

**Provincial Dental Board of Nova Scotia
Board Meeting Minutes
1801 Hollos Street
Friday September 29, 2023 at 9:00 am**

A meeting of the Provincial Dental Board of Nova Scotia was held on September, 29, 2023 at 1801 Hollis Street, Halifax, NS.

In Attendance: Dr. Russell MacSween (Chair)
Dr. Sunita Sharma (Vice-Chair)
Dr. Sachin Seth
Dr. April Nason
Ms. Marina Crawford
Ms. Sherry Whytewood
Mr. Greg Fevens
Ms. Erin Hennessy
Mr. David Melvin
Dr. Tim Silver
Dr. Scott Schofield
Dr. Terry Logue (joined via Zoom)
Dr. Doug Mackey (Registrar)
Dr. Curtis Gregoire (Deputy Registrar)
Ms. Jane Donovan (Executive Assistant)
Ms. Kaitlynn Zegray (Administrative Assistant)

Guests: Dr. Ben Davis, Dean of Dalhousie University Faculty of Medicine
Dr. Ian Cunningham (NSDA)

Agenda 1 Call to Order and Land Acknowledgement

At 9:00, Dr. MacSween called the meeting to order, welcomed everyone, and proclaimed a land acknowledgement.

Agenda 2 Mandate of the PDBNS and Expectations for Board Members

Dr. MacSween highlighted the resources pertaining to this and verbally reviewed the Board's mandate of public protection and the expectations for Board members.

Agenda 3 Introductions

Introductions were made as there was a new board member, Dr. Scott Schofield, in attendance. The Chair let the Board members know that this will be Ms. Marina Crawford's and Dr. April Nason's last Board meeting.

Agenda 4 Conflict of Interest Declaration

Dr. MacSween asked the Board members if they had or were aware of any Board members who had a conflict of interest with any of today's agenda items. None were identified.

Agenda 5 Approval of the Agenda

The Chair reviewed the Agenda.

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

Motion 2023 - 42

“That the agenda be approved as presented.”

Motion Carried

Agenda 6 Approval of the May 26, 2023 Board Meeting Minutes

a) Errors and/or Omissions

The Chair asked if there were any errors or omissions in the minutes from the May 26, 2023 meeting. Dr. Nason had found some errors identified on pages 10, 13 and 15 which were rectified and incorporated into the minutes provided at the meeting.

It was moved and seconded- Dr. Erin Hennessy and Dr. April Nason.

Motion 2023 - 43

“That the minutes of the May 26, 2023 Board meeting be approved as presented.”

Motion Carried

b) Business Arising

Business arising is incorporated into the agenda.

Agenda 7 Review of Email Motion June 1, 2023

Motion 2023- 41 “That Ms. Karen Fitzner be appointed as a public member on the discipline committee for a 3- year term commencing June 1, 2023.”

Agenda 8 Dalhousie Faculty of Dentistry Dean's Report

Dr. Ben Davis provided a report which has been incorporated into the agenda. Dalhousie Faculty of Dentistry has been asked to prepare for a 5% reduction in their operating grant. There is the potential of a decrease in programs or an increase in number of seats to offset this.

Agenda 9 NSDA Report

Dr. Ian Cunningham provided a report which has been incorporated into the agenda. Over the summer, the NSDA, its provincial and territorial counterparts and the CDA connected with Members of Parliament and the Health Canada Task Force established to design and implement the Canadian Dental Care Program (CDCP).

Agenda 10 NSDAA Report

Ms. Sherry Whytewood provided a report from the NSDAA. The NSDAA had sent out a survey to all of its members about the AGM being moved from an in-person to a virtual format due to low registration. The survey revealed that the low registration was due to a lack of interest, a lack of perceived value, the cost, and the location. The Board of the Canadian Dental Assistants' Association (CDA) will meet in Halifax from October 13-15 this year and the NSDAA will be meeting with them during that time. The NSDAA will also be participating in the dental health care café at NSCC on November 3, 2023.

Agenda 11 Licensing Report

Ms. Jane Donovan provided a licensing report which has been incorporated into the agenda. The Provincial Dental Board is currently preparing the Alinity database to accept the DDS license renewals in October. As of September 2023, there are 601 licensed dentists, 18 licensed graduate students, 820 registered dental assistants and 383 dental corporations.

Agenda 12 Registrar's Report



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a.) Functional Committee Updates

Complaints

The Complaints Committee met 4 times to hear 11 complaints since the May 2023 Board meeting. There are also 7 complaints scheduled to be heard in the coming weeks and 9 others in various stages of investigation.

Discipline

The Discipline Committee met on June 12, 2023 and approved a Settlement Agreement relating to a case involving sedation. The details are outlined in the [July 2023 publication of Board Business](#).

