

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

**MINUTES OF THE 405th TELECONFERENCE
MEETING OF COUNCIL**

**Tuesday, December 16, 2014
6 Crescent Road, Hearings Room, Toronto**

The 405th Meeting of the Council of the Royal College of Dental Surgeons of Ontario was held by Teleconference on Tuesday, December 16, 2014 at 8:00 a.m.

PARTICIPANTS:

Council Members:

Elected Representatives:

Dr. Elizabeth MacSween	District 1
Dr. David Clark	District 2
Dr. Lisa Kelly	District 3
Dr. John Kalbfleisch	District 4
Dr. Lawrence Davidge	District 5
Dr. Joseph Stasko	District 6
*Dr. Peter Trainor, President	District 7
Dr. Flavio Turchet	District 10
Dr. David Segal	District 12

Lieutenant-Governor-in-Council Appointees:

Ms. Kelly Bolduc-O'Hare
Mr. Ted Callaghan
Ms. Beth Deazeley
Mr. Manohar Kanagamany
Ms. Catherine Kerr
*Dr. Edelgard Mahant
Ms. Marianne Park

University Representatives:

Dr. David Mock	University of Toronto
Dr. Richard Bohay	University of Western Ontario

Regrets:

Dr. Ron Yarascavitch	District 8
Dr. Sven Grail	District 9

Dr. Robert Carroll	District 11
Mr. Abdul Wahid	Public Appointee
Mr. Jose Saavedra	Public Appointee

* = attended the meeting in person.

Royal College of Dental Surgeons of Ontario Staff:

Mr. Irwin W. Fefergrad, Registrar
Ms. Lori Long, Manager, Professional Conduct and Regulatory Affairs
Ms. Peggi Mace, Communications Director
Mr. Greg Moors, Director, Finance and Administration
Ms. Angie Sherban, Executive Assistant
Ms. Dayna Simon, Counsel, Regulatory Affairs

Legal Counsel:

Mr. Alan Bromstein

(1) CALL TO ORDER

Dr. Trainor called the meeting to order at 8:00 a.m. He welcomed Council members and thanked them for making themselves available for the teleconference meeting.

(2) ROLL CALL

The roll call was conducted by Mr. Fefergrad. Sixteen (16) Council members participated via teleconference and two (2) members attended the meeting in person. There were five (5) members that did not participate and a quorum was declared.

(3) NEW BUSINESS

1. Proposed Amendments to By-Law No. 7: The Register and Related Matters

Dr. Trainor stated that the teleconference meeting of Council had been called in accordance with the by-law requirements to approve By-Law No. 7: The Register and Related Matters, approved in principle at the November 13, 2014 Council meeting. Following the special Council telephone consultation on October 8, 2014,

the proposed amendments were circulated to members and other stakeholders for comment.

It was reported that 21 submissions were received from members, stakeholders and one from a member of the public. Dr. Trainor referred Council to copies of the submissions that were received. The majority of submissions were supportive of the proposed by-law amendments.

Mr. Fefergrad stated that the Ontario Dental Association is supportive of the proposed amendments and recognized that the amendments are not as vigorous as some other regulatory health colleges. In some other colleges, it will be proposed that their by-laws include information retroactively for their members and not necessarily relevant to the specific professions. He advised that there would not be retroactivity for the RCDSO.

After careful review of the submissions by the Executive Committee and Legal and Legislation Committee in a joint meeting on December 12, 2014, it was agreed to amend paragraph 15.2.1 of By-Law No. 7, to add the words “on or after January 1, 2015” after the words “by a court” and to make clear that there was no intention that the amendments be retroactive, as follows:

“15.2.1 A summary of any finding of guilt of which the College is aware if made by a court on or after January 1, 2015 against a member, in respect of any criminal offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the member’s suitability to practise.”

Council was asked to consider this amendment. Dr. Trainor advised that, if approved, this would result in a corresponding amendment to the College’s restated by-law which would be effective at 11:59 p.m. on December 31, 2014.

