

Provincial Dental Board of Nova Scotia

Meeting 2023-05 Minutes

1801 Hollis Street

Friday, May 26, 2023 at 9:00 am

A meeting of the Provincial Dental Board of Nova Scotia was held on May 26, 2023 at 1801 Hollis Street, Halifax, NS.

In Attendance: Dr. Russell MacSween (Chair)
Dr. Sunita Sharma (Vice Chair)
Dr. Tim Silver
Dr. Philip Mintern
Ms. Marina Crawford
Ms. Sherry Whytewood
Mr. Greg Fevens
Dr. Sachin Seth
Dr. April Nason
Dr. Doug Mackey (Registrar)
Dr. Curtis Gregoire (Deputy Registrar)
Ms. Jane Donovan (Executive Assistant)
Ms. Kaitlynn Zegray (Administrative Assistant)

Regrets: Dr. Terrie Logue
Dr. Erin Hennessy
Mr. David Melvin

Guests: Dr. Tanya Cooke joined the meeting for agenda item 8.
Dr. Ben Davis joined for agenda item 9.
Dr. Jennifer MacLellan joined for agenda item 10.
Ms. Alida Mitchell and Ms. Andrea Wilkie of Baker Tilley joined for agenda item 14 b.

Agenda 1. Call to Order and Land Acknowledgement

At 8:55 Dr. MacSween called the meeting to order and welcomed everyone.

As part of the introductory proceedings, the Chair read the following land acknowledgement:

“The PDBNS acknowledges that we are in Mi’kma’ki, the ancestral and unceded territory of the Mi’kmaq People and pays respect to the Indigenous knowledges held by the Mi’kmaq People, and to the wisdom of their Elders past and present.

The PDBNS also acknowledges the histories, contributions, and legacies of African Nova Scotians, who have been here for over 400 years.”

The chair then reviewed the mandate of the PDBNS and expectations for Board Members which was featured in the resource materials for today’s meeting.

Agenda 2. Introductions

Introductions were made as the PDBNS had one new employee in attendance. General instructions regarding the proceedings were provided.

Agenda 3. Conflict of Interest Declaration

The Chair asked the Board members 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.

The motion was moved and seconded - Ms. Marina Crawford and Dr. Sachin Seth.

Motion 2023 - 23

“That the agenda be approved as presented.”

Motion Carried

Agenda 5. Approval of the January 27, 2023 Board Meeting Minutes

a) Errors and/or Omissions

The Chair asked if there were any errors or omissions in the minutes from the January 27, 2023 meeting. There were no errors or omissions identified.

It was moved and seconded – Mr. Greg Fevens and Dr. April Nason.

Motion 2023 – 24

That the minutes of the January 27, 2023 meeting be approved as presented.

Motion Carried

b) Business arising

The business arising is incorporated into the agenda.

Agenda 6. Approval of the April 27,2023 Board Meeting Minutes

a) Errors and Omissions

The chair asked if there were any errors or omissions identified in the minutes from the April 27,2023 meeting. There were no errors or omissions identified.

It was moved and seconded - Ms. Sherry Whytewood and Dr. April Nason

Motion 2023-25

That the minutes of the April 27, 2023 meeting be approved as presented.

Motion Carried

b) Business arising

The business arising is incorporated into the agenda.

Agenda 7. Licensing Report

Ms. Jane Donovan, PDBNS Executive Assistant, provided the licensing report.

A total of 844 invitations for dental assisting license renewals were sent out via Mail Chimp. 35 RDAs relinquished their licenses and 26 were struck for either nonpayment of license fees and or NSDAA fees. As of May 25, 6 out of the 26 have paid their reinstatement and license fee.

Ms. Donovan mentioned she will be sending out licensing cards the week of June 3, 2023. Next year Dental Assistants and Dentists will be required to print their own licensing cards through the Alinity website.

