



AGENDA

CDHO Council Meeting (#11-002)

Friday, May 27, 2011

St. Paul's on Bloor, 227 Bloor St. East – Great Hall
 Toronto Ontario
 9:00 a.m. to 4:00 p.m.

Mission Statement/Énoncé de mission

The mission of the College of Dental Hygienists of Ontario is to regulate the practice of dental hygiene in the interest of the overall health and safety of the public of Ontario.

La mission de l'Ordre des hygiénistes dentaires de l'Ontario consiste à réglementer l'exercice de la profession d'hygiène dentaire de sorte à favoriser l'état de santé global et la sécurité du public ontarien.

2.0	<u>CALL TO ORDER & OPENING REMARKS</u>	
2.1	<u>INTRODUCTION OF GUESTS</u>	
2.2	<u>APPROVAL OF AGENDA</u>	
2.3	<u>ADOPTION OF MINUTES</u> <ul style="list-style-type: none"> • Friday, January 28, 2011 (#11-001) 	Appendix A
2.4	<u>ADMINISTRATIVE REPORT</u>	Appendix B
2.5	<u>COMMITTEE REPORTS</u> <u>COMMITTEE REPORTS WITH RECOMMENDATIONS</u> Executive Committee - [Linda Jamieson] <ol style="list-style-type: none"> 1. Audited Financial Statements for 2010– Will be circulated at beginning of meeting 2. Appointment of Auditors for 2011 3. Bylaw No. 4—Amendments-- Sections 7 & 16* 4. Bylaw No. 4—Amendment-- Section 3.1.2* 5. Draft Regulation Prescribing, Dispensing, Compounding, Using & Selling of Drugs* – Third Reading-updated at meeting 	Appendix C

2.6	<p><u>COMMITTEE REPORTS FOR INFORMATION ONLY</u></p> <p>Discipline Committee - [Shirley Silverman] Inquiries, Complaints & Reports Committee - [Inga McNamara] Patient Relations Committee – [Julia Johnson] Quality Assurance Committee - [Heather Blondin] Registration Committee - [Ilga St. Onge]</p> <p>The following Committee has not met, so therefore a report is not included in this agenda:</p> <p>Fitness to Practice Committee - [Tote Quizan]</p>	<p>Appendix D Appendix E Appendix F Appendix G Appendix H</p>
2.7	<p><u>GUEST SPEAKER</u></p> <p>Beth Ann Kenny, CAE, Coordinator of the Federation of Health Regulatory Colleges of Ontario (FHRCO) <i>The Role of a Council in a Health Regulated College.</i></p>	
2.8	<p><u>MEETING EVALUATION</u></p>	
2.9	<p><u>DATE OF NEXT MEETING</u></p> <p>Friday, October 28, 2011—St. Paul's on Bloor.</p>	
2.10	<p><u>ADJOURNMENT</u></p>	

* for decision

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO
COUNCIL MEETING MINUTES – (#11-002)
Friday, May 27, 2011

A Council Meeting of the College of Dental Hygienists of Ontario was held on Friday, May 27, 2011 at St. Paul's on Bloor, 227 Bloor St. East – Great Hall, Toronto Ontario

Attendance:

C. Barr Overholt, C. Blair, H. Blondin, M. Carrick, M. Connor, E. Feldman,** L. Jamieson, J. Johnson, S. Katyal, S. Laldin, C. Lotz, D. McLennon, J. Munn, L. Pavao, T. Quizan, S. Rifai, C. Ross, B. Shayan, S. Silverman, I. St. Onge, A. Venton

Absent with Cause: I. McNamara

Administration: F. Richardson, S. Ahad, J. Cain, M. Catalfo, M. Dias, R. Farinaccia
J. Keir, L. Taylor, E. Waters

Legal Counsel: R. Steinecke

Guests: B. Hardiman, RCDSO
M. Carter, ODHA*
K. Ivan, ODHA*
J. King, ODHA*
G. Bailey, ODHA
M. Jamieson, RDH
L. Samek, ODA
R. Starr, MOHLTC*
B. A. Kenny, FHRCO
T. Strawn, RDH
Des Levin, Soberman LLP***
S. Newton, RDH*
K. Feres Patry, RDH
P. Paez Leiva, Georgian College student

*attended a portion of the meeting

** arrived at 10:25 a.m.

*** departed at 9:50 a.m.

2.0 CALL TO ORDER & OPENING REMARKS

The meeting was called to order at 9:03 a.m. and attendees were given time to read the additional documentation that was handed out prior to the meeting.

