

Dental Council

Te Kaunihera Tiaki Niho

# Newsletter: December 2014

Dental Council - December 2014

# Message from the Chair

 M Bain 2014

The year has been one of stability especially now the distraction of a single shared secretariat for health regulatory authorities is behind us. No changes have been made to the Council membership, and we now have an experienced, wise and close-knit group that works well together. It certainly makes my job easier. Furthermore, only one change has been made to the secretariat staff, which is indicative of the stability there too. All of this means we have been able to move on with projects and the usual business with surety.

The Council has now received all the submissions from the first round of consultation for the Standards Framework. The make-up of the dental professional workforce has changed markedly in recent times. Over half of new dentist registrants are graduates from overseas and derive from societal backgrounds that are many and varied. We also have six different professions that come under the Council's jurisdiction, all with different pathways of education and experience. The Standards Framework will determine the ethical principles that are expected of our diverse mix of practitioners.

Many of you will have noticed that consultations are an integral part of how the Council does business. We realise that, at times, there seems to be an endless succession of consultation documents, but it is a process we are obliged to follow. It is not a rapid way of doing business. Indeed, it can be rather pedestrian; due diligence, while thorough, seems to take an inordinate amount of time. We thank all stakeholders who take the time and effort to respond. I can assure you that each and every submission is taken seriously, with a systematic process of logging, categorising and analysing the comments. Of course, we do get conflicting responses and not everyone can be satisfied all of the time. Establishing the right balance in the best interests of the public is one of the challenges of regulation.

As indicated earlier, the dental community has become globally oriented and, as such, the Council has maintained an international perspective with its activities. The International Society of Dental Regulators (ISDR) is now well established, and its second conference met in London immediately before the International Association of Medical Regulatory Authorities. One of the functions of ISDR is to develop uniformity in areas such as education curricula, programme accreditation, risk management

and qualification equivalency assessment. I am also pleased to advise that our chief executive, Marie Warner, is now the ISDR President. We have also worked closely with our Australian colleagues in two projects: developing competencies for dental specialists and accreditation standards. It was pleasing to note the extent of the contribution of New Zealand stakeholders in these two projects.

In the meantime, on the home front, routine business has continued. I would particularly like to thank Marie Warner and her secretariat staff for the dedicated work they put in to the smooth running of the Council, often working extra hours to meet deadlines. I would also like to thank my deputy, Dr Robin Whyman, and the other Council members for their valuable contributions during the year. We often have robust discussions around the Council table but always manage to achieve harmonious consensus decisions.

Finally, I would like to wish you all the compliments of the festive season. The dental business involves exacting and complex work that can be challenging and, at times, a little stressful. The Christmas holiday period is the time for relaxation, recreation and reflection with family and friends. Enjoy the break.

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# Standards Framework consultation update

The Dental Council has now considered all the submission comments received on its proposed Standards Framework for Oral Health Practitioners.

Following Council's consideration of the submissions it has further refined the draft Standards Framework. The next steps in further development of the Standards Framework include:

- A key stakeholder discussion forum to discuss the comments received during the first consultation and the proposed changes to the Standards Framework (13 February 2015).
- The follow-up consultation will be issued to all stakeholders around March 2015.
- Targeted discussion forums – March/April 2015.

Parallel to the follow-up consultation, targeted discussion forums will be held at four centres: Auckland, Wellington, Christchurch and Dunedin. The discussion forums will allow practitioners and other stakeholders to engage with Council representatives on the proposed framework and the additional proposed changes, to inform their consultation submissions.

- Submission feedback on the follow-up consultation will be considered in May 2015.

Depending on the outcome of the consultation, the final Standards Framework could be adopted or another consultation processes required if further substantial changes are required.

- Dental Council Roadshow – 2015/16.

After adoption of the final Standards Framework, a Dental Council Roadshow will be held in nine centres across New Zealand, to promote awareness to practitioners of the new Standards Framework for Oral Health Practitioners and to discuss other Council initiatives.

Video conferencing or webinar facilities will be explored for the discussion forums and roadshow to extend access to stakeholders outside of these allocated centres.