Mandatory Continuing Dental Education (MCDE)

The MCDE committee has had no activity since the May 2023 Board meeting. As of September 24, 2023 there are still 4 dentists who had failed their audits for the cycle ending in December 2022 and have yet to provide verification that they have made up for the shortfall. These dentists have been notified more than once and will be ineligible for license renewal in the fall unless they have met the requirements.

Dental Practice Review

Office site visits under the DPR process are underway. The Chair of the committee, Dr. Mariette Chiasson has been trained and has assumed the responsibility of conducting most of these site visits.

Registration Appeals

On Thursday July 29, 2023 the Registration Appeals Committee met 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 NDAEB. The successful passing of this exam is a requirement in the Dental Act and the Dental Assistants Regulations for individuals who had not met the continuous practice requirements for applicants previously licensed in another Canadian jurisdiction.

After meeting with the Registrar and appellant and having reviewed the documentation available, the Registration Appeal Committee passed a motion to uphold the decision of the Registrar to deny registration and licensure.

b.) Canadian Dental Regulatory Authorities Federation (CDRAF)

Among other activities, the CDRAF has been continuing to work at demonstrating to provincial government bodies (e.g., “Fairness Commissioners”) the confidence that the DRAs have in current certification processes with respect to fairness to candidates and rigour in public protection.

c.) Canadian Dental Assisting Regulatory Authorities (CDARA)

At their meetings, the Dental Assisting Regulators have discussed common issues including:

- Meeting the expectations of fair registration practices
- Legislative changes
- The role of regulators in the shortage of dental assistants

d.) National Dental Examining Board (NDEB)

The NDEB is moving toward creating a national document repository which would include educational credentials of NDEB candidates as well as other documents such as certificates of standing and proof of continuous practice for graduates of non-accredited programs.

e.) National Dental Assistants Examining Board (NDAEB)

The NDAEB will hold its Annual Planning Meeting in Ottawa on October 19-20, 2023 and has invited multiple stakeholders to attend, including the representatives of the Canadian Dental Assisting Regulatory Authorities.

Among the agenda items will be a workshop lead by Dr. Sheri McKinstry and Andrew McKinstry from the Indigenous Dental Association of Canada. Among the goals of this workshop are to explore:

- Current barriers for Indigenous oral health
- Opportunities for Truth and Reconciliation, including mentorship and pathways to increase representation of indigenous dental assistants

- Training opportunities for oral health professionals across Canada
- Jordan's principle and the domain for dental assisting
- Increasing fairness and access in testing
- Planning concrete acts of reconciliation

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

The RCDC is making great strides toward the 2024 administration of the exam process for specialty certification. Mr. Sean Gehring has been hired as RCDC Director of Examinations and brings to the role vast experience doing similar work with the Medical Council of Canada (medicine's analogue to the NDEB for dentistry). Dr. Bob Loney has been appointed Examiner-in-Chief for the NDSE. Team leads for seven of the specialties have been appointed with recruitment still in progress for Endodontics as well as Oral and Maxillofacial Surgery.

Dr. Mackey has been appointed by the NDEB as their representative on the RCDC Examinations Committee which met virtually on September 19, 2023. Among other agenda items, the Committee passed a motion on a recommended budget and fee schedule to be presented to the RCDC Board at its upcoming meeting.

Also discussed were the establishment of appeal mechanisms for individuals who are deemed ineligible to take the NDSE (measured against established eligibility criteria) or who take and fail the NDSE. The establishment of such appeal processes is important in terms of ensuring and demonstrating fairness.

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

CDAC has now been established as an entity independent of the Canadian Dental Association (CDA). This addressed a significant concern held by the dental regulatory authorities (DRAs) regarding the relationship between regulatory and member services organizations.

The CDAC Board of Directors has met four times since January 2023. There have also been several meetings of CDAC Board Committees such as Executive, Audit, and Governance. There has been much progress on the governance front. Several documents have reached the draft or approval stage:

- Code of Conduct
- Terms of Reference for all committees
- Whistleblower Policy
- Appeal of Accreditation Decision Policy
- Concerns about Accredited Program & Health Facility Policy
- Governance Policy Framework and Principles

The Commission continues to work on its most important and challenging task, which is establishing funding agreements with its funding partners to secure CDAC's ability to continue offering quality accreditation services.

h.) Nova Scotia Regulated Health Professionals Network (the “Network”)

When government passed the Patient Access to Care Act in the Spring 2023 sitting, health regulators were then prohibited from charging fees for initial application to applicants qualifying under the Act (i.e., those already licensed and in good standing in another Canadian jurisdiction). DHW asked that the first-year licensing fee also be waived for such applicants, but this is voluntary rather than legislated. The regulators were reassured that they would be “made whole” for any financial losses incurred by this.