Linda Jamieson, President, opened the meeting by addressing the true meaning

of collaboration and how the public benefits from the work of the Colleges.

2.1 INTRODUCTION OF GUESTS

All participants then introduced themselves.

2.2 APPROVAL OF AGENDA

The agenda was approved as amended with the addition of C3, C4 and C5, documentation which was distributed to attendees prior to the start of the meeting. Also, the Audited Financial Statements for 2010, and Appointment of Auditors for 2011 moved to the first and second position under the Executive Committee Recommendations.

2.3 ADOPTION OF MINUTES

The minutes of Friday, January 28, 2011 were approved as amended with a typo correction.

2.4 ADMINISTRATIVE REPORT

Fran Richardson, Registrar presented the Administrative Report and advised Council of the following registration statistics: general 10,722, specialty (restorative) 528, inactive 828 for a total of 12,078. She also stated that of the 12,000 registrants 3,508 or 25% are currently authorized to self-initiate. There have been a number of personnel changes with the addition of an Investigations Coordinator, Stephen Ahad and a Registration Coordinator, Marita Dias. The Registrar highlighted a number of the activities undertaken by members of Administration.

2.5 COMMITTEE REPORTS

COMMITTEE REPORTS WITH RECOMMENDATIONS

Executive Committee

Linda Jamieson presented the Executive Committee Report and informed Council that the Committee had met six (amended from five) times since the last Council meeting.

She reported on the ongoing issue of Arestin® which Johnson & Johnson was refusing to sell to dental hygienists due to lobbying by organized dentistry.

She also related the issue of the CDHO formal complaint to HPARB against the RCDSO in which a request was issued requesting that the Board reconsider their March 21, 2011 decision.

She recounted to Council about the joint CDHO/ODHA meeting which had taken place recently, with the next one scheduled for September 2011 in Burlington.

Audited Financial Statements for 2010

Des Levin from Sobermann LLP reviewed the Financial Statements for 2010 with Council. Executive then put forward the following motion:

MOTION: Executive Committee/Derrick McLennon

WHEREAS Council is mandated to approve the financial statements on an annual basis;

THEREFORE BE IT RESOLVED THAT the financial statement for the year 2010 as presented by Soberman, LLP be accepted.

CARRIED

Appointment of Auditors for 2011

MOTION: Executive Committee/Michele Carrick

WHEREAS the firm of Soberman, LLP provides independent accounting services and advice to the CDHO in accordance with the standards and procedures determined by the CICA/CAO;

THEREFORE BE IT RESOLVED THAT the firm of Soberman, LLP be reappointed as auditors of the College of Dental Hygienists of Ontario for the fiscal year 2011.

CARRIED

Bylaw No. 4—Amendments-- Sections 7 & 16

Background

Bylaw No. 4 came into being on June 4, 2009 in conjunction with the amendments to the *Regulated Health Professions Act, 1991*. Since that time, a few issues arose that indicated a need for further revisions to the bylaws. In January 2011 Council reviewed Section 7.3 and Section 16.7 at Second Reading. Subsequently in February 2011, a memorandum was sent to all registrants and interested stakeholders requesting feedback by April 29, 2011. Nine (9) responses were received, all related to section 7.3. Seven (7) of the responses were in favour of the proposed amendment. One (1) response included six names from members of a public health unit who were concerned about the

requirement to have the dental hygienist personally named in the health unit's insurance policy. Previously the College had indicated that it would be willing to accept a letter from the public health units indicating that the dental hygienists named in the letter were covered by the umbrella policy. The ODHA suggested alternate wording for section 7.3 (2). However, legal counsel advised CDHO to retain the proposed wording.

Section 7.3 Liability Insurance of Registrants

Amend to reflect the Ministry's interpretation that each registrant must "individually" carry his or her own professional liability insurance.

