

Hi everyone,

If you wish, I would be happy to have an e-meeting to discuss. My opinion though has not changed as a result of this letter. In my view, the Act permits dentists to inject neuromodulators, including for cosmetic purposes.

I think that there are two main options that can be pursued now:

1. Proceed Ahead and Ignore the Letter from CPSS

We could do a curt letter back indicating that we disagree with their analysis for the reasons given in my prior correspondence and leave it at that. Meanwhile, CDSS would proceed with its neuromodulator plans, uninterrupted.

The benefit to this plan is that it is cost-effective and timely. Option two (below) would potentially delay matters and be quite costly. I think it is possible that CPSS would simply let the matter go.

The drawback is that there is a possibility that CDSS licenses a member to inject neuromodulators for cosmetic purposes and then CPSS tries to prosecute an individual dentist of practicing medicine without a licence. Then, we have an individual member who, with the blessing of CDSS, is subject to a court hearing and the possibility of being found guilty of an offence and a fine of up to \$5,000. If the member was found guilty (which I do not think is likely based on my legal analysis), I anticipate that a member caught in that situation would be unhappy, as would any other dentists that had obtained the necessary training and incurred expense to set up a cosmetic neuromodulator practice.

2. Bring the Issue to the Court for Determination

CDSS could preemptively bring the matter to court and have a judge rule upon whether your legislation allows dentists to inject neuromodulators for cosmetic purposes. This would be a significant undertaking. Ideally, we would obtain expert evidence to define the term “dental treatment” and some of the terms in the legislation. I expect that a judge would take a long time to make a decision. This could take 2 years or so to resolve. Then, there is every possibility of appeals.

Thus, there would be extensive cost and delay. It would though provide certainty, both for CDSS and your members.

There is no right answer legally which approach to take. If you take option 1, you may want to consider advising your members who seek the ability to inject neuromodulators cosmetically that CPSS has raised these concerns.

I look forward to your comments.

Thanks,

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