Agenda 8. National Dental Examining Board (NDEB) Update

Dr. Tanya Cooke, PDBNS representative on the NDEB, stated that the one of the strategic priorities was to transition towards electronic delivery of examinations. This has now taken place for all examinations. The Equivalency Process blueprint review has been completed with the transition to the National Dental Examination of Clinical Competence (NDECC).

Dr. Cooke addressed the technical issues which were encountered in the March 2023 administration of the Virtual OSCE. Despite these issues, the pass rate was comparable to pre-pandemic pass rates.

The NDEB continues to strengthen communication with their stakeholders including regulatory authorities and organizations that work with some of the candidates specifically with those who are going through the equivalency process to ensure that their concerns are being heard and managed. The NDEB has also created a risk register to modify any risks and be aware of any examination content leakage among other risks.

Agenda 9. Dalhousie University Faculty of Dentistry Dean's Report

Dr. Ben Davis provided a verbal report on current activities and initiatives at the Faculty of Dentistry. A written report was featured in the resource material for today's meeting.

Agenda 10. Nova Scotia Dental Association (NSDA) Report

Dr. Jennifer MacLellan, NSDA Past-President, provided a report which was featured in the resource material for today's meeting.

Agenda 11. NSDAA Report

Ms. Sherry Whytewood presented an update on the recent activities of the NSDAA.

Agenda 12. Registrar's Report

a.) Functional Committees Update:

i. Complaints Committee

The Complaints Committee met 7 times to hear 11 complaints since the January 2023 Board meeting.

February 2, 2023

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

February 9, 2023

Case 1: The Committee heard the case of a complaint against a dental assistant. The Committee passed motions to refer the complaint to the Discipline Committee and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee heard the case of a complaint against a dental assistant. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis

February 16, 2023

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

February 23, 2023

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

March 2, 2023

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to refer the complaint to the Discipline Committee and to report the decision in publications of the PDBNS on a named basis. At the time of this writing, the named publication is stayed pending the progress of appeal mechanisms which the dentist is employing.

March 23, 2023

Case 1: The meeting of the Complaints Committee was cancelled since the complaint by a single complainant against two dentists was withdrawn shortly before the scheduled meeting.

April 13, 2023

Case 1: The Committee heard the case of a complaint against a dentist. The Committee passed motions to issue a written reprimand to the dentist and to report the decision in publications of the PDBNS on an unnamed basis.

Case 2: The Committee heard the case of a complaint against a dentist. The Committee passed motions to issue a written reprimand to the dentist and to report the decision in publications of the PDBNS on an unnamed basis.

May 11, 2023

Case 1: The Committee was presented with a settlement agreement related to a complaint heard on January 12, 2023 which had been referred to the Discipline Committee. At this May 11, 2023 meeting, the Complaints Committee passed a motion to recommend the settlement agreement to the Discipline Committee for approval.

Case 2: The Committee heard the case of a complaint against a dentist. The Committee passed motions to dismiss the complaint and to report the decision in publications of the PDBNS on an unnamed basis.

ii. Discipline Committee

April 4, 2023

The Discipline Committee approved a settlement agreement recommended by the Complaints Committee regarding a complaint lodged in 2022 against Dr. Julie Knoll.

The settlement agreement contains Dr. Knoll's admission that she failed to treat a patient with a standard of skill, knowledge, or judgement that is reasonable in the practice of dentistry in Nova Scotia, specifically with respect to assessment and medical history taking for that patient.

The settlement agreement also contains agreed upon sanctions, including:

- A contribution to costs.
- The successful completion of a customized education module.
- The following parameters on Dr. Knoll's practice of sedation: mild, moderate, and deep sedation for ASA I and II patients aged four (4) and over; mild sedation for ASA I and II patients aged three (3) and under.

The sedation parameters set out above are not a negative commentary on Dr. Knoll's training or expertise. Rather, they acknowledge the risks to the public when deeper sedation modalities are employed, outside a hospital setting, on patients who are very young or not in optimal health. These parameters also reflect those for medical anesthesiologists in Nova Scotia when treating children outside a tertiary care pediatric hospital.

iii. Mandatory Continuing Education Committee:

On February 10, 2023, the MCDE Committee met to review the submissions from registrants whose MCDE cycle ended on December 31, 2022 and who had been randomly selected for audit by Dr. Samuel Stewart of the Department of Community Health and Epidemiology at Dalhousie's Faculty of Medicine.