Current wording: All registrants holding a general/specialty certificate of registration shall maintain professional liability insurance coverage with a minimum of \$1,000,000 coverage for each occurrence and with a deductible of no more than \$10,000.

Proposed wording:

(1)A registrant shall carry professional liability insurance with the following characteristics:

1. The minimum coverage per occurrence shall be \$1,000,000
2. The deductible shall be no more than \$10,000
3. The insurer must be licensed with the Financial Services Commission of Ontario
4. The registrant must be personally named on an insurance certificate.

(2) Where the insurance is of the claims-made type, the member shall, before terminating that insurance coverage, obtain enduring (tail) insurance to provide coverage for at least five years after the termination of the insurance. Enduring (tail) insurance is not required where the member otherwise has ongoing insurance coverage for claims made during the period of time covered by the claims-made insurance.

In addition, the CDHO is no longer printing and mailing the Registrants' Handbook, but, has provided registrants with a data stick that will automatically be updated when connected to the CDHO web site. In Section 16.7 (2) the wording has been changed to amend this reality. Also, the cost of providing a replacement wall certificate has been decreased therefore that amount has also been amended.

Section 16.7

Current wording:

- (2) The fee for a:
- Replacement wall certificate is \$25
 - Replacement lapel pin is \$10
 - Replacement of the Registrants' Handbook is \$60
 - Replacement of a duplicate receipt is \$10

Proposed wording:

- (2) The fee for a:
- **Replacement wall certificate is \$20**
 - Replacement lapel pin is \$10
 - **Replacement of the Registrants' Resource data stick is \$15**
 - Replacement of a duplicate receipt is \$10

MOTION: Executive Committee/Janet Munn

WHEREAS the College of Dental Hygienists is required under the *Regulated Health Professions Act, 1991* to have bylaws that reflect the intent of the *RHPA, 1991*; and

WHEREAS amendments to the bylaws are required from time to time;

THEREFORE BE IT RESOLVED THAT the attached proposed amendments to Bylaw No. 4, Sections 7.3 and 16.7 (2) be approved by the CDHO Council for implementation June 1, 2011.

Two-thirds majority required for passage

CARRIED

Bylaw No. 4—Amendment-- Section 3.1.2

Background

The CDHO Council currently consists of twenty-two members, eleven registrants of the College and eleven members of the public. The number of public members is now at the maximum number according to the *Dental Hygiene Act, 1991* Section 7. (1)(b) The intent of self-regulation is that there be, at a minimum, one more member of the profession on the Council than there are members of the public. Therefore, the Executive Committee is proposing

that an additional professional member be elected in District #2 which next to District #4 has the highest number of registrants.

Current provision

3.1.2 The number of registrants to be elected in each of the electoral districts 1, 2, 3, 5, 6, 7, and 8 is one and the number of registrants to be elected in electoral district 4 is two.

Electoral district 2, the central western (north) district, composed of the counties of Wellington, Simcoe, Dufferin and the regional municipalities of Halton and Peel.

Notice was placed on the front page of the CDHO web site on March 22, 2011. Two (2) comments were received, both in support of the amendment.

MOTION: Executive Committee/Tote Quizan

WHEREAS the number of public members appointed by Order in Council to the CDHO Council is now at the maximum number according to the *Dental Hygiene Act, 1991* Section 7. (1)(b) and the intent of self-regulation is that there be, at a minimum, one more member of the profession on the CDHO Council than there are members of the public; and

WHEREAS the CDHO Council is not yet at its maximum number of professional members;

THEREFORE BE IT RESOLVED THAT effective January 1, 2012 Bylaw #4, Section 3.1.2 be amended to read: *the number of registrants to be elected in each of the electoral districts 1, 3, 5, 6, 7, and 8 is one and the number of registrants to be elected in electoral districts 2 and 4 is two; and that the election for the additional Member of Council be included in the regular cycle for elections occurring in November 2011.*

CARRIED

Draft Regulation Prescribing, Dispensing, Compounding, Using & Selling of Drugs – Third Reading

Background

In December 2009, the Ontario government proclaimed parts of Bill 179, the *Regulated Health Professions Statute Law Amendment Act, 2009*. The legislation expanded access to controlled acts for several regulated health professions, including dental hygiene. The new legislation requires the College of Dental Hygienists of Ontario to develop regulations regarding the prescribing, dispensing, compounding, using and selling of drugs in order for dental hygienists to perform their new authorized acts. The regulation is limited to

anticariogenics (fluoride and its salts) and antimicrobials (chlorhexidine and its salts) for prescribing, dispensing, compounding and selling.

