

# Newsletter: July 2014

Dental Council - July 2014

## Your new Dental Council website and refreshed branding

Council has redesigned its website to make it more accessible, informative and intuitive, and updated its look with a brand refresh.

With an entirely new structure and design, users are guided to the information they seek and important notices will not be missed. In addition, all content has undergone a revamp towards plain English ensuring usability for all user groups.

On arrival at the homepage, registered practitioners, individuals who want to practise in New Zealand, as well as the public, patients and employers each have their own dedicated pathway where information has been tailored to suit their specific needs.

Practitioners will be pleased to learn that the dedicated practitioner pathway features specific information relevant to professions. This profession-specific area enables practitioners to easily connect with updates and practice information relevant to them, to ensure that they are fully cognisant of the professional expectations to maintain safe practice.

With improvements in the accessibility of pertinent information, it is anticipated that the website will become the first point of call for busy people who need prompt answers to their questions. This is important in assisting the Council to fulfil its role as a responsible authority promoting and protecting the public interest, by ensuring that oral health practitioners are safe and competent to practise in New Zealand.

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## The end of an era – posted newsletters

Part of effective communication is the use of tools which are convenient and accessible. Because of this, a decision has been made to move to electronic newsletters only, which will also be available on the Dental Council website.

This means that the Council needs your current email address as soon as possible. If you are not currently receiving emails from us, please get in touch and we will add your email address to our Register.

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# Dental Council Strategic Plan 2014 - 2019

The Council's work programme across the next five years to 2019 is extensive and will result in significant change.

Primarily, the Council has determined to strengthen the frameworks that underpin its core regulatory business of setting standards for practitioners. These standards relate to thresholds for entry to the Register and the standards that registered oral health practitioners must comply with, to ensure safe and competent practice.

The Dental Council Strategic Plan 2014-2019 sets out the following goals and strategic intent:

## Mission

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To provide public assurance that oral health practitioners are competent and fit to practise.

## Vision

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Standards are set and maintained for oral health practitioners to deliver safe and competent care to the public of New Zealand.

## Goals and Strategic Intent

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<b>Goal 1: Administer the Health Practitioners Competence Assurance Act 2003 (HPCA) consistently, fairly and effectively</b>
<p>Strategic Intent</p> <ul style="list-style-type: none"><li>• Actively contribute to the review of the HPCA Act</li><li>• Protect the health and safety of the public by ensuring that oral health professionals are fit to practise</li><li>• Regulate the oral health professionals in New Zealand.</li></ul>



<b>Goal 2: Promote appropriate standards of oral health care</b>
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### Strategic Intent

- To set standards of clinical competence, cultural competence and ethical conduct to be observed by health practitioners of the profession
- Review and continually strive to improve the standards framework
- Benchmark the framework to other jurisdictions internationally as well as other health professions within New Zealand.

### **Goal 3: Maintain an organisation that is efficient, responsive and sustainable**

#### Strategic Intent

- Become a stronger regulator through business improvement
- Build and lead long-term international relationships
- Benchmark against international regulators and domestic regulators of other environments and professions
- Build capability to respond to legislative changes.

### **Goal 4: Promote and communicate Council's functions to stakeholders and the public of New Zealand**

#### Strategic Intent

- Develop and improve the relationships with professional groups within New Zealand
  - Develop and improve the transparency to stakeholders and the public of New Zealand
  - Promote good professional practice by building a relationship with an indemnity organisation
  - Develop accessible and informative Dental Council publications
  - Articulate the strategic direction of Council to stakeholders.
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# The Standards Framework for Oral Health Practitioners

The Health Practitioners Competence Assurance Act 2003 stipulates that one of the Council's functions is to set standards of clinical competence, cultural competence, and ethical conduct to be observed by oral health practitioners.

At the moment, these standards are contained within Council codes of practice and statements. Prior to the implementation of the Act, it was the New Zealand Dental Association (NZDA), that developed the codes of practice, and these were regarded as the professional standards for dentists and dental specialists. In 2003, NZDA kindly offered these codes of practice to Council, which were then modified as needed and adopted by Council for dentists and dental specialists. Over time, these documents have been adjusted to accommodate codes of practice for dental therapists, dental hygienists, orthodontic auxiliaries, clinical dental technicians and dental technicians.