MOTION #1:

THAT Council approve the amendments to By-Law No. 7: The Register and Related Matters, as set out in Appendix A of the Executive Committee Report to Council with the express understanding and intent that this recommendation, if passed, would also make the corresponding amendments to the College’s restated By-Laws which will be effective

11:50 p.m. on December 31, 2014, as shown in Appendix B of the Executive Committee Report to Council (changes highlighted).

CARRIED
(Unanimously)

A member of Council complimented the Registrar and staff for their efforts in compiling the fulsome and explanatory information for the meeting.

There being no further discussion, the teleconference meeting of Council was adjourned at 8:25 a.m. Dr. Trainor thanked Council members for their participation.

SIGNED:

Signature of Presiding Officer

Signature of Recording Officer

Date

5. (1) In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code, the following additional information shall be kept in the register:
1. Any changes in the member's name which have been made in the register since he or she obtained a degree in dentistry, if known to the College.
 2. Each member's registration number.
 3. The date when each member's certificate of registration was first issued or, if the member was licensed under Part II of the Health Disciplines Act, the date when the member was first licensed by the College.
 4. If the person ceased to be a member as a result of his or her resignation or death, the last year during which the person was a member.
 5. The name of the university from which each member received his or her degree in dentistry and the year in which the degree was obtained.
 6. The classes of certificates of registration held by each member, the date on which each was issued and, if applicable, the termination or expiration date of each.
 7. When the member holds a certificate of registration in a specialty class, the member's specialty and the name of the university and the year in which the member completed his or her specialty training.
 8. The address and telephone number of
 - (a) each member's principal place of practice in Ontario, and
 - (b) all other locations where the member practises.

- 8.1 Where a member is authorized to prescribe, order and take dental CT scans, whether that authority relates to Dentoalveolar CT scans or both Dentoalveolar CT and Craniofacial CT scans.
- 8.2 Where a member is the holder of a facility permit issued by the College permitting the member to install and operate a dental CT scanner
 - (a) a notation of that fact;
 - (b) the type of dental CT scanner for which the facility permit was issued by the College;
 - (c) the practice location named in the facility permit;
 - (c.1) a summary of each deficiency found during any inspection of the facility carried out by the College after the introduction of this clause (c.1), until the Registrar or failing the Registrar, the Quality Assurance Committee, is satisfied that the deficiency has been rectified; (provision effective January 6, 2014) and
 - (d) the name of each member authorized to prescribe, order and take dental CT scans at that practice location and the type of dental CT scans that each member is authorized to prescribe, order and take at that location.
9. If the member uses or is associated with a member or members who use a practice name, the practice name and the locations for which the name is used.
10. Any information in respect of a member that the member and the College agreed should be included in the register.

- 10.1 If the member's certificate of registration is subject to any terms, conditions or limitations, other than those applicable to all members holding that class of certificate, the date upon which the terms, conditions or limitations were effective and whether the terms, conditions or limitations were imposed or voluntary.
- 10.2 If the member's certificate of registration was suspended or revoked, the date upon which the suspension or revocation was effective and where the suspension or revocation was lifted, the date upon which the suspension or revocation was lifted.
11. If the member's certificate of registration is subject to an interim order of the executive committee or the inquiries, complaints and reports committee, a notation of that fact, the nature of that order and its effective date, until the interim order expires.

11.1 Where a decision of a panel of the inquiries, complaints and reports committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned (as is authorized by paragraph 3 of subsection 26(1) of the Code),

- (a) a notation of that fact including a summary of the caution;
- (b) the date of the panel's decision; and
- (c) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

11.2 Where a decision of a panel of the inquiries, complaints and reports committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program (as is authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code),

- (a) a notation of that fact including a summary of the continuing education or remediation program(s);

(b) the date of the panel's decision; and

(c) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

12. Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.

13. Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by a board of inquiry or the inquiries, complaints and reports committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.