The responsibility for administering this remuneration by government to the health regulators has been passed on to the Network which is expected to establish a global funding agreement with DHW. The Network Executive Committee has been working to establish such an agreement. This work has included exploring the additional human and financial resources required for this administration, which will be borne by the regulators through their fees to the Network.

The spring 2023 introduction of the new Common Foundations Act (which will replace the existing 21 health profession Acts in Nova Scotia) was pushed to the fall sitting of the legislature in favour of introducing Bill 256, the Patient Access to Care Act (PACA). To date, there has been no word from government on whether the Common Foundations Act will indeed be introduced this fall

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

Ms. Jane Donovan attends the quarterly FRPA meetings, the next one of which will take place in person on September 26, 2023.

Ms. Donovan and Dr. Mackey believe that we have made the required modifications to the information on the PDBNS website to be compliant with the recommendations from our last FRPA review. These recommendations centred around increasing clarity with respect to certain licensing pathways. We remain attuned to emerging trends and requirements, and we will respond accordingly.

j.) Nova Scotia Prescription Monitoring Program

Dr. James Brady and Dr. Mackey continue to serve on the NSPMP Board which provides strategic direction of the NSPMP. Board membership includes representation from the College of Physicians and Surgeons of Nova Scotia (CPSNS), the Nova Scotia College of Nursing (NSCN), the Nova Scotia College of Pharmacists (NSCP), the Provincial Dental Board of Nova Scotia (PDBNS), the Department of Health and Wellness (DHW), and two public members.

At the May 11, 2023 meeting of the NSPMP Board, there was discussion around prescribers’ responsibility to review a patient’s monitored drug history before prescribing such drugs. Through the NSPMP eAccess web application, prescribers and pharmacists can quickly access the most recent 18 months of prescribing history for a particular patient. The CPSNS

encourages physicians to always review the drug profile of all patients when prescribing controlled substances.

k.) Tajekeimik

On September 18, 2023, Mr. Steve Jennex and Dr. Mackey met with Ms. Sharon Rudderham as well as representatives from DHW. Ms. Rudderham is Director of Health Transformation for Tajekeimik, a Mi'kmaw health authority being established to better meet the needs of Mi'kmaw people and communities in Nova Scotia.

The purpose of the meeting was:

- to facilitate initial contact among the organizations
- for the PDBNS and NSDA to learn more about access to care issues facing Mi'kmaw people and the work underway to improve the overall health, including oral health, of the Mi'kmaw people
- to have a preliminary discussion on how our dental organizations might play a role in addressing the issues described.

Agenda 13 Chair

a.) Chair's Report

Dr. MacSween provided a report that was included in the agenda. Dr. MacSween mentioned that he was pleased to inform the board that Dr. Mary McNally has joined the PDBNS as a consultant. She is providing administrative support to the Complaints Committee.

Dr. MacSween has met with the CDRAF over the summer and was able to experience firsthand the work and varied challenges faced by dental regulators across Canada.

Dr. MacSween also attended the NSDA AGM to give a report about Board activity over the previous year. Most of the questions revolved around the new Health Professions Act.

In September Dr. MacSween had attended the NSDA Governing Council Meeting. Dental assistants' scope of practice and how it relates to Digital Scanning occupied a significant portion of the meeting.

b.) Board Effectiveness Survey

A Board Effectiveness Survey was sent to Board members over the summer. The results of the survey have led the Board to consider exploring expanding human resources to meet current and future challenges.

c.) PDBNS Strategic Plan Update

The current Strategic Plan will expire in December 2023. In October the Executive Committee will meet to draft a proposed revised plan for 2024-2026 for presentation to the Board in November. It is anticipated that the plan will not change significantly since the legislative change agenda is still in play and is expected to be more so after this year.

Agenda 14 Board Committee Reports

a.) Finance and Audit committee

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

Motion 2023- # 44

“That the meeting be moved in camera.”

Motion carried

It was moved and seconded- Dr. Terry Logue and Mr. Greg Fevens

Motion 2023- # 45

“That the 2024 budget be approved as presented reflecting a 5% fee increase.”

Motion carried

It was moved and seconded- Dr. Terrie Logue and Dr. Erin Hennessy

Motion 2023- # 46

“That \$200,000 be moved from the PDBNS operating account into investments.”

Motion carried

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

Motion 2023- #47

“That the Directors and Officers Liability Insurance Proposal at the cost of \$33,710 + HST for the period of October 5, 2023 to October 5, 2024 be approved.”

Motion carried

It was moved and seconded- Dr. Terrie Logue and Dr. Tim Silver

Motion 2023- # 48

“That the Travel Insurance Policy at a cost of \$1150.00 for the period of October 5, 2023 to October 5, 2024 be approved.

Motion carried

It was moved and seconded- Dr. Sachen Seth and Ms. Sherry Whytewood

Motion 2023- # 49

“That the *in camera* session be ended.”

