

From: Song, Ya-Hong HEO
To: ["Bernie White \(berniewhite@shaw.ca\)"](#); [Bernie White](#)
Cc: [Marion Lafrenier](#)
Subject: RE: CDSS bylaws and Standards Practice Document regarding delegation and Dental Clinic Facility
Date: September 18, 2018 9:17:32 AM
Attachments: [CDSS bylaws with YH comments Sept.docx](#)

Hi Dr. Bernie

Thank you for submitting the bylaw package for my review. Overall, here are my major concerns about this version of your bylaws:

Definition/ provisions of “dental clinic facility” – The definition is problematic.

The Draft bylaw def'n 1.1(f) is: “dental clinic facility” means a place to which a fully licensed general dentist or a fully licensed specialist is connected by self-employment, employment, contract or other arrangement; (proposed bylaw 20180821)

Our proposed new def'n is: "dental clinic facility" means all places which are used by or 'connected to' (by employment, contract or in the case of a Dental Disciplines Act (DDA) s25 Agency, a formal consultation or referral arrangement) a CDSS fully licensed member for performance of any DDA 'authorized practices' (DDA s23) with respect to a patient; (as in the CDSS facility standard)

The CDSS does not seem to have legal authority to regulate a dental clinic facility operated/owned by any professional other than a dentist, even if there is a connection with a dentist on a contract basis. As well, most of my comments (provided in July) on dental clinic facility remained unaddressed. Please consult with your legal counsel and stakeholders regarding definition/provisions in this regard. Let me know how you are going to address my comments and SDHA's concerns regarding “dental clinic facility”.

The permit is **not to operate the facility**, it is to allow the member to practice in the facility, like the CPSS bylaw(below) that requires a facility to be ‘accredited’(‘permit’) for an anesthetist to operate within a facility.

CPSS Bylaw: “Treatment facilities themselves are acknowledged to be outside the jurisdiction of the College. The standards established in this bylaw must, however, be met by a non-hospital treatment facility for a physician to have a professional relationship with the facility”. ie Anaesthesia facilities must be accredited/permited to allow a CPSS physician to operate there

We could add a similar CDSS bylaw: “Dental treatment facilities themselves are acknowledged to be outside the jurisdiction of the College. The standards established in CDSS bylaws must, however, be met by a dental clinic facility for a CDSS member to have a professional relationship with the facility”.

In addition, your policy “the CDSS Practice of Dentistry, Clinic Facilities Standard” is posted on the CDSS website. How is CDSS going to enforce a policy relating to dental facilities that aren't owned and operated by one of your members because the Act does not specifically give CDSS the authority to regulate facilities?

The Act allows the CDSS to make regulatory bylaws (s15) to

- (c) setting **standards of professional conduct**, competency and proficiency of its members;
- (e) setting standards regarding the **manner and method of practice of its members, including the**

supervision or direction of staff

(v) prescribing any requirements or orders that must be met prior to performance of an authorized practice by each one of its members;

(w) prescribing any other matters considered necessary for the better carrying out of this Act.

The reason dentists must be connected to a practice (professional relationship as in CPSS bylaw) by having H,T,A's "employed by or under contract with a dentist" is to have a supervisory capacity. Please see the attached opinion from our legal counsel.

Delegation of scope of practice – please revisit my comments provided in July regarding delegation.

Keep in mind bylaws regarding delegation should be developed collaboratively with stakeholders whose members will be involved in delegation.