Of those randomly selected for audit, 7 dental assistants and 9 dentists were found to be deficient in their submissions and therefore required to make up for the shortfall prior to license renewal.

Of the 7 dental assistants found to be deficient in their submissions, 6 had submitted verification that they had made up for the shortfall prior to their April 2023 license renewal deadline. The other did not submit the requested verification and did not renew their license. The 9 dentists found to be deficient in their submissions have been notified and have until their November 2023 license renewal to submit verification that they have made up for the shortfall.

The MCDE Committee requested that the Board consider a motion to approve a revision to the MCDE Guidelines to remove CPR as a mandatory core requirement under category 1 since it will be required for all registrants at the time of annual license renewal.

It was moved and seconded - Dr. Sachin Seth and Mr. Greg Fevens.

Motion 2023-26

“That the MCDE Guidelines be revised as recommended by the MCDE committee.”

Motion Carried

iv. Dental Practice Review (DPR) Committee:

The DPR Committee met on March 9, 2023 to review the self-assessment forms submitted from the 15% of licensed dentists in private practice selected by Dr. Samuel Stewart under the Dental Practice Review Regulations.

There were 84 dentists selected in total, constituting 15% of dentists in private practice stratified by geographical regions. Of those, 48 were from HRM, 16 from Southwestern Nova Scotia, and 20 from Cape Breton / Northeastern Nova Scotia.

Of those selected for self-assessment, Dr. Stewart performed random sampling to select a subgroup of 13 dentists for site visits: 7 from HRM, 3 from Southwestern Nova Scotia, and 3 from Cape Breton / Northeastern Nova Scotia. 5 dentists were added to the site visit list due to failure to send in their self-assessment as requested.

Letters were sent to a number of dentists reminding them of:

- A dentist's responsibility for IPAC compliance despite being an associate.
- A dentist's responsibility for all aspects of care (e.g., staff license and BLS verification) despite being an associate.
- Limitations of duties for non-registered assistants.
- The need for patient-specific prescription of dental radiographs.
- Clinic attire (e.g., scrubs) not being worn outside the dental office.
- The need for documentation that the dentist has reviewed patients' medical history
- The need for the dentist to perform and document an extraoral and intraoral exam as

part of patient assessment at initial examinations as well as at subsequent visits.

- The need to ensure that medical emergency drugs are up to date.
- The need to document a diagnosis and clinical findings to support prescribed treatment, and
- the requirement for dentists to ensure that all clinical staff have current BLS/CPR certification.

v. Registration Appeal Committee:

The Registration Appeal Committee is preparing to hear an appeal from an applicant who was denied registration and licensure based on them not having passed the Clinical Practice Evaluation administered by the National Dental Assisting Examining Board (NDAEB).

b.) Canadian Dental Regulatory Authorities Federation (CDRAF)

i. Third Party Assessments

The Royal College of Dental Surgeons of Ontario (RCDSO) and l'Ordre des Dentistes du Québec (ODQ) seem to be under increasing pressure from their provincial governments to develop formalized third-party agreements with organizations such as the NDEB, CDAC, and RCDSO regarding expectations and deliverables. The model of referencing Mutual Recognition Agreements (MRAs) and Memoranda of Understanding (MOAs) among provincial dental and dental assisting regulatory authorities no longer seems to be adequate in these jurisdictions. There is a willingness on the part of the regulatory authorities in Ontario and Quebec to share what they are developing should this become an expectation in other provinces.