CDHO has participated in an interprofessional working group whose mandate was to develop common principles related to the controlled act of prescribing, dispensing, compounding and selling drugs. These principles will be incorporated into a standard of practice to accompany the regulation. While CDHO registrants were already permitted to use drugs in their practices, it was deemed prudent to include that fact in the new regulation.

In October 2010, Council approved a draft regulation for circulation to registrants and stakeholders for the requisite 60 days. Seven (7) comments were received; three (3) from registrants, the ODHA, the CPSO, the CNO and the CMLTO. The Committee reviewed all of the comments and, where possible, incorporated the suggestions into the draft regulation. The registrants and the ODHA indicated disappointment with the narrow range of drugs permissible at this time, but acknowledged that the issue was currently not within the scope of the CDHO to resolve. In addition, the ODHA commented on the requirement for "training approved by Council". The CDHO is aware that there is another Canadian jurisdiction where dental hygienists already possess prescription rights. Therefore, the CDHO has contacted the other regulatory authority with respect to acquiring their course for modification to Ontario requirements.

MOTION: Executive Committee/Janet Munn

WHEREAS Bill 179, the *Regulated Health Professions Statute Law Amendment Act, 2009* included the provision for the CDHO to make regulations regarding the prescribing, dispensing, compounding and selling of drugs;

THEREFORE BE IT RESOLVED THAT the draft regulation *Part X, Prescribing, Dispensing, Compounding, Using, and Selling Drugs* (attached) be approved and submitted to the Ministry of Health and Long-Term Care for processing.

CARRIED

ROLL CALL

Approved:

Professional Members: Carol Barr Overholt, Cathleen Blair, Heather Blondin, Michele Carrick, Linda Jamieson, Caroline Lotz, Janet Munn, Lucy Pavao, Shirley Silverman, Ilga St. Onge

Public Members: Mike Connor, Julia Johnson, Shori Katyal, Samuel Laldin, Tote Quizan, Salam Rifai, Charles Ross, Anne Venton

Opposed: **Public Member** – Ben Shayan
Abstained: **Public Member** – Derrick McLennon
Absent: --**Public Member**-- Eliot Feldman, **Professional Member**-- Inga
McNamara

Additional motion to accompany drug regulation:

Background:

As noted in the Executive Report, the CDHO has become aware that organized dentistry has once again interfered with the regulation of dental hygiene by advising the companies that manufacture and distribute *Arestin*® in Ontario, that the drug may not lawfully be sold to dental hygienists in independent practice. Despite the fact that the College has informed the companies of the enabling authority in Subsection 118 of the *Drug and Pharmacies Regulation Act* and the fact that the CDHO and only the CDHO is responsible for regulating dental hygiene in this Province, the situation has not yet been rectified. The College views this act by organized dentistry as a direct challenge to its authority. The companies have indicated that they would gladly sell *Arestin*® to dental hygienists if *Arestin*® (or the category of drugs that encompasses *Arestin*®) were to be specifically included in the regulation supporting the new authorized act of “prescribing, dispensing, selling and compounding drugs.” Accordingly, the CDHO is adding a component to the drug schedule that will be provided to the Ministry of Health and Long-Term Care for review. This may prompt a response from the Ministry that the addition is unnecessary in light of the authorities granted by subsection 118. That response will hopefully provide the evidence needed to alleviate the companies’ concerns with respect to the sale of *Arestin*® for use in independent dental hygiene practices.

MOTION: Janet Munn/Michele Carrick

WHEREAS the CDHO is aware that dental hygienists have been lawfully using a product that contains tetracycline, its salts and derivatives in their practices; and

WHEREAS there has been some confusion over dental hygienists using such drugs in their practices;

THEREFORE BE IT RESOLVED THAT the CDHO add *tetracycline, its salts and derivatives (for office use only)* to the antimicrobial section of Schedule I that will accompany the proposed regulation *Prescribing, Dispensing, Compounding, Using and Selling of Drugs* that is being forwarded to the Ministry of Health and Long-Term Care for processing.