All oral health practitioners are legally accountable to the standards set by the Council. Whereas, professional associations' standards are designed to guide practitioners towards best practice.

Practice audits have revealed that practitioner clarity with regard to professional expectations and the standards that must be complied with is not as robust as it could be. The Council view is that this may well be attributed to the absence of a strong link between Council's ethical principles and the various codes of practice.

In response to this, Council has developed a proposed Standards Framework for Oral Health Practitioners, which sets the ethical principles, professional standards and practice standards.

Council is committed to full and robust collaborative engagement on the proposed new standards framework, through its consultation process with stakeholders. The consultation document on the proposed Standards Framework for Oral Health Practitioners will be issued shortly.

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## Council membership

The first appointment term for Dr Robin Whyman and Dr Lyndie Foster Page ended on 2 June 2014. Council is pleased to announce that both Robin and Lyndie have been re-appointed for another three-year term by the Minister of Health

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## Council Activities

# Code of practice review schedule 2014/15

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At the April 2014 teleconference, the Standards Review Committee considered its work plan for the coming year.

After considering its risk matrix, interrelationships with other planned reviews or Council projects, and the capacity of the secretariat, the Committee made its recommendations to Council.

Council agreed that with the medical emergencies code of practice review nearing its completion, and the transmissible major viral infection code of practice review currently underway, that the following additional code of practice reviews be prioritised for 2014/15:

- Sexual boundaries
- Cross infection
- Sedation (to follow after finalisation of the medical emergencies code of practice)
- Record keeping.

## TMVI review

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The working group membership for the transmissible major viral infection (TMVI) code of practice review has been determined, with the following participants:

- Professor Anita Nolan (Chair), registered Oral Medicine Specialist
- Dr Kim Gear, registered Oral Medicine Specialist and Dentist
- Dr Arlo Upton, registered with the Medical Council of New Zealand in Internal Medicine and Pathology vocational scopes of practice.

So far, the group has made good progress with regard to the analysis of the relevant international and local standards and guidelines. This work will inform the discussion on the various areas for review, identified by the Standards Review Committee TMVI work stream's gap analysis.

# Follow-up consultation on the draft Medical Emergencies in Dental Practice Code of Practice

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Last year, the Council consulted on the draft Medical Emergencies in Dental Practice Code of Practice. The Council established Submissions Review Team considered the submissions, prior to making recommendations to Council.

The Council approved an amended draft Medical Emergencies in Dental Practice Code of Practice for further consultation.

Stakeholders received the consultation documents on 19 May 2014 and comments are sought on the proposed draft code of practice by **14 July 2014**.

Note: that in the interim, until a revised code has been finalised, the current Medical Emergencies in Dental Practice Codes of Practice remain in place.

## Dental Specialist competencies review

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The joint project between Council and the Dental Board of Australia, to develop the specialist qualifications framework and competencies for dental specialities, has made significant progress.

The review objective is to develop a specialist qualifications framework and competencies for each specialty. The competencies will be used to set standards for entry to the Register, and could also be used when a concern was raised about a practitioner's competence.

To this end, the two regulators have appointed an Expert Reference Group Specialist (ERGS), with the following membership:

- Professor Richard Logan (Chair)
- Winthrop Professor Paul Abbott
- Dr Werner Bischof
- Dr Mark Leedham
- Professor Robert Love



- Dr Neil Peppitt
- Dr Jocelyn Shand
- Dr John Lockwood (ex-officio).

May and June 2014 featured ERGS meetings with various Australasian specialist stakeholders to gather information to inform the development of the draft competencies. A forum with New Zealand specialist stakeholders will be held on 8 July 2014 in Wellington. This will be followed by a wider consultation process with all Council stakeholders.

## Accreditation Standards

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The Dental Council (New Zealand) and Dental Board of Australia commissioned the Australian Dental Council to conduct a review of the joint accreditation standards for all the professions' programmes. This resulted in a New Zealand discussion forum, held on 11 April in Wellington. The intent of the forum was to gain clarity on the issues with the existing standards, identify any potential overlap with other regulation of educational institutions and programmes that occurs, and to recognise areas not sufficiently covered in the standards.