ii. Dental Anesthesia

At its February 17, 2023 meeting, the CDRAF Board passed a motion "that the CDRAF Board recognizes dental anesthesia as a national specialty of dentistry". This motion does not constitute the recognition of dental anesthesia as a specialty in Nova Scotia as there would be legislative changes required in any province for dental anesthesia to be recognized as a specialty in that province. (Currently, Ontario is the only province in which dental anesthesia is recognized as a dental specialty.)

c.) NDEB

The Virtual OSCE, which replaced the Written Examination and OSCE, had its inaugural administration on March 26, 2023. From April 15-17, Dr. Sunita Sharma attended the Virtual OSCE Standard Setting Workshop as a PDBNS observer.

d.) Royal College of Dentists of Canada (RCDC)

The RCDC is continuing to work toward resuming responsibility for administration of the exam process for specialty certification. It is anticipated that RCDC will resume administration of the specialty examinations in 2024.

e.) National Dental Assisting Examining Board (NDAEB)

The NDAEB continues to deliver fair, valid, and reliable assessments for graduates of accredited dental assisting institutions as well as for dentists who are graduates of non-accredited dental institutions who wish to be certified as dental assistants in Canada.

Donna Rushton will continue as the PDBNS representative on the NDAEB Board until the end of her term in May 2024.

f.) Commission on Dental Accreditation of Canada (CDAC)

Dr. April Nason represented the PDBNS as part of the survey team for Dalhousie Dentistry's CDAC accreditation site visit from March 27-31, 2022. She presented the Board with a verbal overview of her experience.

The grant request from CDAC was presented and discussed.

It was moved and seconded - Dr. Phil Mintern and Ms. Sherry Whytewood

Motion 2023 – 27

"That the grant for the commission on Dental Accreditation of Canada for 2023 be approved as presented."

Motion carried

g.) Nova Scotia Regulated Health Professions Network

i. Legislative changes

Dr. Mackey gave an overview of the implementation of the new Patient Access to Care Act.

ii. Report of Mass Casualty Commission

The final report of the Mass Casualty Commission was released on March 30, 2023. "Volume 4: Community" sets out how Nova Scotians must invest in a public safety system in which multiple partners work together every day with substantial community engagement.

This volume has a dedicated section with [recommendations for regulatory bodies](#). Dr. Mackey expressed that he personally found this a challenging and impactful read as an oral health care professional. The report outlined how the perpetrator of the shootings had, over the course of his career as a dentist, used his position of power to take advantage of marginalized female patients. The Network plans to look at ways in which the health regulators can respond to and act on the Commission's recommendations in a consistent way.

h.) Office of the Fair Registration Practices Act (FRPA)

Earlier this year, Dr. Mackey was contacted by Mr. Frank Reinhart, Review Officer of the Fair Registration Practices Act, following the receipt of a complaint from the president of the Internationally Trained Dentists Association of Canada regarding the alleged lack of fairness in the NDEB's assessment process for internationally trained dentists. The complaint had also been sent to the fairness commissioners in other provinces.

Included in the resources for today's meeting was the letter of complaint as well as Dr. Mackey's submission to Mr. Reinhart outlining the NDEB's processes and the PDBNS' confidence in their fairness.

i.) 2023 Meeting of CEOs and Registrars

Dr. Mackey presented an overview of the agenda items for the upcoming meeting of CEOs and Registrars.

Agenda 13. Chair's Report

The Chair provided report in the resources for today's meeting which consisted of an overview of some of Dr. Russell MacSween's activities since his January 2023 report.

Agenda 14. Board Committee Reports

a. Human Resources and Governance Committee Dr. S. Sharma

Dr. Sharma presented the report of the Human Resources and Governance Committee which included the request of the Board to approve several appointments and reappointments.

Dental Practice Review (DPR) Committee

Dr. Stuart MacDonald completed his 2nd term on the DPR Committee in May 2023 and has accepted reappointment for a 3rd and final 3-year term beginning on June 1, 2023.

Complaints Committee

Dr. Lee Erickson, Ms. Donna Dickie, and Ms. Janelle Gray have accepted reappointment to the Complaints Committee for 3-year terms effective June 1, 2023. (There is no limit on the number of terms a member can serve on the Complaints Committee.)