As always, the Council invites all stakeholders to actively engage in this process.

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## Current consultations

The Council is currently consulting on the following three areas.

Consultation on a proposed Oral Health Therapy Scope of Practice ([resources-and-publications/publications/current-consultations/consultation-on-a-proposed-oral-health-therapy-scope-of-practice/](#)): The consultation proposes a draft Oral Health Therapy Scope of Practice; prescribed qualifications for the Oral Health Therapy Scope of Practice; and draft Competency Standards and Performance Measures for Oral Health Therapists. The consultation closes on 20 February 2015.

Consultation on the 2015/16 Draft Budgets, Annual Practising Certificate and Other Fees and Disciplinary Levies effective from 1 April 2015 ([resources-and-publications/publications/current-consultations/consultation-on-the-201516-draft-budgets-annual-practising-certificate-and-other-fees-and-disciplinary-levies-effective-from-1-april-2015/](#)): The Council is currently consulting on its draft 2015/16 Council and profession budgets. The resultant annual practising fees and disciplinary levies will take effect on 1 April 2015 for dental therapists, dental hygienists and orthodontic auxiliaries, and dental technicians and clinical dental technicians. The Council is seeking comments on the proposals by 27 January 2015.

Consultation on a proposed Transmissible Major Viral Infections Code of Practice ([/current-consultations/consultation-on-a-proposed-transmissible-major-viral-infections-code-of-practice/](#)): The Council is seeking feedback on a draft of the proposed code of practice from stakeholders by 30 January 2015.

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## **Mauriora cultural competence course**

Limited continuing professional development opportunities exist in the area of cultural competence. One available course is the online foundation course in cultural competence offered by Mauriora Associates.

The Ministry of Health has now extended FREE access to this course until 30 January 2015.

More information on the course can be found on the Mauriora Associates' website (<http://www.mauriora.co.nz/>).

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## **Erratum on the Code of Practice for Medical Emergencies in Dental Practice**

A correction has been made to the Code of Practice for Medical Emergencies in Dental Practice, issued on 26 September 2014, on pages 15 and 19 of Appendix A: hypoventilation has been corrected to hyperventilation. The updated version is available on our website for download ([/page-not-found/](#)).

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# Control of cross infection code of practice review

The Council has started its review of the Control of Cross Infection in Dental Practice Code of Practice.

The working group appointed by the Council is:

- Andrew Gray (Chair) – Council member
- Sharon Boutell – dental hygienist
- Michael Holdaway – dentist
- Brent Norton – clinical dental technician
- Diane Pevreal – dental therapist
- Megan Sharpe – subject-matter expert private dental practice environment
- Shelagh Thomas – subject-matter expert public dental practice environment.

The working group held its first meeting on 15 December 2014, and it is envisaged the revised draft code will be consulted on during the first half of 2015.

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# Accreditation 2014/15

## *University of Otago Bachelor of Oral Health*

The University of Otago Bachelor of Oral Health programme accreditation was conducted in 2014.

The Council considered the accreditation submission, site evaluation team report and the Australian Dental Council/ Dental Council (NZ) accreditation committee's recommendation at its December meeting. The programme was granted re-accreditation for five years to December 2019.

## *Accreditation during 2015*

The following University of Otago programmes are scheduled for accreditation next year:

- Bachelor of Dental Technology
- Bachelor of Dental Technology with Honours
- Postgraduate Diploma Clinical Dental Technology.

The University of Otago has requested its DClintDent(Oral Surgery) programme to be submitted for accreditation. It is anticipated the site visit will occur in the first quarter of next year.

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## Discipline update

Decisions have been made by the Health Practitioners Disciplinary Tribunal for three practitioners.

- **Cancellation of registration for convicted dentist**

The Tribunal ordered the cancellation of the registration of a dentist convicted of sexual offences, it being satisfied the offences reflected adversely on the dentist's fitness to practise. The Tribunal stated: "The offence relates to a health practitioner's core professional obligation to avoid any unlawful sexual conduct as it fundamentally undermines the trust and confidence that the community must have in a health practitioner."

