

Articulator

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At Issue

This Newsletter contains lots of information about changes to assorted laws that affect you as a registrant and your relationship with the College.

Your renewal certificate is enclosed. Please contact Stephanie in the College office if you require a duplicate certificate for a secondary office.

The next regularly scheduled Board meeting is on May 28, 2004 in Parksville, BC. Come and meet the members of the Board. Information about the Annual General Meeting is on page 2.

www.cd.bc.ca

Interesting Statistics: QAC Compliance

	2001	2002	2003
Complying ...	98.97%	98%	98.02%
Not Complying...	1.03%	2%	1.98%
No. Citation ...	2	0	1

Health Professions Act

The Provincial government has made some substantial changes to the legislation that governs health professionals in this province. The changes are designed to complete the work of the Health Professions Council and governmental health regulatory initiatives. From a policy perspective, the amendments mean big changes for the professions that were not yet designated under the Health Professions Act. All free standing health legislation will be repealed. The new Colleges must write bylaws under the Health Professions Act .

As a registrant, the amendments will also affect you. Arguably, the most notable change will be to the Quality Assurance Committee and program. Colleges are now required to have programs that demonstrably lead to improved quality practices.

There are many other changes to the Act. For the full text, registrants should visit the Legislation and Professional Regulation webpage <<http://www.healthservices.gov.bc.ca/leg/index.html>> , or for specific questions, call the College office @ 604-515-0533.

Quality Assurance

The lead article of this newsletter highlighted some of the amendments to the Health Professions Act. One of the changes that will affect registrants will be the changes to the Quality Assurance program. While it is not anticipated that the government will prescribe a program, due to the complex nature and differentiation between professions, the demonstrability requirement is one that this College must meet.

The current program, one in which registrants submit proof that they attended or completed qualifying educational courses in either the direct or indirect categories is problematic. The QA Committee is unable to demonstrate that the current program improves quality of care. This means that the program must be changed.

The goal of quality assurance programs is one that few argue. It is to implement a program that leads to continuous quality improvement within the profession. In order to achieve this, registrants must understand and value the program. There are a number of models upon which the Committee can begin to create a new and better QA program, a program that must meet the requirements of the Government and be accepted by Registrants.

The first step will be a survey of registrants. You will receive the survey within the next six weeks. The survey is designed to be an anonymous data gather tool. If you wish to provide additional comments please send them separately to the Committee. Your input is valuable. When you receive the survey, please complete and return it.

Election Report

The College made the Call for Nominations for the vacant Board positions in December, and received two nominations. As the number of nominees was the same as the number of vacancies, the members were acclaimed. Doug Hengel, the past chair of the Board and Richard Rittaler are elected to three-year terms.

As past Chair of the Board, Mr. Hengel returns with a wealth of knowledge and experience. The members of the Board welcome Mr. Rittaler. Richard is an Active Full registrant practising in Langley.

Board report

The Board held its inaugural meeting of 2004 on April 2. The members re-elected Mr. Hengel as chair, and Ms. Jones as vice-char and struck the following Committees:

Board report continued

The recent amendments to the HPA mean that there is much work to be done. The Bylaws require extensive rewriting, as will the Handbook for Registrants. Additionally the College's Website will be updated with a new look and easier to navigate design.

The next meeting of the Board will be in conjunction with the Denturist Association of BC's Annual General Meeting. The College's meeting is an open meeting and registrants are invited to drop in and meet the members of the Board.

All meetings of the Board of the College are open, public meetings. The members of the Board encourage all registrants to take an active role in the College, and to attend meetings.

The annual audit of the College is currently being completed. You will be notified when the Annual Report and Auditor's Report are available. The Bylaws require that both are completed and available by the end of June.

As in past years the College will notify all registrants, and post both documents on the Website. Copies of the Annual Report, including the Auditor's Report will be available at the Annual General Meeting. Registrants who want printed copies may download then from the Website, or request printed copies by contacting the College Office.