Motion carried

b.) Human Resources and Governance Committee

i. Appointments and Reappointments

The Human Resource and Governance Committee put forth motions to approve several reappointments to functional committees as follows:

Complaints Committee

Dr. Nada Haidar (2023 – 2026 October)

Ms. Shirlene Dancause (2023 –2026 September)

Dr. Earle Carson (2023 – 2026 October)

Dr. Blair Raddall (2023 – 2026 October)

Discipline Committee

Dr. Tom Boyle (2023 – 2026 October)
Dr. Stuart Kirby (2023 – 2026 October)
Dr. Mark Sutherland (2023 – 2026 October)
Dr. Natalie Brothers (2023 – 2026 October)
Dr. David Quigley (2023 – 2026 October)
Dr. Wayne Ramier (2023 – 2026 October)
Dr. Chris Baker (2023 – 2026 November)
Dr. William Whyte (2023 – 2026 October)
Dr. Daniel MacLellan (2023 – 2026 November)
Ms. Michelle Fowler RDA (2023 – 2026 October)

It was moved and seconded- Dr. Sunita Sharma and Mr. David Melvin

Motion 2023- # 50

“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

It was moved and seconded- Dr. Sunita Sharma and Mr. Greg Fevens

Motion 2023- # 51

“That Dr. Scott Schofield be appointed to the Infection Prevention and Control Committee and the Registration Review Committee.”

Motion Carried

ii. Date for Staff Performance Reviews

The date for Staff Performance reviews has been set to Friday, November 24, 2023.

iii. Updated Confidentiality Policy

Dr. Sunita Sharma presented an updated version of the PDBNS Confidentiality Policy which was developed in conjunction with the Board’s legal counsel.

It was moved and seconded- Dr. Sunita Sharma, Ms. Marina Crawford

Motion 2023- # 52

“That the updated Confidentiality Policy be approved as presented.”

Motion Carried

C.) Standards and Guidelines Committee

i. Future Initiative to Revisit Existing Policies

Dr. April Nason explained that the Standard and Guidelines Committee is going to be revisiting the Policy for Dentists Prescribing Protocols which is in need of an update as well as the 2004 Statement on Tooth Whitening / Bleaching.

ii. Record Retention Guidelines

Dr. April Nason outlined that the PDBNS presently requires dentists to keep patient records for 17 years from the last patient contact. It has been noted that this does not align with other health regulators’ retention policies which are generally shorter. This is being reviewed by legal counsel who will make a recommendation.

Agenda 15 Old Business

a. Communications with NSDA Regarding Intraoral/ Optical Scanning

Dr. MacSween requested that this item be moved to the *in-camera* session at the end of the meeting.

b. Progress on Registers for Sedation and CBCT

Dr. Mackey explained that staff has been reviewing and updating the CBCT and sedation registers.

It was brought to the Board’s attention that questions had been raised by some dentists as to why dentists’ registration numbers appear on the PDBNS website. There had been concerns regarding issues such as identity theft and forging of prescriptions. The Board members expressed that they could understand the concern. Dr. Mackey pointed to the [Qualification for Registration and Licensing of Dentists Regulations](#) under the Dental Act which outlines the information which must be available on the public register and includes the “unique

registration number". Dr. Mackey also shared the websites of other Nova Scotia health professions such as medicine which also display the health professionals' license number. He said that he would contact DHW and his counterparts in health regulation to further explore and better understand the rationale for this.

c. Pilot for Dentists' License Renewals

Dr. Mackey spoke about the pilot for the Alinity Database (including the dentist license renewal process) that will be sent out to dentists on the Board within the next week.

Agenda 16 New Business

a. Threatening Communication from Members of the Public

Dr. Mackey outlined some threatening communications from members of the public regarding their dissatisfaction with dentistry and the Dental Board. Threats tend to include going to the media and suing members of the Board. Dr. Mackey shares these communications with legal counsel as needed. This highlights the need for the Directors and Officers Liability Insurance which was approved earlier in the meeting.

Agenda 17 Upcoming Meeting Dates

November 25, 2023 (Lord Nelson with reception on the Friday evening prior)
January 26, 2024 (1801 Hollis Street)
May 31, 2024 (1801 Hollis Street)
September 27, 2024 (1801 Hollis Street)
November 30, 2024

It was moved and seconded – Dr. Sachin Seth and Ms. Sherry Whytewood

Motion 2023 - # 53

"That the meeting be moved in camera."

Motion Carried

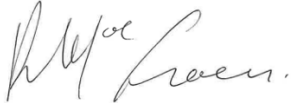
It was moved and seconded – Dr. Tim Silver and Mr. David Melvin

Motion 2023 - # 54

“That the meeting be adjourned.”

Motion Carried

Approved,

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

Dr. Russell MacSween, Chair

November 25, 2023