~~14. Where an allegation of professional misconduct or incompetence has been referred to the discipline committee and not yet disposed of,~~

~~(a) a brief summary of each specified allegation; and~~

~~(b) the anticipated date of the hearing, if the hearing date has been set.~~

14. Where an allegation of professional misconduct or incompetence has been referred to the discipline committee on or after October 1, 2015 and not yet disposed of:

(a) a brief summary of each specified allegation that has been referred;

(b) the date of the referral;

(c) the status of the discipline hearing and, if the hearing date has been set, the date set for the hearing; and

(d) the Notice of Hearing.

15. Where the question of the member's capacity has been referred to the fitness to practise committee and not yet disposed of, a notation of that fact.
- 15.1 Where a member agreed to resign to avoid a proceeding before the Discipline or Fitness to Practise Committee or resigned while a discipline or fitness to practise proceeding was outstanding, a notation of that fact.
- 15.2 A summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.
 - 15.2.1 A summary of any finding of guilt of which the College is aware if made by a court on or after January 1, 2015 against a member, in respect of any criminal offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the member's suitability to practise.
- 15.3 A summary of any existing restriction on the member's right to practise that has been imposed by a court or other lawful authority, if the College is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.
16. Where a decision of the discipline committee has been published by the College after March 30, 2000, with the member's name included,
 - (a) a notation of that fact; and
 - (b) identification of the specific publication containing that information.
- 16.1 Where the result of a disciplinary proceeding is contained in the register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence.

- 16.2 Where the result of an incapacity proceeding is contained in the register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.
17. Where a member is authorized by the College to administer moderate sedation, deep sedation and/or general anaesthesia,
- (a) a notation of the highest modality of sedation and/or general anaesthesia that the member is authorized to administer;
 - (b) if the member is a “Visiting Member” (meaning that the member is authorized to perform moderate sedation, deep sedation and/or general anaesthesia in a dental office for which a Type B Facility Permit has been issued by the College), a notation of that fact and the date of the last inspection under By-Law No. 13 related to that member; and
 - (c) a summary of each deficiency found during any inspection related to the member carried out under By-Law No. 13 until the Registrar, or failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the deficiency has been rectified.
- 17.1 Where a member is the holder of a facility permit issued by the College permitting the administration of moderate sedation, deep sedation and/or general anaesthesia at that facility
- (a) a notation of that fact;
 - (b) the practice location named in the facility permit;
 - (c) a notation of the type(s) of facility permit(s) issued to the member;
 - (d) the date of the last inspection of the facility carried out under By-Law No. 13; and

- (e) a summary of each deficiency found during any inspection of the facility carried out under By-Law No. 13 until the Registrar, or failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the deficiency has been rectified.

17.2 A listing of each dental office for which a facility permit authorizing the administration of moderate sedation, deep sedation and/or general anaesthesia at a dental office has been issued by the College, including

- (a) the name of the dentist who is the holder of the facility permit;
- (b) the type(s) of facility permit(s) issued by the College related to that dental office;
- (c) in the case of a dental office for which a Type A Facility Permit has been issued, a notation of the highest modality of sedation and/or general anaesthesia that is authorized to be administered at the facility;
- (d) the practice location named in the facility permit; and
- (e) a summary of each deficiency found during any inspection of the facility carried out under By-Law No. 13 until the Registrar, or failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the deficiency has been rectified.

17.3 A listing of each member who has been authorized by the College to administer moderate sedation, deep sedation and/or general anaesthesia at a dental office that holds a facility permit authorizing the administration of moderate sedation, deep sedation and/or general anaesthesia, including

- (a) the name and registration number of the member;
 - (b) a notation of the highest modality of sedation and/or general anaesthesia that the member is authorized to administer;
 - (c) if the member is a “Visiting Member” (meaning that the member is authorized to perform moderate sedation, deep sedation and/or general anaesthesia in a dental office for which a Type B Facility Permit has been issued by the College), a notation of that fact and the date of the last inspection under By-Law No. 13 related to that member; and
 - (d) a summary of each deficiency found during any inspection related to the member carried out under By-Law No. 13 until the Registrar, or failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the deficiency has been rectified.
18. The date of issuance of each certificate of authorization of a health profession corporation and whether it is current, suspended, cancelled or revoked.
19. If the certificate of authorization of a health profession corporation has been suspended or revoked, the date of the suspension or revocation and the reason for the suspension or revocation.
20. If the certificate of authorization of a health profession corporation has been cancelled, the date of cancellation and a notation that the certificate was cancelled at the request of the corporation which no longer practises dentistry.
- (2) Unless otherwise required by the Code, information required to be kept in the register with regard to a former member who is deceased may be removed from the register six years after the date of the former member's death.

