



Provincial Dental Board of Nova Scotia
Update on Legislative Changes – September 3, 2024

Dear Registrants,

I am writing to provide an update on where we are with respect to legislative changes affecting dentistry and dental assisting.

As you may be aware from previous communications, Nova Scotia's [Regulated Health Professions Act \(RHPA\)](#) was passed on November 9, 2023. It is anticipated that within the next two years, the RHPA will replace all existing Acts governing health professions in Nova Scotia (including the Dental Act).

On June 1, 2024, the Paramedicine Act was repealed. The College of Paramedics of Nova Scotia (the first regulatory body to be brought under the RHPA in "Phase 0.5") became the Nova Scotia Regulator of Paramedicine (NSRoP).

The next wave of professions to be migrated to the RHPA in Phase I will be:

- dentistry and dental assisting,
- dental hygiene, dental technology, and denturism (as a single amalgamated regulator),
- pharmacy,
- occupational therapy, and
- naturopathy (as a newly regulated health profession).

Migration of Oral Health Regulators

We expect that the existing Acts governing all oral health regulators will be repealed and the professions migrated to the RHPA in early January 2025. As well, we expect that the PDBNS will become the Nova Scotia Regulator of Dentistry and Dental Assisting (NSRDDA). This name will be consistent with the naming convention used for the paramedicine regulator and consultative discussions with the Department of Health and Wellness.

Oversight of Regulatory Bodies

Although migration of existing regulators has not yet taken place (with the exception of paramedicine), there are certain elements of the RHPA which are already in effect. Sections 16-

22 are in effect and pertain to Ministerial powers and mechanisms for government's oversight of regulatory bodies.

The [General Regulations](#) under the RHPA, which apply to all professions, were passed by government and became effective on June 3, 2024. In accordance with these General Regulations, all existing regulatory bodies must adopt mandatory minimum standards of practice by December 3, 2024 for:

- length of time non-licensed registrant information must be publicly accessible on a regulator's website, and
- addressing sexual misconduct and sexual abuse.

All existing health regulatory bodies are working collectively on the practice standard regarding sexual misconduct and sexual abuse.

The [General Regulations](#) set out the requirement for the regulatory bodies to provide an annual report to government. Most of the required reporting elements are ones which we already include in our [PDBNS Board Proceedings](#). The only notable evolution will be slightly more detailed reporting on our management of complaints (e.g., numbers of new and resolved/unresolved complaints, types of complaints, outcomes of resolved complaints, status of unresolved complaints, and location of the publication of complaints decisions).

As per Sections 51-52 of the [General Regulations](#) under the RHPA, we (like all regulators) will be required to participate in an ongoing quality assurance (QA) program for regulatory performance under the authority of the Minister of Health. In simpler terms, our regulatory performance will be assessed to determine whether we meet the "standards of good regulation".

Duties of Registrants

Section 60 of the [Regulated Health Professions Act \(RHPA\)](#) outlines duties of all registrants and applies to all health professions.

The RHPA sets out that "a registrant shall:

- (a) comply with this Act and the regulations, bylaws, code of ethics and standards of practice;
- (b) co-operate with the regulatory body, the registrar and any committees of the regulatory body with respect to any regulatory process or requirements under this Act, the regulations and the bylaws;
- (c) maintain current contact information with the regulatory body;

- (d) maintain a record of practice hours;
- (e) maintain such professional liability insurance or other form of malpractice coverage or liability protection as required by the board;
- (f) practise only within
 - (i) the registrant's individual scope of practice and scope of practice of the designation held by that registrant,
 - (ii) any terms, conditions or restrictions of the registrant's licence, and
 - (iii) any expanded scope of practice authorized for that registrant in accordance with this Act, the regulations and the bylaws;
- (g) report to the registrar if the registrant has reasonable grounds to believe that another registrant
 - (i) has engaged in professional misconduct, incompetence or conduct unbecoming the profession,
 - (ii) is incapacitated, or
 - (iii) is practising in a manner that otherwise constitutes a danger to the public;and
- (h) report to the regulatory body of another health profession if the registrant has reasonable grounds to believe that a member of that profession
 - (i) has engaged in professional misconduct, incompetence or conduct unbecoming the profession as those terms apply to that profession,
 - (ii) is incapacitated, or
 - (iii) is practising in a manner that otherwise constitutes a danger to the public."

The RHPA also states that "no action for damages or other relief lies against a registrant for any report made under clauses (g) or (h) [above] if such report was made in good faith".

Changes Pertaining to Dental Assisting

The PDBNS has been in discussions with the DHW as the "Profession-Specific Regulations" for dentistry and dental assisting are being developed. I can share that as part of this process DHW is currently:

- exploring the possibility of expanding the scope of practice for dental assistants, allowing them to work under the supervision of dental hygienists (i.e., not exclusively under the supervision of dentists as is in our current legislation), and

- considering a requirement that dental assistants carry their own professional liability (i.e., malpractice) insurance (PLI). This would be consistent with all other regulated health professions.

I have investigated the implications of possible mandatory PLI for dental assistants and have learned that dental assistants who are members of the Nova Scotia Dental Assistants' Association (NSDAA) can obtain PLI through the Canadian Dental Assistants Association (CDAA). The CDAA is working with an independent insurance company to provide PLI to dental assistants who are members of CDAA through their provincial organization. The Executive Director of the NSDAA has shared with me that the 2024 premium for dental assistants to carry \$2 million PLI through the CDAA was \$28.50 per year. I will be able to communicate further details on these potential requirements as the DHW finalizes the Profession-Specific Regulations. This is just one example of a PLI option for dental assistants. If PLI becomes a requirement under the Profession-Specific Regulations a policy outlining the amount and type of insurance that each dental assistant is required to carry will be developed and this will be shared with registrants. Dental assistants will have the ability to pick any PLI option that meets the requirements of the policy.

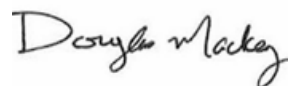
Other Developments

Currently, matters such as the PDBNS Code of Ethics, as well as processes for Mandatory Continuing Dental Education and Dental Practice Review, reside in [Regulations](#) under the [Dental Act](#). When the PDBNS is migrated to the RHPA, these regulations will be rescinded. This necessitates the pre-emptive development of new standalone documents dealing with these matters. Draft versions of these documents will be presented to the PDBNS Board in the fall and then circulated to stakeholder groups for review and feedback.

It is my hope to send out a separate communication pertaining specifically to the evolution of the processes for complaints which apply to all professions under the RHPA. In the meantime, if you are interested you can see Sections 64-115 of the [new Act](#) which deal with Professional Conduct.

Wishing everyone a great end of summer.

Sincerely,

A handwritten signature in black ink that reads "Doug Mackey". The signature is written in a cursive, flowing style.

Dr. Doug Mackey

Registrar

Provincial Dental Board of Nova Scotia.