

Registrar's Report to Council – January 2022

Licensure

This incident underscores the importance of sound communication between regulators and CDSS tightening up its licensing requirements.

We received an application for licensure from an Ontario-based GP dentist. The letter of standing from RCDSO said the individual would never be granted a dental license in Ontario every again. The decision was made to deny the application based on the RCSDO decision. When communicated to the individual, they replied that they had proof to refute RCDSO but chose to retire instead.

We have also had requests to defer license fees to the next year because the individual did not actually practice. Because of COVID, there have been a couple of occasions where this was permitted. In one case, the individual came back and asked if their license fee could be transferred to pay for another dentist's license. In my opinion, we grant licenses to dentists which makes them eligible to practice dentistry in Saskatchewan. If they practice or not is their decision and CDSS should no longer consider deferrals.

Meeting with Minister of Health re: regulatory changes, DDA information and privacy commissioner

Jerod, Dean, and I met virtually with Health Minister Paul Merriman on December 14, 2021, regarding changes to the DDA and independent practice of hygienists, assistants, and therapists.

We respectfully pointed out that the messaging that this change will bring SK into line with other Canadian provinces was not correct and that SK is setting a national precedence for independent practice of assistants and therapists. Moreover, we pointed out that dental technicians and denturists practice independently already without the need for a direct link to dentists. The Minister was not aware of these points and took them to heart.

We also briefly discussed our process for amending our regulatory bylaws to reflect the changes to the DDA and to strengthen our licensing requirements. He told us to carry on via the government process that we always follow.

He suggested meeting again in January as a follow-up.

The SK information and privacy commissioner submitted a letter to Minister Merriman based on the legislative changes to the DDA and made some recommendations for changes for all dental regulators.

- The registrar of each association shall post all regulatory and administrative bylaws, in effect, on that association's website for public viewing. We do have administrative bylaws posted on the public side of the CDSS site.
- The Registrar should have an electronic membership roll on their website. We do this in our find a dentist section for the public, but we don't list specific forms of other members e.g., retired, academic and the like.
- Posting member suspensions on the public side of the website. We do this for discipline but not temporary suspensions via PCC.
- Public notification of discipline hearings and public access to all documents except those with personal information protected by *The Freedom of Information and Protection of Privacy Act* or personal health information of the complainant or others as defined in *The Health Information Protection Act*. We notify the public about discipline hearings and provide summaries of orders but do not make all documents available to the public.
- To post discipline orders publicly on their website. We do this.

These changes are not onerous and can be easily done. We should consider doing it even if the DDA is not amended to reflect all the Commissioner's recommended changes.

Labour Mobility and Regulators

All SK regulators met with Federal government labour staff to discuss the need for SK legislation governing labour mobility that currently does not exist despite articulation agreements between regulators across Canada.

The federal and SK governments want to consider legislation that covers the following:

- Compliance orders that compel regulators to comply with internal trade agreements and if a regulator does not, to override and change their regulatory bylaws and practices if need be. This is not much of a problem for CDSS if we clearly document our processes and demonstrate they do comply with existing agreements
- Reporting mechanisms for regulators to provide annual reports on labour mobility applications to government and the public including number of applications, number licensed, time to licensure and other matters. The point of this is to determine where the gaps in process are in provinces or in specific regulated professions. This will not be onerous for CDSS to do but it does underscore the increasing regulatory activities going forward over time.

- Language proficiency, whereby regulators cannot impose additional language requirements (such as a language exam) if a labour mobility applicant has already satisfied the language requirement in another jurisdiction. The problem here is that the federal government accepts general language proficiency scores that reflect general conversational French or English and not professional-level language skills.
- Timelines for decision on licensure to be completed within 30 days of receipt of all required documentation for licensure.
- Regulators should not request documents beyond those that were used to gain licensure in other jurisdictions. This will come down to which province has the lowest hanging fruit for licensure.
- Shifting fines onto regulators and away from provincial governments for poor labour mobility practices. These fines can be up to the \$2 million to \$5 million range and could bankrupt a regulatory authority.
- All regulators are to develop and publish formal appeals processes for denied licensure. This appeal could be to a third-party, or panel of individuals within the regulator, such as the board. Some regulators do not have a formal appeal process, often leaving one or two individuals to make these decisions, which have subjectivity.
- Providing clear rationale and pathways to certification for those denied licensure. Not much of an issue for CDSS as we have a national standard of what qualifies for licensure in Canada, and we can deny licensure based on letters of standing from other regulators.
- All regulators need to provide clear, transparent, objective, impartial and fair guidelines for licensure and labour mobility on their websites. We are pretty much there.

What CDSS can do with respect to licensure requirements comes down to *material* versus *non-material* requirements. Such requirements are situational and are generally defined by access, location, duration, frequency, and content. We have lots of flexibility for non-material requirements e.g., evidence of good character, criminal record and vulnerable sector checks, ethics, and jurisprudence exams, and requiring a certain level of CE for licensure. A material requirement would be only holding the ethics and jurisprudence exam once a year in person and we would run the risk of being non-compliant.

CDRAF, NDEB, RCDC meetings

We continue to meet with NDEB and RCDC who now have been requested to come up with a plan for the 2023 and beyond national dental specialty exam (NDSE) process.

An initial meeting has also occurred between CDRAF and ACFD stakeholders with an aim to make over CDAC to enable dental education to better reflect the needs of practicing dentists in Canada.