Discipline Committee

Mr. John Scott has accepted reappointment to the Discipline Committee for a 3-year term effective June 1, 2023. (There is no limit on the number of terms a member can serve on the Discipline Committee.)

It was moved and seconded - Dr. Sachin Seth and Dr. Tim Silver

Motion 2023-28

“That the board approve reappointments to Functional Committees as presented in the report of the Chair of the Human Resources and Governance Committee.”

Motion Carried.

Dr. S. Sharma explained there are three upcoming Board vacancies. In December 2023, Dr. Terry Logue will complete her third and final term on the Board. In October 2023, Ms. Marina Crawford will complete her third and final term on the Board. Also in October 2023, Dr. April Nason will complete her first 3-year term. Dr. Nason will not be seeking reappointment as she plans to relinquish her dental license as she pursues other professional interests.

Dr. Sharma highlighted proposed updates to the PDBNS Personnel Policy which include:

- Clarification around performance review
- Clarification on Board Hours
- Addition of National Day of Truth and Reconciliation
- Clarification around parental leave
- Clarification around the reasonable travel expense reimbursement
- Requirement for employees to abide by the PDBNS Social Media Guidelines.

A copy of the Personnel Policy with proposed revisions was included in the resource materials for today's meeting.

It was moved and seconded - Dr. Sachin Seth and Mr. Greg Fevens

Motion 2023-29

“That the revised Personnel Policy be approved as presented.”

Motion Carried

Dr. Sharma explained that due to the launching of Alinity (the PDBNS’ new database management system) and training a new Administrative Assistant, the decision has been made not to hire a summer student this year

b. Finance and Audit Committee

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

Motion 2023-30

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

Motion carried

Ms. Alida Mitchell and Ms. Andrea Wilkie of Baker Tilley gave a report which was provided in the resources for the meeting. They answered any questions posed by Board Members and provided additional clarification as required.

It was moved and seconded - Mr. Greg Fevens and Dr. Phil Mintern

Motion 2023-31

“That 2022 Auditor’s Report be accepted as presented.”

Motion Carried

It was moved and seconded - Mr. Greg Fevens and Dr. Sachin Seth

Motion 2023-32

“That Baker Tilley be appointed as auditors for the Provincial Dental Board of Nova Scotia for 2023.”

Motion Carried

Mr. Greg Fevens presented a financial update to April 30. A comparative income statement was included in the resources for today’s meeting.

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

Motion 2023-33

That the in-camera session be ended.

Motion Carried

c. Standards and Guidelines Committee

i. Infection Control and Prevention Standard

Dr. Mackey spoke about the implementation of the PDBNS Standard of Practice for Infection Control and Prevention which came into effect on March 1, 2023.

ii. EDIAA (Equity, Diversity, Inclusion, Access and Anti- Racism) Policy

The proposed PDBNS EDIAA Policy was included in the resources for today's meeting.

It was moved and seconded - Dr. April Nason and Dr. Phil Minter

Motion 2023-34

That the PDBNS "Policy on Equity, Diversity, Inclusion, Access, and Anti-Racism" be approved as presented."

Motion Carried

iii. Guidelines for Prescribing and Taking Dental Radiographs

Dr. Mackey gave an overview of the newly-developed Guidelines for Prescribing and Taking Dental Radiographs which were included in the resources for today's meeting.

It was moved and seconded - Dr. Sachin Seth and Dr. Tim Silver

Motion 2023-35

"That the PDBNS "Guidelines for Prescribing and Taking Dental Radiographs" be approved as presented."

Motion Carried

d. Dental Assisting Scope of Practice Committee (Ms. Marina Crawford)

On March 7, 2023, the Committee met to discuss the issue of digital/optical scanning as it relates to the scope of practice for dental assistants. This matter had been referred by the Board to this committee after an extensive discussion on the matter at the January 2023 meeting. After a thorough discussion, the committee voted unanimously to recommend the adoption of the new policy as follows:

The Provincial Dental Board of Nova Scotia considers digital/optical scanning of the teeth and other oral tissues to be an intraoral procedure. As such, this activity is prohibited for non-registered persons employed in dental offices in accordance with Section 5(3) of the Dental Assistants Regulations.

