

PROVINCE OF NOVA SCOTIA)
HALIFAX REGIONAL MUNICIPALITY)

IN THE MATTER OF: The ***Dental Act*** (the "***Act***"), S.N.S.1992, c. 3
as amended

-and-

IN THE MATTER OF: ***Dr. Eun Jung Shin*** Dental Practitioner, of
Halifax Regional Municipality, Province of Nova
Scotia

SETTLEMENT AGREEMENT

Dr. Eun Jung Shin, a licensee with the Provincial Dental Board of Nova Scotia (the "PDBNS"), hereby agrees with and consents to the following:

Statement of Facts

The Incident

1. Dr. Shin is a Dentist licensed by the Provincial Dental Board of Nova Scotia that practices dentistry, including the use of nitrous oxide sedation, at Basin View Family Dentistry, a community dental clinic in Bedford, Nova Scotia (the "Clinic").
2. On October 26, 2022, a seven-year-old child (the "Patient") attended Dr. Shin's dental office for a composite restoration and pit and fissure sealants, without sedation (the "Treatment"). The Patient was accompanied by his mother.
3. The Patient was a returning patient at the Clinic. The Clinic had the Patient's health and dental history on file.
4. Prior to the Treatment, Dr. Shin completed a review of the Patient's medical history and inquired about any changes to the Patient's health. The Patient's mother advised that there were no changes. Although there was a chart entry referencing the medical history review, the documentation was less comprehensive than what is required by the PDBNS Standard of Practice - Use of Sedation and General Anesthesia in Dental Practice.
5. Dr. Shin then proceeded with the Treatment, which involved local anesthetic. As the Treatment progressed, it became clear that the Patient would not tolerate the Treatment with local anesthetic only. Dr. Shin made

the determination that sedation with nitrous oxide and oxygen would be necessary. There is inconsistency between Dr. Shin's notes and the Patient's mother's reporting of whether verbal consent was obtained for the administration of nitrous oxide and oxygen. However, based on the interview performed by the Sedation Inspection Team, Dr. Shin did not obtain adequate consent for the administration of nitrous oxide and oxygen. Additionally, Dr. Shin did not document the Patient's preoperative, intraoperative, or postoperative vital signs.

6. While she stayed with the patient, Dr. Shin had her assistant bring the nitrous oxide equipment into the treatment room. Dr. Shin then began administering the sedation. The service maintenance of the sedation equipment was not up to date. The Patient was initially pre-oxygenated for five minutes. Dr. Shin then proceeded with the sedation by administering a ratio of 45% nitrous oxide and 55% oxygen. Dr. Shin administered this ratio until the point where Dr. Shin determined that the Patient was adequately sedated, upon which the nitrous oxide level was reduced to 40%. Dr. Shin visually monitored the Patient but did not document any formal assessments or monitoring throughout the sedation procedure.
7. Late in the sedation procedure, the Patient began to display signs of adverse affects. The Patient attempted to sit up and began regurgitating. The Patient had a bite block in his mouth, which Dr. Shin removed upon noticing the adverse reaction. Dr. Shin did not initiate suction, as she felt that the Patient was appropriately protecting and clearing his own airway. Dr. Shin also turned off the nitrous oxide and delivered 100% oxygen to the patient.
8. The Patient's mother requested that the Patient's oxygen levels be monitored and that the Clinic contact "911." An oxygen saturation probe was retrieved from another room and used, for the first time, to assess the Patient. The Patient's blood oxygen saturation level was 99%. Dr. Shin continued to monitor the Patient's vitals. At one point, the Patient's blood oxygen saturation level had dropped to 94%. Dr. Shin re-administered oxygen and repositioned the oxygen monitor to rectify the apparent decreased blood oxygen saturation level.
9. The Clinic also contacted Emergency Health Services ("EHS"). Upon arrival, the EHS assumed management of the situation. The EHS team assessed the Patient and determined that the Patient was stable. Following the assessment, the Patient and his mother went to the IWK Health Centre in Halifax ("IWK"). The team at the IWK Emergency Room assessed the Patient's vitals but did not conduct any diagnostic imaging (the contents of paragraphs 7, 8, and 9 are hereinafter referred to as the "Incident").