The College's Annual General Meeting will be held on October 2, 2004 in Vancouver. Options are being considered for continuing education to be provided in conjunction with the meeting.

Examinations

The clinical licensure examinations will be held July 12 - 15 inclusive. Each year, a number of active full registrants are needed to help with the exam. Two opportunities exist, acting as an examiner for the full four days, or acting for just the last day. At least three registrants are required for the full exam, and up to 9 additional registrants are required for the final day. All active full registrants are encouraged to apply. The College reimburses actual costs, pays a per diem, and awards Quality Assurance continuing education hours. Please note that applying does not necessarily mean that the registrant will be selected as an examiner. Many factors are considered in selecting the exam team. Bring your memories of your examination, good and bad, and see how things have changed.

Discipline Chair	Gary Stewart Richard Rittaler Hari Varshney	Patient Relations Chair	Andrea Jones Rod Hughes Tricia Thobaben
Executive Chair	Doug Hengel Andea Jones Gary Stewart	Quality Assurance Chair	Geri Hinton Robb McInnis Tricia Thobaben
Inquiry Chair	Andrea Jones Gary Feldman Rod Hughes	Registration Chair	Gary Stewart Richard Rittaler Hari Varshney

Inquiry Report

The Inquiry Committee investigates complaints the College receives. Recently, the Committee has made some decisions which may affect your practice.

The College received a complaint from a dentist about a registrant's advertising of tooth bleaching and whitening services. The dentist found the brochures in a tanning salon. The dentist alleged that this was a violation of the Denturist Regulation. Upon concluding the investigation, the Committee in fact found that bleaching and or whitening a patient's natural tooth structures violates section 6 (6) of the Denturist Regulation. It states: (6) No registrant may cut, grind, scale, clean, restore, alter or polish natural teeth, crowns, or implants. Despite the registrant providing data supporting the argument that there is limited or no risk to patients, the members of the Committee are bound to uphold the Health Professions Act and Denturist Regulation. Changing the colour of a natural tooth is altering the tooth. The Board upheld the decision of the Committee.

The College received a complaint from a dental hygienist who alleged that the use of the term *denture specialist* is false, confusing, and may cause harm to the public. The Committee investigated and closed the complaint without taking action. The Committee did recommend that the Board develop policy around the use of the term denture specialist. The use of the term, *by an individual*, indicates recognition and/or certification that is not recognized by the College...

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Criminal Record Review Act

The Government has served notice of its intent to amend the *Criminal Record Review Act* (CRRA). Enacted in 1996, the Act's purpose is to help protect children from physical and sexual abuse by ensuring that anyone who works with children or who has unsupervised access to children in the ordinary course of employment, or in the practice of an occupation, and who is employed by or licensed by, or receives operating funds from the provincial government gets a criminal record check. The Act makes criminal record checks mandatory for all current and new employees and licensees of such organizations.

The proposed amendments seek to strengthen the program and increase effectiveness. Once the amendments are passed all registrants will have a repeat check completed every five years. Also, the list of relevant offences will be broadened with the focus and scope remaining on protecting children from physical and sexual abuse.

Registrants should note that persons they employ are required, by law, to have a criminal record review. Forms are available from the CRRA Website. Please note that employees should use Schedule A. Registrants use Schedule B. The current cost is \$20 payable directly to the government. Employee reports are sent directly to employers, they *are not* sent to the College. The College will continue to administer CRRA for licensure applicants.

For more information, please visit: <<http://www.pssg.gov.bc.ca/criminal-records-review/index.htm>>

Business Corporation Act

The new BC *Business Corporation Act* was enacted on March 29, 2004. All Health Professions Corporations will be affected by this new legislation.

Corporations in BC will have two years in which to comply with the new Act. Corporate legal counsel will deal with the requirements in the normal course of reporting the annual filing. However, if you complete your corporation's own annual filing, you need to be aware of these changes. Failure to comply will result in the Registrar of Companies striking the company off the corporate register.