The Act s15 does allow the CDSS to make bylaws:

(m) respecting the delegation of an authorized practice and any restrictions or conditions on any delegation;

therefore the proposed CDSS bylaw is:

"A member connected to a dental clinic facility may delegate scope of practice only to employed dental assistants, dental hygienists, and dental therapists **whose regulatory authority provides for such** and under the restrictions and conditions of the CDSS Practice of Dentistry, Clinic Facilities Standard. "**This provides for consultation with the other regulators but perhaps we don't even need this if we speak of 'assigning tasks or duties' or 'transfer of function' instead of 'delegating authorized practices'?**

The 'facility standard' we also make direct reference to:

1. article12: Members may delegate, pursuant to DDA s24(1)(b) and DDA's 15(2)(u) the (proposed) CDSS Regulatory Bylaw 3.5(4) procedures and tasks that are within their authorized practice and under the conditions herein, only to assistants, hygienists and **therapists**;

(a) That they employ and under the conditions that:

- (i) The member completes a **CDSS Request for the Delegation of a Task or Procedure**;
- (ii) The Request for Delegation of a Task or Procedure has been approved by the College following **College consultation with the appropriate DDA Professional Association** and the **CDSS Quality Assurance Committee (QAC)**;
- (iii) The member maintains a Record of Delegated Procedures and Tasks that are **specific to each employed assistant, hygienist, therapist and are not transferrable** to another CDSS Member.

- (b) Who are employed by a DDA s 25 employer that employs or has a formal consultation or referral process with a CDSS member, who must:
- (i) Complete a CDSS Request for the Delegation of a Task or Procedure;
 - (ii) Have the Request for Delegation of a Task or Procedure approved by the College following College consultation with the appropriate DDA Professional Association and the CDSS QAC;
 - (iii) Maintains a Record of Delegated Procedures and Tasks that is specific to each employed assistant, hygienist, therapist and that is not transferrable to another CDSS Member.
- **Entry and inspection of dental clinic facility**—I cannot find any provisions in the Act that provides CDSS the authority to do so. Please consult with CPSS as they have the same issue and your legal counsel.

Same answer as above:

CPSS Bylaw: “Treatment facilities themselves are acknowledged to be outside the jurisdiction of the College. The standards established in this bylaw must, however, be met by a non-hospital treatment facility for a physician to have a professional relationship with the facility”. ie Anaesthesia facilities must be accredited/permited to allow a CPSS physician to operate there

We could add a similar CDSS bylaw: “Dental treatment facilities themselves are acknowledged to be outside the jurisdiction of the College. The standards established in CDSS bylaws must, however, be met by a dental clinic facility for a CDSS member to have a professional relationship with the facility”.

- **In many cases, substantial changes do not seem to be necessary.** With minor modification or editorial changes, the language in the existing bylaws seems to provide greater clarity than proposed wording. If there does need substantial changes, please provide rational in the third column for the changes.

Which articles are you referring to?

For detailed comments/concerns, please see the attached side by side bylaws with my comments. Let me know if you have questions or need clarification regarding my comments.

I am going to be away from October 9th and return November 5th. Hopefully CDSS can address all of my comments/concerns by the time when I am back.

From: Song, Ya-Hong HEO
Sent: Wednesday, July 18, 2018 4:24 PM
To: 'Bernie White (berniewhite@shaw.ca)'; 'bernie@saskdentists.com'; 'Marion Lafrenier'
Subject: CDSS bylaws and Standards Practice Document regarding delegation and Dental Clinic Facility

Hi Dr. Bernie

After our meeting earlier July, I focused my review of your bylaws regarding delegation and dental clinic facility, as this portion of the bylaw changes are substantial and will affect other dental regulator interest. Lately I have also received the CDSS standards practice document from SDHA on which they raised their concerns. I think work on this portion of bylaws need more time.

Please find attached my comments on the bylaws regarding delegation and clinic facility. Also attached for your information/reference is the CPSS bylaw regarding delegation.

I understand that SDHA has forwarded their concerns on your standards document.

Please let me know how you are going to address my comments and SDHA's concerns.
Thank you.

Ya-Hong Song
Senior Policy Analyst
Partnerships and Workforce Planning
Saskatchewan Health
3rd Floor, 3475 Albert Street
Regina, SK S4S 6X6
Phone: (306) 798-3188
Email: ysong@health.gov.sk.ca

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