- (3) Unless otherwise required by the Code and subject to subsection 5(4), information required to be kept in the register with regard to a former member who resigned may be removed from the register six years after the effective date of the former member's resignation.
- (4) Subsection 5(3) does not apply in the case of a former member who
 - (a) resigned and agreed never to practise again in Ontario during or as a result of a proceeding under section 25 of the Code;
 - (b) agreed to resign to avoid a proceeding before the Discipline or Fitness to Practise Committee; or
 - (c) resigned while a proceeding before the Discipline or Fitness to Practise Committee was outstanding.

5.1 All of the information referred to in section 4 and subsection 5(1) is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the registrar may refuse to disclose to an individual or to post on the College's website any or all of that information if the registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

5.2 The information required under paragraph 11.1 of subsection 5(1) shall be removed from the register 24 months after the Registrar is satisfied that the member has appeared before a panel of the inquiries, complaints and reports committee and received the caution.

5.3 The information required under paragraph 11.2 of subsection 5(1) shall be removed from the register once the Registrar is satisfied that the member has successfully completed the specified continuing education and/or remediation program(s) which was the subject of the decision of the panel of the inquiries, complaints and reports committee.

Proposed Amendments to RCDSO By-Laws

16.3 Removal of Information from the Register

16.3.1 Deceased member

Except as otherwise required by the Code, information regarding a deceased member of the College may be removed from the Register after six years from the date of the member's death.

16.3.2 Former member

Except as otherwise provided by the Code or article 16.3.3, information regarding a former member of the College may be removed from the Register after six years from the effective date of the member's resignation.

16.3.3 Removal of cautions delivered

The information required by paragraph 16 of article 28.2.1 (Information in respect of members) shall be removed from the Register twenty-four months after the Registrar is satisfied that the member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.

16.3.4 Removal of education or remediation programs completed

The information required by paragraph 17 of article 28.2.1 (Information in respect of members) shall be removed from the Register once the Registrar is satisfied that the member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.

~~16.3.3~~ 16.3.5 Exceptions

Information regarding a former member of the College shall not be removed from the Register where the member

- a. resigned and agreed never again to practice in Ontario during or as a result of a proceeding under section 25 of the Code,
- b. agreed to resign to avoid a proceeding before the Discipline or Fitness to Practice committee, or
- c. resigned while a proceeding before the Discipline or Fitness to Practice Committee was outstanding.

Proposed Amendments to RCDSO By-Laws

28.2 Appendix – Additional Register Information under Article 16.2.2

28.2.1 Information in respect of members

The following additional information shall be kept in the Register in respect of each member of the College:

1. Any changes in the member's name that have been made since he or she obtained a degree in dentistry, if known to the College.
2. The member's registration number.
3. The date when the member's certificate of registration was first issued or, if the member was licensed under Part II of the *Health Disciplines Act*, the date when the member was first licensed by the College.
4. Where the member resigned or died, the last year during which the person was a member.
5. The university from which the member received his or her degree in dentistry and the year in which the degree was obtained.
6. The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each.
7. Where the member holds a certificate of registration in a specialty class, the member's specialty and the name of the university and the year in which the member completed his or her specialty training.
8. The address and telephone number of
 - a. the member's principal place of practice in Ontario, and
 - b. all other locations where the member practises.
9. Where the member is authorized to prescribe, order and take dental CT scans, whether that authority relates to Dentoalveolar CT scans or both Dentoalveolar CT and Craniofacial CT scans.
10. Where the member is the holder of a facility permit issued by the College permitting the member to install and operate a dental CT scanner
 - a. a notation of that fact,
 - b. the type of dental CT scanner for which the facility permit was issued by the College,

