

## Briefing Note: Meeting of the Board

### Date: September 5, 2024

<b>Title</b>	Legacy Guidance Documents – Request to Rescind
<b>Action</b>	Decision
<b>From:</b>	Jennifer Roff, Executive Director, Professional Regulation Karen Mok, General Counsel
<b>Prepared by:</b>	Karen Mok, General Counsel
<b>Date</b>	August 19, 2024
<b>Draft resolution</b>	The Board resolves to rescind the suite of legacy college practice resource documents as recommended.
<b>Additional Material Attached</b>	<ol style="list-style-type: none"> <li>1. Professional Standards Development Project Charter</li> <li>2. Archived Practice Standards List</li> <li>3. Infection Prevention and Control &amp; Oral Health Care During the COVID-19 Pandemic</li> <li>4. Bylaw 12 Interpretive Guidelines: Advertising and Promotional Activities</li> <li>5. Digital impressions are not a restricted activity</li> <li>6. Use of dermal fillers remains outside the scope of practice of dentists</li> <li>7. Sample charts and forms for dental recordkeeping</li> <li>8. Marketing interpretive guidance</li> <li>9. The Basics for Patients and the Public</li> <li>10. Interpretive Guidance for Definition of Fit Relating to Implant Overdentures</li> </ol>

### Summary

BCCOHP is currently working to create professional and ethical standards for all regulated oral health professionals [Attachment 1]. As part of BCCOHP's Professional Standards Development Project, the Standards and Guidance Committee (the "Committee") undertook to review all practice resource

documents previously ported over to BCCOHP from the legacy oral health colleges upon amalgamation on September 1, 2022.

A number of those documents raised concerns about their currency and relevancy in the post-amalgamation BCCOHP landscape and their alignment with current Ministry of Health Regulations and BCCOHP Bylaws. These documents were removed from the BCCOHP website to allow for further consideration and review [Attachment 2].

An internal legal review of these documents confirms that they create organizational risk to BCCOHP and possible safety concerns for the public. Accordingly, staff are recommending the Board resolve to rescind the suite of documents referred to below.

## Background

In October 2023, the Professional Standards working group, established by the Committee, reviewed the legacy college resources ported over to BCCOHP after amalgamation in September 2022. This was aligned with the charter for the BCCOHP Standards and Guidance Project and was intended to be part of the environmental scan to determine which of the existing resources needed to be considered for the new standards framework. Ancillary to this, the working group identified significant safety, legal and reputational risks to both the public and BCCOHP in some of these legacy documents [Attachment 2] remaining on the BCCOHP website.

Where there were questions of statutory alignment with current Ministry of Health regulations and BCCOHP Bylaws and resulting public and organizational risk, the working group directed staff to remove a number of documents from the BCCOHP website, pending further legal review. Because these are guidance documents rather than standards documents, they do not fall within the Professional Standards Development Project and as such, were not first reviewed by the Committee. Once drafting of the Professional Standards has been completed and approved by the Committee, the Committee will review the legacy standards documents at the same time for recommendation to the Board to rescind as necessary.

## Review

What follows is the outcome of a legal review of the suite of legacy guidance documents and the rationale behind the recommendation to rescind these documents.

To note, the Infection Prevention and Control & Oral Health Care During the COVID-19 Pandemic [Attachment 3] document is not before the Board for consideration. Given the Provincial Health

Officer's recent order to end the public health emergency for COVID-19, the document is in and of itself no longer applicable or authoritative.

Document:	Bylaw 12 Interpretive Guidelines: Advertising and Promotional Activities [Attachment 4]
Date removed from website:	January 22, 2024
Recommendation:	Rescind
Rationale:	This document refers to outdated legacy CDSBC bylaws that have since been updated and renumbered in the current BCCOHP bylaws on marketing and advertising (Bylaw 15) that apply to all OHPs.

