

OVERVIEW: FITNESS TO PRACTISE AND INCAPACITY

1.0 Preamble

The Nova Scotia Regulator of Dentistry and Dental Assisting (the “NSRDDA”) is the organization which oversees the practices of dentistry and dental assisting in the province. The role¹ of the NSRDDA, with respect to the practices of dentistry and dental assisting, is to:

- protect the public from harm;
- serve and promote the public interest;
- preserve the integrity of the professions of dentistry and dental assisting, subject to the public interest; and
- maintain the public confidence in the ability of the NSRDDA to regulate dentistry and dental assisting.

2.0 This Document

This document is a resource for registrants (dentists and dental assistants) and the public to help them understand:

- fitness to practise and incapacity;
- the fitness-to-practise process; and
- professional obligations related to incapacity and fitness to practise.

Like all regulatory tools, this document should be used in conjunction with employer policy, [applicable legislation](#) and the NSRDDA’s [Practice Standards and Guidelines](#) and [Code of Ethics](#).

3.0 Fitness-to-Practise

“Fitness to practise” is defined as having the necessary physical and mental health to provide safe, competent, and ethical healthcare. Registrants are accountable to monitor and maintain their own fitness to practise and professional conduct as outlined in their [Practice Standards and Guidelines](#) and [Code of Ethics](#).

When a physical or mental health condition impacts a registrant’s practice, they are accountable to take appropriate action to correct the situation.

Some examples of appropriate action include seeking medical care, accessing a support

¹ In accordance with Section 6 of the [Regulated Health Professions Act \(RHPA\)](#)

program through their professional association or otherwise, or stopping practice until the condition improves.

Some examples of situations where a registrant's fitness to practise may be impaired include:

- extreme fatigue or exhaustion;
- illness or injury;
- use of substances such as drugs or alcohol; and
- medical, physical, mental-health or emotional conditions or disorders.

4.0 Incapacity

“Incapacity” means a registrant has or had a medical, physical, mental-health or emotional condition, disorder or addiction that renders or rendered the registrant unable to practise with competence or that endangers or may have endangered the health or safety of patients.²

All regulated health professionals must report to the Registrar of the applicable regulatory body if they have reasonable grounds to believe that another regulated health professional is incapacitated.³

5.0 Fitness-to-Practise Process

The fitness-to-practise process is a non-disciplinary process for registrants experiencing an incapacity. The process typically requires the registrant to be out of practice while receiving health treatment.

The goal of the process is to return the registrant to practice once there is evidence to indicate they are fit to practise. A return to practice must be reviewed and accepted by the Fitness-to-Practise Committee which will consider conditions and restrictions that may be placed on the registrant's licence.

A registrant must meet [specific eligibility criteria](#) to enter the program.

If the registrant meets the eligibility criteria, the fitness-to-practise process is initiated when:

- the NSRDDA receives a complaint regarding a registrant's incapacity;
- concerns are raised regarding a registrant's incapacity during a complaint process or another regulatory process

²As defined in Section 2 of the [Regulated Health Professions Act \(RHPA\)](#)

³ In accordance with Sections 60(1)(g and h) of the [Regulated Health Professions Act \(RHPA\)](#)

- a person raises questions respecting the possible incapacity of the registrant to the regulatory body in the absence of a complaint; or
- a registrant self-reports incapacity to the regulatory body.

6.0 Return to Work

As the registrant prepares to return to work, the Fitness-to-Practise Committee may establish a return to work (RTW) plan. An RTW plan may increase the success of the transition back to practice by supporting the health of the registrant while ensuring patient safety.

The RTW plan may contain any number of temporary strategies, interventions or practice modifications. The fitness-to-practise process may include notification to employers about particular conditions and restrictions that have been placed on the registrant's licence.

The RTW plan is developed in collaboration with the appropriate health care professional(s) managing the underlying issue(s).

7.0 Key Points

Health professionals are accountable to self-assess their fitness to practise and take the necessary steps to manage any identified issues by seeking care from appropriate providers and implementing recommended treatment plans, which may include removing themselves from practice.

Health professionals have a legal and ethical obligation to report the incompetent, unethical or impaired practice of themselves, or another health care provider.