

**From:** [Kevin Saganski](#)  
**To:** [Lisa Cassidy](#); [Jessica Gunn](#)  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad  
**Date:** October 11, 2023 2:26:02 PM

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Hi Lisa and Jessica. I'd like to get council's opinion on the topic of listing non-dental services in an advertisement and whether this runs afoul of Ad Standard 15viii. If council doesn't have an issue with this and thinks it should be allowed then there's no point also getting a legal opinion on it. Could you please add it to our agenda and include ARC's discussion on this regarding the proposed advertisement from Dr. Mitchell's clinic.  
-Kevin

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**From:** Hilary Stevens <hstevens9@me.com>  
**Sent:** 10 October 2023 22:39  
**To:** Harold Weiss <hweiss@sasktel.net>  
**Cc:** Kevin Saganski <dr.saganski@gmail.com>; Lisa Cassidy <lisa@saskdentists.com>; josh.marshall@usask.ca <josh.marshall@usask.ca>; Bilawal Hussain <bilawal.h.h@gmail.com>; Sok Sun <soksun@me.com>  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad

I would agree this is a tricky one! I would also like to hear counsel's opinion.

I agree that child care on site could help with accessibility, however are there any risks to the CDSS in terms of regulation. Would the CDSS be responsible to regulate child care services that are provided within the dental office?

I would err on the side of caution and consequently I would agree that at this time the requested phrase is non-compliant, however it may be overturned after counsel's input.

Thanks,  
Hilary

Sent from my iPhone

On Oct 10, 2023, at 4:31 PM, Harold Weiss <hweiss@sasktel.net> wrote:

Another way to look at this is thru the lens of Access to Dental Care. Governments and Courts these days are very big on Access. Thus, Free Parking may be a factor to enhance Access. Likewise, Direct Billing certainly would increase Access for those patients who are struggling with cash flow and for who paying upfront would be a hardship. Likewise, Childcare Available would

increase Access for those who may not be able to attend a dental office, if they can't get a sitter. These are all Services some of us offer to our patients. It would be good to get Counsel's opinion on how easy it would be to convince a Judge that these are all non-dental Services that enhance Access. Some say it would be very easy.

If we make the wrong call and get challenged in Court, we/CDSS would have egg on its face and could be forced to pay costs.

Harold

**From:** [Kevin Saganski](#)  
**Sent:** Thursday, October 05, 2023 8:51 AM  
**To:** [Harold Weiss](#) ; [Lisa Cassidy](#) ; [josh.marshall@usask.ca](mailto:josh.marshall@usask.ca) ; [hstevens9@me.com](mailto:hstevens9@me.com) ; [Bilawal Hussain](#) ; [Sok Sun](#)  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad

Harold I agree that this is a question to be answered by CDSS legal counsel. My response is unchanged, as the AS does not specify "dental services", and advertising "we will care for your child while you receive dental care" is a service much more so than stating "you don't have to pay to park in our parking lot" or "our office can accommodate a patient in a wheelchair". This will likely take some time, so in the meantime we will go with the ARC majority opinion. If the majority opinion is non-compliance, then we will also advise the member that this is an interim decision while we await legal opinion and that they will be advised if our decision is reversed. Lisa, would you be able to forward this on to Sean Sinclair for his opinion?

-Kevin

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**From:** Harold Weiss <[hweiss@sasktel.net](mailto:hweiss@sasktel.net)>  
**Sent:** 04 October 2023 18:32  
**To:** Kevin Saganski <[dr.saganski@gmail.com](mailto:dr.saganski@gmail.com)>; Lisa Cassidy <[lisa@saskdentists.com](mailto:lisa@saskdentists.com)>; [josh.marshall@usask.ca](mailto:josh.marshall@usask.ca) <[josh.marshall@usask.ca](mailto:josh.marshall@usask.ca)>; [hstevens9@me.com](mailto:hstevens9@me.com) <[hstevens9@me.com](mailto:hstevens9@me.com)>; Bilawal Hussain <[bilawal.h.h@gmail.com](mailto:bilawal.h.h@gmail.com)>; Sok Sun <[soksun@me.com](mailto:soksun@me.com)>  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad

Re AS 15viii. *Reference to materials, techniques, equipment, and services.* There is a good case to be made that these are items related to the provision of dental care, such as composites vs amalgams, level of sedation, laser vs scalpel, nightguards with prosthetic cases, and so on. These are all directly related to what goes on in the mouth/head/neck. In my many years at the ARC, 15viii has always been interpreted this way.