Registered and licensed Dental Assistants are permitted to perform digital/optical scanning either for working/study models or for final impressions.

If a dentist chooses to delegate digital/optical scanning for the purpose of taking final impressions, the treating dentist bears the ultimate responsibility for the evaluation of the scan and the final restoration or prostheses.

The taking of final impressions using polyvinyl siloxane (PVS) impression material must be performed only by a dentist and must not be delegated.

Further discussion took place on this matter before the Chair called for a vote.

It was moved and seconded - Ms. Marina Crawford and Ms. Sherry Whyte

Motion 2023-36

That the PDBNS “Policy on Digital/Optical Scanning” be approved as presented.

Motion carried

Agenda 15. Old Business

a.) Requirement for registrants to have current BLS/CPR Certification

Dr. Mackey reviewed the motion that was passed regarding this at the January 2023 Board meeting and explained that this would be operationalized by requiring registrants to upload verification of current certification at the time of license renewal.

b.) Revisitation on masking policy

There was a fulsome discussion around whether the PDBNS would continue to mandate face masks for all individuals in dental offices.

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

Motion 2023-37

“That the PDBNS continue to align with Nova Scotia Health with respect to mandating the wearing of masks for all individuals in Dental Offices where patients are present.”

Motion Defeated

It was moved and seconded - Dr. Sachin Seth and Mr. Greg Fevens

Motion 2023-38

“That Dental offices be permitted to establish their own policies around the wearing of the masks in dental offices within the parameters of the PDBNS Standard of Practice for Infection Control Prevention.”

Motion carried

Agenda 16. New Business

a) Delegation of Registrar and Deputy Registrar Duties

Dr. Mackey asked the Board to consider approving the engagement of a licensed dentist to conduct the office visits which are part of the Dental Practice Review (DPR) process. This would free up the Registrar and Deputy Registrar to attend to matters which cannot be delegated.

Similarly, Dr. Mackey outlined the significant investment of time required of the Registrar to provide administrative support to the Complaints Committee with respect to the drafting of meeting minutes and the Committee’s formal decisions. Dr. Mackey asked the Board to consider allowing him to explore engaging an appropriately qualified individual to assist with these administrative tasks. Ideally this individual would have a knowledge of dentistry in addition to having excellent writing skills.

The Board will deliberate on these matters during the *in camera* session.

b) Policy on Dentists Prescribing Protocol

Dr. Mackey will be working with the Standards of Guidelines Committee to review and update this policy.

c) Board Governance Considerations for Complaints and Discipline Proceedings

Dr. Mackey reviewed the independence of the PDBNS Complaints and Discipline processes from the Board itself. Registrants who are the subject of a complaint may reach out to Board members about the issue, not realizing that Board members have no knowledge of Complaints and Discipline proceedings as they are evolving. In such instances, Board members must inform the registrant that Board members are not involved in these processes.

Dr. Mackey emphasized that the independence of the Complaints and Discipline Committees is integral to maintaining the integrity of and confidence in the processes.

Agenda 17. Upcoming meeting dates:

September 29, 2023 (1801 Hollis St.)

November 25, 2023 (Location TBA)

January 26, 2023 (1801 Hollis St.)

May 31, 2024 (1801 Hollis St.)

It was moved and seconded – Dr. Tim Silver and Ms. Sherry Whytewood

Motion 2023-39

“That the meeting be moved in camera.”

Motion carried

It was moved and seconded – Dr. Tim Silver and Mr. Greg Fevens

Motion 2023-40

That the meeting be Adjourned.

Motion carried

Approved,

A handwritten signature in cursive script, appearing to read "Russell MacSween".

Dr. Russell MacSween, Chair

September 29, 2023