows:

Continued Response to COVID-19 Pandemic

On March 18, 2022 Premier Tim Houston and Dr. Robert Strang held a press conference and confirmed that the province will be moving ahead with its plan to end most public health restrictions on March 21, 2022.

Consequently, as of Monday, March 21, the PDBNS COVID-19 Reopening Plan for Dentistry ceased to be in effect. The notable exception is that the PDBNS has continued to align with Nova Scotia Health's guidelines for healthcare facilities, which includes physician's offices. As such, masks have continued to be mandatory for all individuals in dental offices. This applies to staff, patients, and others entering the office.

For the remainder of 2022 the Board has continued to highlight for registrants some Infection Control and Prevention (IPAC) measures which remain in effect and are not COVID-19 specific. These measures are either in the [NSDA 2013 IPAC Guideline](#) or are in the PDBNS IPAC Standard which was published on December 1, 2022 and is addressed below. These measures have included:

- keeping operatories decluttered to facilitate surface disinfection between patients
- diligent hand hygiene and [cough etiquette](#)
- wearing masks and eye protection at all times during patient care and when processing contaminated instruments
- wearing patient-specific gowns or lab coats for aerosol generating procedures (AGPs) or during procedures likely to generate splatter or droplets of blood, body fluids, secretions, or excretions
- removal of clinic attire (e.g., scrubs) before leaving the clinic
- advising staff and patients to refrain from coming to the office when sick

The PDBNS has continued to affirm that dental practices are free to implement or maintain additional measures as they deem appropriate according to their own clinical judgement and considering their practice profile/setting.

The PDBNS is appreciative of the efforts made by its registrants since the beginning of the pandemic in the interest of public health and safety.

PDBNS Standard of Practice for Infection Control and Prevention

At its September 23, 2022 meeting, the Board passed a motion to approve a [PDBNS Standard of Practice for Infection Prevention and Control \(IPAC\)](#) which was published on December 1, 2022 and has a compliance date of March 1, 2023.

For the vast majority of dental offices, the requirements under this standard will not represent a major change in protocols. Dental office inspections, particularly during the COVID-19 pandemic, have found the level of adherence to current IPAC best practices to be extremely high in general.

This 2022 IPAC Standard is concurrent and in accord with Standards of the other three Nova Scotia Oral Health Regulators: the College of Dental Hygienists of Nova Scotia (CDHNS), the Denturist Licensing Board of Nova Scotia (DLBNS), and the Nova Scotia Dental Technicians Association (NSDTA).

Legislative Changes

Early in 2022, the provincial government announced its intent to explore the establishment of a single “common foundations” Act which would replace the existing 22 health profession Acts and would govern all health professions. It was explained that under this model, each regulator would have profession-specific regulations, by-laws, and policies. For the PDBNS, this caused a change of direction from its activities leading up to 2022 toward the creation of a new and modernized Dental Act.

Over the course of 2022, members of the PDBNS Legislative Amendments Committee, staff, and the Board as a whole have devoted considerable time providing input on the proposed changes as requested by government.

Board members are generally supportive of this proposed model which will see regulatory best-practices established uniformly across all health professions and allow future modernization to occur more nimbly for all health professions as required. The Board also welcomes the opportunity to have certain aspects of dental regulation migrated among the Act, Regulations, By-laws, and policies which will also facilitate future changes as required.

At the same time, Board members have expressed some uncertainty around:

- the short timeframe and high-level nature of the consultative process between government and health regulators on this new direction;
- the fact that health regulators will have no further opportunity for input or feedback following their November 2022 submissions to government;
- the unclear parameters around government’s proposed increased ministerial powers;
- the possibility of increased reporting requirements on the part of the regulators which could require an increase in human and financial resources; and

- possible delays in having vacancies filled if there is to be an increase in the number of government appointees to the Board and committees.

Board members have 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 and look forward to this project moving ahead.

Equity, Diversity, Inclusion, Accessibility, and Anti-Racism (EDIAA)

In 2022, an ad hoc Board Committee was formed to develop an EDIAA policy for the PDBNS. The Committee presented a draft policy at the November 2022 Board meeting and will continue to refine the document for adoption at the May 2023 Board meeting.

Mr. Dean of Benard and Associates attended the November 2022 Board meeting and delivered an engaging and informative presentation on this topic.

Licensing Statistics as of December 31, 2022

Dentists	580
Dental Students (Post-graduate)	19
Registered Dental Assistants	822
Incorporations	410

I would like to thank staff, Deputy Registrar Dr. Curtis Gregoire, and all Board and Committee members for their commitment and expertise over the past year. I am truly grateful for the opportunity to work with such a talented, dedicated, and collaborative group of people.