CARRIED

ROLL CALL

Approved:

Professional Members: Heather Blondin, Michele Carrick, Linda Jamieson, Caroline Lotz, Janet Munn, Shirley Silverman, Ilga St. Onge

Public Members:

Mike Connor, Eliot Feldman, Julia Johnson, Shori Katyal, Samuel Laldin, Tote Quizan, Salam Rifai, Charles Ross, Anne Venton

Opposed: **Public Members:** Ben Shayan, Derrick McLennon

Abstained: **Professional Members:** Carol Barr Overholt, Cathleen Blair, Lucy Pavao

Absent: **Professional Member:** Inga McNamara

2.6 COMMITTEE REPORTS FOR INFORMATION ONLY

Action

Discipline Committee

Shirley Silverman presented the Discipline Committee Report and stated that the Committee had held a hearing on May 6, 2011 for two individuals. One was revoked and the other one signed an Undertaking agreeing to resign from the College and never to re-apply. She advised that there were no further discipline hearings scheduled as of today's date.

Inquiries, Complaints & Reports Committee

Carol Barr Overholt conveyed the report as Inga McNamara was absent with cause. She reported that between the two panels, five meetings had taken place since the last Council meeting. They had concluded the investigations into 14 matters, one of which had been referred to the Discipline Committee. In twelve of the cases no further action was taken. No further action was taken with respect to two matters as the registrants' certificates of registration had been revoked and future application for registration by them would be referred to the Registration Committee for consideration. In another case, no action was taken as the registrant had signed an Undertaking in which she had agreed to resign from the College. A Panel ordered a SCERP remediation program in one case. She reported that currently 37 cases were under investigation. She also recounted that there are still five matters pending before HPARB.

Patient Relations Committee

Julia Johnson presented the Patient Relations Committee Report and informed Council that they had met once since the last Council meeting. She stated that the communications firm that had been handling the Public Education Program (PEP) had terminated their contract with the CDHO, and that phase II was proceeding in-house. She informed Council that a needs assessment was

underway to determine if another communications firm should be contracted to complete the PEP plan. She advised that the new website had a very successful launch. With respect to the Setting the Record Straight presentations, she recounted that so far 1,728 dental hygienists had attended, with seven more presentations upcoming.

Quality Assurance Committee

Heather Blondin conveyed the Quality Assurance Report and informed Council that the Committee had referred 10 individuals to ICRC, and had requested a Continuing Quality Improvement review to be conducted on 29 registrants who indicated on their renewal forms that they were not maintaining a Professional Portfolio. Also, a "Welcome to the Profession" letter had been initiated and sent out to all new registrants to promote quality practice and to increase awareness of available CDHO resources. She stated that the Quality Assurance Regulation had been posted to the website and that it would come into force on May 18, 2011.

Registration Committee

Ilga St. Onge presented the Registration Committee Report and advised that the Committee had met once since the last Council meeting. She conveyed information with respect to the Fairness Commissioner, that fees should be reviewed by the Executive Committee on an annual basis. The Registrar advised that the Restorative Working Group had sent an email survey to 500 restorative dental hygienists and had received 138 responses to date, with the deadline being June. She also advised that three days of clinical competency evaluations had taken place to date, with another three days scheduled for August 2011. Due to the re-structuring of curricula because of the new National Competencies inclusion, a year without CAAT graduates could occur in 2013.

Executive
Cte.

2.7 GUEST SPEAKER

Beth Ann Kenny, CAE, Coordinator of the Federation of Health Regulatory Colleges of Ontario (FHRCO) spoke on the ***The Role of a Council in a Health Regulated College.***

2.8 MEETING EVALUATION

All members were then asked to complete their meeting evaluation forms.

2.9 DATE OF NEXT MEETING

The next Council meeting is scheduled for Friday, October 28, 2011.

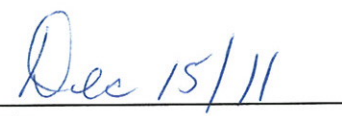
2.10

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

Approved by:


Signature of Chair


Date