The forum was well attended with attendee representation from academia, professional associations, quality assurance bodies and governance. Project consultant, Prof Maree O'Keefe from Adelaide, was also in attendance. Prof O'Keefe will consider the forum notes, gathered across the five discussion forums held in Australia and New Zealand, and the survey responses on the first discussion document, when developing the draft standards.

The target date for project finalisation and approval of the revised standards is by the end of 2014. However, this date is dependent on the level of submission feedback received and any possible requirement for subsequent follow-up consultations.

All Council stakeholders will be afforded an opportunity to have their say on the draft accreditation standards, through the consultation process.

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## New graduates

A breakdown on the 2013 graduates is provided in the table below:

	Number of 2013 graduates	Number 2013 graduates registered, as at 30 May 2014	Number of 2013 graduates with an annual practising certificate, as at 30 May 2014
<b>University of Otago</b>			
<i>Undergraduate Qualifications</i>			
Bachelor of Dental Surgery	83	70	66
Bachelor of Oral Health	37	35	31
Bachelor of Dental Technology	27	6	6
<i>Postgraduate Qualifications</i>			
Dental Specialists	12	11	11
Clinical Dental Technology	21	19	18
Total from Otago	180	141	132
<b>Auckland University of Technology</b>			
Bachelor of Health Science in Oral Health	32	32	31

<b>TOTAL</b>	<b>212</b>	<b>173</b>	<b>163</b>

## Working together to keep children and young people safe

A health professional is sometimes the first to notice when things are not going right for families.

Council would like to remind practitioners to be aware of the provisions and protection afforded to children and young people under the Children Young Persons and Their Families Act 1989 (the Act). As a professional, you play a valuable role in helping keep children and young people safe from harm.

If you believe that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived, you may report the matter to a social worker or a constable (section 15 of the Act).

Child, Youth and Family (CYF) have developed an inter-agency guide to help you recognise the signs when families are vulnerable and where there may be harm or abuse to a child or young person. The guide also shows you how you can help, who to talk to, how to report your concerns, and what happens when a report of concern is received by CYF. A copy of the guide can be found here: [www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf](http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf)  
(<http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf>)

## Discipline update

# Practising for 19 months without a practising certificate

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Mr Adam Vitali, a registered dental technician and clinical dental technician was found guilty by the Health Practitioners Disciplinary Tribunal of practising without a current practising certificate for 19 months. The Tribunal was “willing to accept that Mr Vitali did not intentionally ignore his obligation to renew his APC but that he was seriously remiss in failing to attend to the renewal for 19 months.” The Tribunal was clear that “the offence of practising without a current practising certificate is an absolute offence”. An absolute offence means there is no requirement for knowledge or intention on the part of the practitioner. In relation to penalty, the Tribunal took into account Mr Vitali’s cooperation, his personal and financial circumstances, and that practising without a practising certificate for 19 months put the case at the moderately serious end of comparable cases. The Tribunal ordered that Mr Vitali be censured, pay a fine of \$2,200 and a \$6,500 contribution towards the costs of prosecution. The full Tribunal decision is available here: [www.hpdt.org.nz/Default.aspx?Tabid=392](http://www.hpdt.org.nz/Default.aspx?Tabid=392) (<http://www.hpdt.org.nz/Default.aspx?Tabid=392>)

# Suspended suspension orders get a ‘No’ from the High Court

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The High Court has agreed with a professional conduct committee (PCC) of the Dental Council that the Health Practitioners Disciplinary Tribunal has no power to impose a penalty of ‘suspended suspension’.

The High Court decision arose from an appeal made by the PCC against a decision of the Tribunal, dated 22 May 2013, concerning Choonsik Moon, a dentist. Dr Moon had practised while suspended by the Dental Council. The Tribunal found his conduct amounted to professional misconduct, and brought discredit to the dental profession. The Tribunal ordered the suspension of Dr Moon’s registration for 12 months, but the suspension would not take effect unless Dr Moon failed to satisfy conditions imposed on his practice for a two-year period; effectively a ‘suspended suspension’. On appeal to it, the High Court made an order to

quash that aspect of the penalty, as well as the suspension order itself. Other aspects of the penalty, such as the censure, fine, costs award and conditions on practice, prevailed.

*A Professional Conduct Committee of the Dental Council v Choonsik Moon [2014] NZHC 189*