If you complete the annual filing and require assistance, you are encouraged to contact the Registrar of Companies <<http://www.fin.gov.bc.ca/registries/corppg/default.htm>> .

For customers who do not want to file electronically, Dye & Durham can file on their behalf. Customers will be able to send paper forms and a cheque to Dye & Durham who will electronically file the information. A service fee will be charged. For more information call Dye & Durham toll free 1 800 665-6211 or visit <<http://www.dyedurhambc.com/>>.

The College of Denturists will not require approval of changes to Articles of Incorporation as a result of this transition. Registrants are encouraged to seek legal advice prior to making other optional changes to articles of incorporation. Corporate registrants are reminded that voting shares may only be held by registrants of the College.

Personal Information Protection

Yet more legislation that affects the relationship between registrants, patients, and the College has been introduced by both provincial and federal governments. The legislation is complex, and the full effect is not yet understood. As different sectors implement the law, new and unexpected effects are being observed.

There is a great deal of information available on assorted governmental websites. All readers are encouraged to read and/or seek legal counsel when making decisions about information protection policy. The College's Website has a detailed briefing note, along with links to related sites, including The Office of Information and Privacy Commissioner and the Privacy Commissioner of Canada.

To summarize the information: Registrants are governed by the provincial privacy law, however, health regulatory Colleges are specifically excluded from the *Personal Information Privacy Act* but are covered by the *Freedom of Information/Protection of Privacy Act*. This means that all of the powers to administer the mandate of the College, granted by the Health Professions Act, remain the same. If the College, as part of an inquiry or investigation, requests copies of patient records, the registrant, by law, must provide the copy whether or not the patient has authorized the release of the information.

Personal information protection legislation that applies to every organization (as defined by the Interpretation Act, including persons, corporations, partnerships, unincorporated associations etc.) and sets requirements for the collection, maintenance, storage, use and destruction of personal information is now in force.

The Federal Government began imposing privacy legislation approximately 4 years ago. In the preceding time, more and more types of organizations have been captured.

The legislation now applies to all private businesses.

The area in which registrants will most likely notice the impact of privacy legislation is when dealing with third party dental insurance carriers. Third party insurers cannot disclose information about a patient without having explicit consent. Consider having patients sign an authorization so that you can release information to their dental plan and the dental plan can release information to you as a treatment provider. In order to facilitate treatment you may wish to request the authorization at the consultation appointment. Further, note that for patients with dual coverage, you will need authorization from *both* insured individuals, not just the patient. One other area in which a registrant requires explicit authorization is in the event that another registrant requests a copy of a patient's records. You must have explicit authorization from the patient to transfer the records. The only time that this would not apply is if another registrant purchased the patient records as part of an office purchase agreement. The transfer of records in this situation is currently regulated by College Bylaw 74(5).

There are some practical applications to consider. If you store records electronically, your computer should be password protected. The newer Windows™ operating systems have reliable and secure password protection. If you have an older operating system (Windows™ 95 or 98), you are strongly encouraged to upgrade. Additionally, vendors of

the specific database programs may upgrade software to include password protection. As a final step registrants may wish to consider encrypting electronically stored data. Steps should be taken to ensure the security of paper-based file systems. A locking cabinet is an effective means of complying with the security requirements of the Act.

Inquiry report continued

The use of the term may inappropriately sway a member of the public in choosing a registrant. However, the Board recognizes that, by the very fact of the limited scope of practice, denturists are specialists. The Board will consider, at its next meeting, a draft policy limiting the use of the term specialist in a singular form. If accepted, a denturist would not be entitled to indicate that they are a specialist. However, the full term '*denturists are denture specialists*' may be used in advertising.

If you have any comments in regards to this draft proposal, please submit them, in writing to the College. The Board will consider all comments.

The Articulator is the newsletter of the College of Denturists of British Columbia. It is a source of information. In the event of a disagreement between information in this newsletter and any law, the wording of the law takes precedence. Letters and articles are welcome. The Board reserves the right to edit submissions for length or to refuse to publish any letter or article. Copyright May 2004.