Document:	Digital impressions are not a restricted activity [Attachment 5]
Date removed from website:	January 22, 2024
Recommendation:	Rescind
Rationale:	This document originated from an interpretation of the 2009 legacy CDSBC Bylaws. Information in the document is inaccurate as it states that "[the] making of a digital image (to be used as an electronic impression) is not a restricted activity and can be performed by anyone in the dental office". This statement is contrary to current BCCOHP Bylaws, s. 11.08(1) regarding the exceptions to which a dentist may authorize to a non-registrant to perform a restricted activity and the exception in s. 11.08(3)(c), which allows for a dentist to authorize a certified dental assistant to obtain impressions and occlusal records under indirect supervision. The document seems to suggest that digital impressions is not a restricted activity that falls within s. 11.08(3).

Document:	Use of dermal fillers remains outside the scope of practice of dentists [Attachment 6]
Date removed from website:	April 5, 2024
Recommendation:	Rescind
Rationale:	The document is outdated and inaccurate. It states that "the administration of dermal fillers is not part of the scope of practice of general dentists", which was a decision made by the legacy CDSBC Board following a recommendation from a working group of oral surgeons that dermal fillers carried a significant

	risk of adverse effects. Since then, there have been significant medical and societal developments with respect to the administration of dermal fillers and they are now considered low risk and reversible. Pursuant to s. 4(1)(b) of the Dentists Regulation, dentist registrants can perform a procedure on tissue of the orofacial complex and associated anatomical structures below the dermis; this includes the administration of dermal fillers.
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Document:	Sample charts and forms for dental recordkeeping [Attachment 7]
Date removed from website:	July 15, 2024
Recommendation:	Rescind
Rationale:	These sample charts and forms are outdated in that they are legacy CDSBC samples. Current sample forms of this nature may be best obtained from each of the OHP's corresponding associations.

Document:	Marketing interpretive guidance [Attachment 8]
Removed from website:	January 22, 2024
Recommendation:	Rescind
Rationale:	This document refers to outdated legacy CDHBC bylaws that have since been updated and renumbered in the current BCCOHP bylaws on marketing and advertising (Bylaw 15) that apply to all OHPs.

Document:	The Basics for Patients and the Public [Attachment 9]
Removed from Website:	January 22, 2024
Recommendation:	Rescind
Rationale:	This document contains general information about the legacy CDTBC and its mandate, and is outdated. This document is also duplicative in that a more current and similar document, <i>Creating Beautiful, Natural Smiles – for Patients and the Public</i> , replaces it.

Document:	Interpretive Guidance for Definition of Fit Relating to Implant Overdentures [Attachment 10]
Removed from website:	April 5, 2024

Recommendation:	Rescind
Rationale:	Information in the document is inaccurate in that it states as guidance that the “denturist is able to unscrew and place healing caps, abutments and implant bars if there is no need to cut into the tissue”. The attachment of a bar onto the implant, onto which the overdenture clips, is outside the restricted activity of “dispensing and fitting dentures” under s. 5(1)(a) and (b) of the Denturists Regulation as the definition of “fit” in the Regulation is a non-surgical intra-oral procedure performed in relation to the dispensing of a denture but does not contemplate the fitting of another dental appliance such as a bar, which is not integral or necessary to the dispensing or making of an overdenture.

## Next Steps

Following approval for rescission by the Board, tailored and risk-based communications will be enacted to ensure that impacted audiences are aware of the changes. The messaging will cover both the overall process, and specific considerations related to individual documents.

To note, the work to review all legacy practice resource documents continues, and will be brought to the Board with recommendations, either from staff or from the Committee, as to the future of these legacy documents.

## Links to Organizational Priorities

### *Strategic Plan*

**Modernized regulatory functions** - Unify core regulatory functions and establish patient-centred standards that prioritize patient safety and promote the public interest.

### *Risk*

**Safety Risk** – practice resource documents that are not aligned with legislation, or are outdated and no longer relevant, could lead to patients not having current information to be able to make informed and safe choices about their oral health care or oral health care providers.

**Regulatory Risk** – practice resource documents that are not aligned with legislation risks BCCOHP not being in compliance with its statutory obligations

**Reputational Risk** – practice resource documents that are not aligned with legislation, or are outdated and no longer relevant could be seen as profession-centric oversight and not in the public interest