The convictions related to sexual offending outside of the practitioner's work setting. The dentist's conduct was viewed by the Tribunal as "reprehensible". The order of cancellation was not, however, intended to punish the dentist. The Tribunal considered the penalties imposed were necessary to mark its "important role in protecting the health and safety of members of the public and for setting and maintaining professional standards". The penalty order included several conditions to be satisfied if, and when, the dentist made an application for re-registration. The dentist was also censured and ordered to pay \$5,958, being 20 percent of the costs of the professional conduct committee and the Tribunal. The dentist and victims of the offending were granted permanent suppression of name and identifying features. The Tribunal's full decision is available here (<http://hpdt.org.nz/Default.aspx?Tabid=420>).

- **Technician practising outside registered scope of practice and without a practising certificate**

The Tribunal held Mr Marc Emile Adams, a registered dental technician and clinical dental technician, guilty of professional misconduct. Mr Adams was found to have practised, and promoted himself, as a clinical dental technician before gaining registration with the Dental Council as a clinical dental technician. Further, he practised his profession without a current practising certificate. When considering whether or not disciplinary sanction was warranted for maintaining professional standards, protection of the public or penalising the practitioner, the Tribunal noted that the public needed protection from practitioners carrying out work, or holding themselves out as or otherwise promoting services for work, when they do not have the appropriate qualifications and a current practising certificate. The Tribunal made orders for censure; a fine of \$4,500; a contribution of \$22,000 towards the costs of prosecution; and for a period of three years,

Mr Adams's scope of practice would be subject to practice audits from the Dental Council. The full Tribunal decision is available here (<http://www.hpdt.org.nz/portals/0/dtech13268pdecisionweb.pdf>).

- **Dentist appealing Tribunal's decision to the High Court**

A dentist found to have breached acceptable boundaries with a colleague was found guilty of professional misconduct by the Tribunal. In its recent decision on the penalty to be imposed, the Tribunal ordered that the dentist be censured; suspended for three months; and pay costs of \$50,000. Further, the Tribunal refused the dentist's application for permanent name suppression. The dentist has appealed to the High Court against the Tribunal's decision and a hearing has been scheduled to take place early next year. In the meantime, the Court has ordered a stay of the penalty decision pending its determination of the appeal.

The Tribunal's decision is not yet publically available.

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## Advertising Standards Authority decision

A recent decision of the Advertising Standards Authority (ASA) has upheld a complaint made by an individual against an advertisement on the Fluoride Free NZ website depicting a named registered dentist and stating, in part: “Informed Doctors and Dentists say: KEEP FLUORIDE OUT. Keep Rotorua’s water safe. It’s our right to choose. Swallowing Fluoride, is unsafe for babies; doesn’t protect teeth and; can cause harm.”

The Complaints Board of the ASA said the statement inferred that doctors and dentists who were pro-fluoridation were not “informed”; and, in the absence of supporting evidence, the advertisement “could be considered denigrating to those professionals who were pro-fluoridation”. The Complaints Board held the advertisement was likely to mislead and breached the Advertising Code of Ethics “as the claims were presented as facts, but were not substantiated by the Advertiser”. Further, “the advertisement unjustifiably played on fear ... and was socially irresponsible”.

The full ASA decision is available here ([http://asa.co.nz/display.php?ascb\\_number=14460](http://asa.co.nz/display.php?ascb_number=14460)).

In light of the ASA decision, it is timely to remind practitioners to be alert to their legal, ethical and professional responsibilities at all times, including compliance with the Dental Council Code of Practice on Advertising ([/page-not-found/](#)); Principles of Ethical Conduct for Oral Health Practitioners ([/page-not-found/](#)); and Council’s statement ‘Oral Health Practitioners’ Ethical Responsibility in the Community Water Fluoridation Debate’ as published in the Dental Council’s August 2013 newsletter ([/assets/Uploads/Publications/Newsletters-pre-2014/AUG2013.pdf](#)). When a practitioner enters the public debate on community water fluoridation, the Council codes and statements require them to behave in a way that is courteous, responsible and professional, and abstain from ways that could be considered denigrating to other practitioners or the profession.