10. Three days after the Incident, the Patient was experiencing a fever, congestion, and shortness of breath. The Patient was seen at the Cobequid Community Health Centre. No diagnostic testing was conducted during this visit.
11. On November 10, 2022, more than ten days after the tier two adverse event, Dr. Shin notified the Registrar of the PDBNS of the Incident. Later that day, at the request of the Registrar, Dr. Shin delivered a written report of the incident to the PDBNS. Along with the report, Dr. Shin provided supporting documentation including the Patient's dental records and copies of correspondence between the Patient's mother and the Clinic.

The Discipline Process

12. On November 10, 2022, the Registrar informed Dr. Shin that her permit to administer sedation in dental practice ("Permit") was suspended pending an investigation into the Incident. On November 26, 2022, the Sedation Inspection Team, in accordance with s.5(2) of the *Discipline Regulations*, conducted an office inspection and interviewed Dr. Shin in response to the Incident.
13. Based on information gathered during the inspection and interview, the Sedation Inspection Team determined that "it is clear that there were multiple infractions of the PDBNS Standard during this and each and every one of Dr. Shin's previous sedation cases at this clinic".
14. On December 9, 2022, the Registrar lodged a formal complaint against Dr. Shin in connection with the Incident.
15. On December 21, 2022, Dr. Shin provided a written response to the formal complaint. Dr. Shin also exercised her right to meet with the complaints panel for the hearing of the complaint on January 12, 2023.
16. On January 12, 2023, the Complaints Committee referred Dr. Shin's matter to the Discipline Committee.

Admissions

Dr. Eun Jung Shin admits the facts set out in the above Statement of Facts, and admits the following matters constitute unprofessional conduct as defined in Sections 4(1)(c) and 4(1)(g) of the *Discipline Regulations*:

- a) Dr. Shin's assessment and treatment of the Patient and failure to obtain informed consent constitutes a failure to treat a patient with a standard of skill, knowledge, or judgement that is reasonable in the practice of dentistry in Nova Scotia;

- b) Dr. Shin failed to abide by the *PDBNS Standard of Practice for the Use of Sedation and General Anesthesia in Dental Practice*; and
- c) By not documenting preoperative, intraoperative, and postoperative recordings, Dr. Shin failed to maintain adequate patient records.

Sanctions

Dr. Eun Jung Shin and the PDBNS agree, conditional upon the recommendation of this Settlement Agreement by the Complaints Committee and the approval of this Settlement Agreement by the Discipline Committee, that Dr. Shin shall be subject to the following sanctions:

- a) Dr. Shin is required to successfully complete a course in nitrous oxide sedation for dentists, as approved by the Registrar (the "Course"), at her own expense, within 24 months of the date of the Order approving this Settlement Agreement. Dr. Shin successfully completed the Course on April 2, 2023 (prior to the execution of this Settlement Agreement).
- b) Dr. Shin's Permit shall remain suspended until such a date that this Settlement Agreement is approved by the Discipline Committee.
- c) Dr. Shin will remit to the PDBNS the sum of \$5,000, on or before July 15, 2023, as a contribution to the PDBNS's costs to investigate the complaint.

Confidentiality

If, for any reason whatsoever, this Settlement Agreement is not recommended by the Complaints Committee, or is recommended by the Complaints Committee but not accepted by the Discipline Committee, there shall be no reference to this Settlement Agreement or any admissions contained herein in any subsequent proceeding or hearing under the *Act*, and the terms of this Settlement Agreement will not be disclosed to any person, except with the written consent of both the PDBNS and Dr. Shin or as may be required by law.

[Signature lines appear on next page]

THIS SETTLEMENT AGREEMENT made this 5th day of May, 2023
2023

[Signature]
Witness

[Signature]
Witness

[Signature]
Dr. Eun Jung Shin

[Signature]
Dr. Douglas Mackey, Registrar
Provincial Dental Board of Nova
Scotia

Recommended by the Complaints Committee this 11 day of May 2023
2023, by Dr. Clare Champoux, Chair of the Complaints Committee.

[Signature]
Witness

[Signature]
Dr. Clare Champoux, Chair
Complaints Committee

Accepted by the Discipline Committee this 12th day of June, 2023
by Dr. Thomas Boyle, Chair of the Discipline Committee.

[Signature]
Witness

Jennifer Robichaud
2470 Armerescent West Ave
Halifax, NS B3L3E3

[Signature]
Dr. Thomas Boyle, Chair
Discipline Committee