Proposed Amendments to RCDSO By-Laws

- c. the practice location named in the facility permit,
 - d. a summary of each deficiency found during any inspection of the facility carried out by the College, until the Registrar or the Dental CT Scanner Committee is satisfied that the deficiency has been rectified, and
 - e. the name of each member authorized to prescribe, order and take dental CT scans at that practice location and the type of dental CT scans that each member is authorized to prescribe, order and take at that location.
11. Where the member uses or is associated with a member or members who use a practice name, the practice name and the locations for which the name is used.
12. Any information in respect of the member that the member and the College agreed should be included in the register.
13. Where the member's certificate of registration is subject to any terms, conditions or limitations, other than those applicable to all members holding that class of certificate, the date upon which the terms, conditions or limitations were effective and whether the terms, conditions or limitations were imposed or voluntary.
14. Where the member's certificate of registration was suspended or revoked, the date upon which the suspension or revocation was effective, and where the suspension or revocation was lifted, the date upon which the suspension or revocation was lifted.
15. Where the member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee, a notation of that fact, the nature of that order and its effective date, until the interim order expires.
16. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned as authorized by paragraph 3 of subsection 26(1) of the Code,
- a. a notation of that fact, including a summary of the caution,
 - b. the date of the panel's decision, and
 - c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

Proposed Amendments to RCDSO By-Laws

17. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,
- a. a notation of that fact, -including a summary of the continuing education or remediation program,
 - b. the date of the panel's decision, and
 - a-c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.
- ~~15.~~18. Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.
- ~~16.~~19. Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by a board of inquiry or the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.
- ~~17.~~20. Where an allegation of professional misconduct or incompetence in respect of the member has been referred to the discipline committee on or after October 1, 2015 and not yet disposed of,
- a. a brief summary of each specified allegation that has been referred, and
 - b. ~~the anticipated date of the hearing, if the hearing date has been set.~~
 - b. the date of the referral,
 - c. the status of the discipline hearing and, if the hearing date has been set, the date set for the hearing, and
 - d. the Notice of Hearing.
- ~~18.~~21. Where a question of the member's capacity has been referred to the Fitness to Practise Committee and not yet disposed of, a notation of that fact.
- ~~19.~~22. Where a member agreed to resign to avoid a proceeding before the Discipline or Fitness to Practise Committee or resigned while a discipline or fitness to practise proceeding was outstanding, a notation of that fact.

Proposed Amendments to RCDSO By-Laws

23. A summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.

~~20.~~24. A summary of any finding of guilt of which the College is aware made by a court on or after January 1, 2015 against a member, in respect of any criminal offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the member's suitability to practise.

~~21.~~25. A summary of any existing restriction on the member's right to practise that has been imposed by a court or other lawful authority, if the College is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.

~~22.~~26. Where a decision of the Discipline Committee has been published by the College after March 30, 2000, with the member's name included,

- a. a notation of that fact, and
- b. identification of the specific publication containing that information.

~~23.~~27. Where the result of a disciplinary proceeding in respect of the member is contained in the Register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence.

~~24.~~28. Where the result of an incapacity proceeding in respect of the member is contained in the Register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.

~~25.~~29. Where the member is authorized by the College to administer moderate sedation, deep sedation, and/or general anaesthesia,

- a. a notation of the highest modality of sedation and/or general anaesthesia that the member is authorized to administer;
- b. where the member is a Visiting Member as defined under article 20.1.1, a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to that member; and
- c. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA)

Proposed Amendments to RCDSO By-Laws

related to the member until the Registrar or the Sedation and General Anaesthesia Committee is satisfied that the deficiency has been rectified.

~~26.30.~~ Where the member is the holder of a facility permit issued by the College permitting the administration of moderate sedation, deep sedation, and/or general anaesthesia,

- a. a notation of that fact;
- b. the dental practice location named in the facility permit;
- c. a notation of the type of facility permit;
- d. the date of the last inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA);
- e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), until the Registrar or Sedation and Anaesthesia Committee is satisfied that the deficiency has been rectified.