Therefore, "service" would not refer to what is ordinarily called as service, such as

whether there is direct billing, whether there are extended hours, parking options, and in this case, whether there is child care. These are all “services” but not dental services utilized in the physical provision of dental care. There is no reason to assume that “childcare” is not an objectively verifiable statement, any less than “free parking” is an objectively verifiable statement.

I suggest we ask counsel for the College what he thinks “Services” means. We probably wouldn’t want to let a judge decide for us.

Harold

**From:** [Kevin Saganski](#)  
**Sent:** Wednesday, October 04, 2023 8:11 AM  
**To:** [Harold Weiss](#) ; [Lisa Cassidy](#) ; [josh.marshall@usask.ca](mailto:josh.marshall@usask.ca) ; [hstevens9@me.com](mailto:hstevens9@me.com) ; [Bilawal Hussain](#) ; [Sok Sun](#)  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad

I agree with Josh. This is different from objectively verifiable statements such as "free parking", "wheelchair accessible", "open evenings and weekends". Childcare is a service, therefore non-compliant AS 15viii.

-Kevin

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**From:** Harold Weiss <[hweiss@sasktel.net](mailto:hweiss@sasktel.net)>  
**Sent:** 03 October 2023 21:41  
**To:** Lisa Cassidy <[lisa@saskdentists.com](mailto:lisa@saskdentists.com)>; Kevin Saganski <[dr.saganski@gmail.com](mailto:dr.saganski@gmail.com)>; [josh.marshall@usask.ca](mailto:josh.marshall@usask.ca) <[josh.marshall@usask.ca](mailto:josh.marshall@usask.ca)>; [hstevens9@me.com](mailto:hstevens9@me.com) <[hstevens9@me.com](mailto:hstevens9@me.com)>; Bilawal Hussain <[bilawal.h.h@gmail.com](mailto:bilawal.h.h@gmail.com)>; Sok Sun <[soksun@me.com](mailto:soksun@me.com)>  
**Subject:** Re: ARC - Dr. Mitchell Sponsored Ad

One view is this has to do with accessibility to dental care and by extension to this practice. Like "wheelchair accessible", "extended hours available", listing of payment options. There is nothing undignified here. It certainly would be relevant to the public's ability to make an informed choice, AS 14v.

Another view is that this would be "comparative", although they are not suggesting the dentistry would be superior or unique. Also, some offices have extended hours, some don't, and that is not deemed to be comparative.

I think this might work, but there would need to be strict rules, so we don't get into a situation where offices begin to compare the quality of their child care, or any other accessibility features they might want to

offer.

Harold

-----Original Message-----

From: Lisa Cassidy

Sent: Wednesday, September 27, 2023 9:47 AM

To: Kevin Saganski ; josh.marshall@usask.ca ; hstevens9@me.com ;

hweiss@sasktel.net ; Bilawal Hussain ; Sok Sun

Subject: ARC - Dr. Mitchell Sponsored Ad

Hi All,

Please review the following question from Dr. Mitchell - "We are wondering if it is acceptable to do sponsored advertising that includes phrases such as "child care available" along with our clinic name and contact information." - Please refer the advertising standards for any non-compliant material.

Thanks,

Lisa

Lisa Cassidy, B.A.,

Coordinator of Professional Standards & Complaint Process

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[lisa@saskdentists.com](mailto:lisa@saskdentists.com)

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-----Original Message-----

From: Blake Mitchell <[blake@simplici.dental](mailto:blake@simplici.dental)>

Sent: Wednesday, September 27, 2023 9:29 AM

To: Lisa Cassidy <[lisa@saskdentists.com](mailto:lisa@saskdentists.com)>

Cc: Jessica Lichtenwald <[jdavies4974@gmail.com](mailto:jdavies4974@gmail.com)>

Subject: Advertising for Review

Hi Lisa,

Can you pass along to the ARC?

We are wondering if it is acceptable to do sponsored advertising that includes phrases such as "child care available" along with our clinic name and contact information.

Thank you.

Blake Mitchell