Lastly, I would like to thank outgoing Board members Dr. Kevin Walsh, Dr. Daniel Albert, Dr. Shelly Anderson, and Ms. Donna Rushton. These individuals have contributed an enormous amount of time and energy to the PDBNS over the past nine years and have always kept the protection of the public interest at the fore of their decision-making.

Respectfully Submitted,
Dr. Doug Mackey, DDS
Registrar

Report of the Chair 2022

The Provincial Dental Board of Nova Scotia held seven Board meetings in 2022, four regular and three additional. The first regular Board meeting was held on January 28th by Zoom Videoconference. The second regular meeting was held on May 27th at the Council Chambers of the Dalhousie Student Union. Due to impending severe weather, the third regular meeting was held via Zoom on September 23rd. A final condensed Board meeting was held November 26th at the Westin hotel in conjunction with the Board's annual professional development session. This year's presentations included a presentation on EDIA (Equity, Diversity, Inclusion, Accessibility) as well as a presentation on

governance and the Board's role in such. Three additional Zoom meetings to discuss topics of a pertinent nature were held March 9th, April 13th and October 25th.

HR/Governance

Dr. Daniel Albert began his role as Past Chair, while I assumed the role of Chair in January, with Dr. Russell MacSween taking over as Vice Chair. There were no new appointments to the Board as existing members continued their terms or were reappointed as was the case with our two public members, Mr. David Melvin and Mr. Greg Fevens, who were reappointed by Governor in Council effective December 2022.

I would like to extend a warm welcome to the following Board members who have been appointed to the PDBNS by the Nova Scotia Dental Association (NSDA) Governing Council effective January 1, 2023: Dr. Erin Hennessey, Dr. Tim Silver, and Dr. Phil Mintern. As well, I extend a warm welcome to Ms. Sherry Whitewood who was appointed by the Nova Scotia Dental Assistants' Association (NSDAA) to the PDBNS. This is a result of four of our Board members reaching the end of their nine-year terms. These include Dr. Kevin Walsh, Dr. Daniel Albert, myself, and Ms. Donna Rushton. A sincere thank you for all your hard work and valuable contributions over the years to the Board.

Finance and Audit Committee

The Finance and Audit Committee delivered a balanced budget which was adopted at our September meeting. The PDBNS approved no fee increases in all licencing categories for 2022.

Standards/Guidelines

The four oral health regulators met, and work was completed on the development of a Standard of Practice for Infection Prevention and Control (IPAC). The document was approved at our September Board meeting. Through this collaborative approach, it is the regulator's intention that this will allow for a document that is more easily implemented into the offices of registrants.

An Equity, Diversity, Inclusion, Access, and Anti-Racism (EDIAA) document is in development. As well, work is continuing with regards to the development of an Oral Radiology Guideline.

Legislative amendments

There has been much work done over the last year with regards to our legislative amendments. DHW met with the PDBNS executive in early January to inform us that they were proceeding with a new framework for legislative amendments, namely a common Act for all health regulators. As this was a departure from our previous direction, numerous meetings and presentations resulted to gain information. The PDBNS began working with the Network (Nova Scotia Regulated Health Professions Network) in February to discuss and formulate combined responses on various topics to DHW under a tight timeline. The PDBNS also worked with its legal counsel to formulate a response outlining our profession-specific concerns. The result of these endeavours was presented to government in November.

Mandatory Medical Emergencies Course

It is mandatory for all registrants to complete a medical emergencies course during their Mandatory Continuing Dental Education (MCDE) cycle beginning with the registrants whose cycle ends in 2023. There are several courses available that meet the content requirement outlined on our website. However, we heard that there was concern among registrants especially with regards to cost and geographical access. In response to this, the Board has developed, in conjunction with two oral surgeons, an asynchronous online medical emergencies course which facilitates access and is economical. Dentists and registered dental assistants will not be required to specifically take the PDBNS course to fulfill their requirements, and they will be free to take and claim as many courses as they would like on this important topic.

Strategic plan

The development and subsequent reviews of our strategic plan is paramount to ensuring we are fulfilling our mandate of public protection. This operational plan has been key in determining the activities of the Board remain focused on completing our established goals. The Board can be congratulated as much has been accomplished to date and as such the plan will be undergoing an update in 2023.

As this is my final report, I would like to thank the entire Board for their hard work and thoughtful input while maintaining respect and congeniality around the Board table. It has certainly made my job as Chair so much easier. Of course, I would also like to thank the staff who work tirelessly to ensure the Board's mandate of public protection is kept front of mind. Thank you so much for all your support over the last year. As the Board transitions to your new Chair, Dr. Russell MacSween and Vice Chair, Dr. Sunita Sharma I am confident we are leaving things in quite capable hands. All the best in the years to come.

Respectfully submitted,
Dr. Shelly Anderson, DDS
PDBNS Chair

Report of the Complaints Committee 2022

The Complaints Committee was required to meet 11 times during 2022, all by Zoom video conference, to deal with 16 complaints. The Committee was able to dispose of all of the cases in the following ways;

- 11 were dismissed
- 1 licensee was counselled
- 2 letters of reprimand were issued
- 2 cases were referred to discipline

A list of the types of issues that resulted in the complaints included:

- standard of care issues
- consent issues
- failure to provide timely and appropriate referrals
- billing discrepancies
- unprofessional behaviour on the part of office staff, and
- unprofessional behaviour on the part of the dentist.

15 of the 16 complaints were against a licensed dentist and the remaining 1 was against a licensed dental assistant.

One of the 11 meetings was called in an emergency capacity under section 34 of the dental act and one of the 16 complaints was initiated by the registrar.

There were 10 different panels chosen to deal with the 16 complaints that were disposed of in 2022.

During the past three years Covid has made the complaints process very challenging for all involved. I would like to thank everyone at the Board and on the Committee for their time, their dedication and their hard work.

As this will be my last Board Proceedings I would like to say it has been an honour and a privilege to serve in this capacity for the past 17 years. I would also like to welcome the new incoming Chair of the Complaints committee, Dr. Clare Champoux.

Respectfully submitted,

Dr. Rick Raftus
Chair, Complaints Committee

Report of the Discipline Committee 2022

One case dominated the Discipline Committee this past year and took nearly five months to conclude. Once again it involved an appeal of a decision from the Complaints Committee. After several scheduled hearings were delayed, a last-minute settlement between the licensee and the Complaints Committee was reached. Such settlements involve a lot of back and forth among lawyers and Committee Chairs, until a decision is reached that all sides can live with, yet fulfill the ultimate goal of protecting the public.

This year also marked the retirement of Carman McCormack as the Discipline Committee lawyer. My job as Chair would be impossible without a great lawyer to both educate me and guide the proceedings, and Carman excelled in making me look good. Over these past two years his associate, Scott Campbell has beautifully transitioned into that role. We'll miss you, Carman.

Thomas H Boyle DDS
Chair, Discipline Committee

Report of the Mandatory Continuing Dental Education (MCDE) Committee 2022

2022 started with Dentists being asked to participate in the Vaccination Administrator Training Course offered through Nova Scotia Health. Many Nova Scotia dentists stepped up and became trained vaccinators. NS Health provided PDBNS with the list of participants, and participants were emailed how the CE credits will be assigned for audit purposes.

Some guideline modifications were made in Spring of 2022 to clarify how regional dental/dental assisting society meetings are credited for CE purposes. In meetings where presentations are made, participants will receive 50% of the total meeting hours in Category 3 for meeting attendance. The remaining 50% of the total meeting hours will be assigned to Category 1 or 3, depending on the subject matter. A maximum total of 5 credit hours per meeting will be awarded.

The MCDE Committee met on March 25, 2022 to perform its annual audit. Of the 20 dentists who were audited, 4 were found to have incomplete audits, all of which were due to failure to provide verification that a course in CPR had been taken within the cycle. Of these 4 dentists, all have submitted verification prior to their November 2022 licence renewal.

Of the 31 RDAs who were audited, 12 were found to have incomplete audits. Of those, 11 subsequently submitted documentation confirming that the requirements had been met prior to the April 30 deadline for license renewal. 1 DRA did not submit the required documentation prior to April 30 and was struck from the dental assistant's register.

Over the summer, members of the MCDE Committee participated in the pilot run of the PDBNS course on the Management of Medical Emergencies in the Dental Office and gave valuable input. This course was launched on September 1, 2022 and has been received well among registrants as being affordable, and good quality.

This marks my final report as Chair of the MCDE Committee. I would like to thank my fellow committee members and Board staff for their commitment and time - especially during the challenging times of COVID.

Respectfully submitted,
Dr Erin Hennessy
Chair, MCDE Committee

Report of the Dental Practice Review (DPR) Committee 2022

In January 2022 a stratified random sample set representing 15% of 543 licensed dentists was identified. As in previous years since 2010, the sampling was conducted by Dr Samuel Stewart of the Department of Community Health and Epidemiology at Dalhousie's Faculty of Medicine.

From this initial random sampling, a second 15% random sample was identified, stratified by regions. These individuals were tasked with the completion of the self-assessment document – as found on the PDBNS website.

If further clarification to the process is required, Registrar Dr. Doug Mackey clearly reviewed and detailed the sampling process in the Board Business publication No.76 of October 2022.

The final sampling resulted in:

- 1) 48 dentists from 316 eligible clinicians practicing in the Halifax Regional Municipality
- 2) 19 dentists from the 124 eligible clinicians practicing in the Cape Breton/ Northeastern Region
- 3) 16 dentists from the 103 eligible clinicians practicing in the South/Shore/ Valley/ Yarmouth Region

On May 12, 2022 the DPR Committee met via Zoom videoconference and reviewed all self-assessment submissions. Incomplete or information deficient assessments were identified and letters requesting further information were sent out following the review meeting.

From these initial 83 dentists, 14 offices were randomly selected for site visits plus 6 were identified and added by the committee because of the nature or incompleteness of the clinician-provided documentation. Results were as follows:

- 1) 10 visits in HRM
- 2) 4 visits in Cape Breton/ Northeastern
- 3) 6 visits in South Shore/ Valley/ Yarmouth

Not all site visits were completed in 2022 and will be continuing into early 2023.

The process to date has been conducted with the support and cooperation of the registrants.

Respectfully submitted,

Dr Mariette Chiasson
Chair, DPR Committee

Report of the Registration Appeal Committee 2022

The Registration Appeal Committee met once this year regarding one Registration Appeal.

A dentist had applied for registration and licensure to practise general dentistry in Nova Scotia and their application was denied by the Registrar of the Provincial Dental Board of Nova Scotia. That decision was appealed.

The Appeal Hearing was held virtually via Zoom on October 6, 2022. Present for the hearing were: the Appellant, Legal Counsel for the Appellant, Registrar and Legal Counsel for the PDBNS. Four members of the Registration Appeal Committee including the Chair heard the Appeal.

Following the hearing the committee subsequently discussed all matters pertaining to the appeal and reviewed all available options in rendering a decision.

All applications for dental licensure in Nova Scotia **must meet the Qualifications for Registration and Licensing of Dentists Regulations, NS Reg 163/1993 made under s. 45 of the Dental Act.** When making a registration decision, the Registrar **is bound** by a set of criteria listed in **s. 4(1) of the Regulations. Section 4(1) lists seven requirements that must be met before the Registrar shall enter the name of a person in the Dentists' Register of Nova Scotia.**

Section 4(1) requires an applicant to provide full details to the Registrar of a previous written complaint in another licensing jurisdiction. On their application form for licensure in NS the Appellant reported : "I took 3 months off from October 1, 1999 until January 1, 2000 as a penalty for signing an insurance form that had misleading information. Everything got resolved." No other disclosures were made.

The Registrar for the PDBNS requested the professional background record of the Applicant from another provincial regulatory body in Canada. The Registrar discovered 18 entries in the Applicant's record under the heading **"Complaints, Investigations, and Discipline Proceedings"**. The Appellant had plead guilty or was found guilty of a number of allegations throughout his complaints and discipline history. The earliest entry was in 1982. The most recent entry was 2021. A disciplinary hearing was held in that province in March 2021 regarding allegations of professional misconduct against the Appellant.

The allegations included:

- (1) Failed to keep records as required by the Regulations
- (2) Treated a patient without consent
- (3) Charged excessive or unreasonable fees
- (4) Contravened a standard of practice or failed to maintain the standards of practice of the profession
- (5) Recommended or provided unnecessary dental service; and
- (6) Signed a certificate, report or similar document that contained a false, misleading or improper statement.

As a result of these proceedings, the Appellant had agreed to resign their certificate of registration and not practise dentistry in that province again.

Following the Appeal Hearing on October 6, 2022 the Registration Appeal Committee determined that the Appellant did not meet Sections 4 (1) (c) (e) and (f) of the **Qualifications for Registration and Licensing of Dentists Regulations, NS Reg 163/1993 made under s. 45 of the Dental Act.**

The appeal was dismissed and the Registrar's decision was upheld.

I would like to thank the following committee members involved with this appeal process: Dr. Clare Champoux, Ms. Gwen Haliburton and Mr. Doug Lloy. Their hard work and valuable expertise were much appreciated throughout the appeal process.

Respectfully submitted,
Dr. Gorman Doyle
Chair, Registration Appeal Committee