

438th (Special) Meeting of Council

Via Zoom and Livestream via YouTube

Thursday, August 3, 2023

RCDSO STRATEGIC PLAN OVERVIEW: 2023-2025

VISION

Everyone in Ontario has access to safe, high-quality oral health care.

MISSION

We act in the public interest and are committed to excellence in regulating the dental profession in Ontario.

VALUES



ACCOUNTABLE



COLLABORATIVE



INNOVATIVE



INCLUSIVE



TRANSPARENT

PILLARS



PROFESSIONALISM

STRATEGIC PROJECTS

- College Standards
- Access to Care



STAKEHOLDER ENGAGEMENT

STRATEGIC PROJECTS

- Service Experience
- Equity, Diversity and Inclusion



EMERGING ISSUES

STRATEGIC PROJECTS

- Governance Review and Modernization
- Practice Models and Corporate Dentistry

OUR COMMITMENT

- We take an [evidence-informed approach](#) to decision making.
- We apply a [risk-based perspective](#) in regulating the profession.
- We integrate the principles of [Equity, Diversity and Inclusion](#) in all we do.



Engaging Council Members for Effective Governance

As a member of Council, I acknowledge my fiduciary duty to the College and the public interest and the statutes and rules that guide me. I am aware of my role and responsibilities, and that of the President and the Registrar. I also acknowledge that an effective governing body requires its members to fulfill behavioural expectations to each other. As a result, I will:

- Attend at least 75% of Council meetings
- Arrive so the meeting can start at the scheduled time
- Be fully prepared for Council meetings by reviewing materials in advance and considering all questions in briefing materials
- Participate by asking questions to clarify or challenge assumptions, sharing concerns and providing suggestions to meaningfully contribute to discussions and decisions
- Actively listen and engage in discussions at the Council table to promote transparency in our discussion and decisions
- Avoid distractions such as cell phones and side conversations during meetings
- Promote, welcome and value diverse perspectives in all discussions
- Be critical of issues where warranted, but not of people or their perspectives
- Be clear and concise in my contributions to topics in order to receive multiple perspectives
- Commit to Council decisions when the topic is closed and when I speak about decisions publicly
- Confine all substantive discussions to the meeting

Approved: June 16, 2022

AGENDA

438th (SPECIAL) MEETING – RCDSO COUNCIL

Via Zoom and Livestream via YouTube

Thursday, August 3, 2023 – 7:00pm – 8:30pm

Item	Time	Topic and Objective(s)	Purpose	Page No.
1.	7:00 pm	Call to Order & Land Acknowledgement	Discussion	
2.		Roll Call		
3.		¹ Declaration of Conflict of Interest		
4.	7:10 pm	Registrar and CEO's Remarks	Discussion	
5.	7:15 pm	Regulation Amendment: Emergency Class of Registration	Decision	5-16
6.	8:30 pm	Adjournment		

¹ Council member Conflict of Interest Declarations can be found in the June 2023 Council materials.

COUNCIL BRIEFING NOTE

TOPIC: Regulation Amendment: Emergency Class of Registration

FOR DECISION

July 2023

ISSUE:

- At its meeting in April 2023, Council approved a draft regulation amendment creating an emergency class of registration. The Ministry of Health has proposed substantive changes to the regulation amendment. Only Council can approve those changes; RCDSO staff do not have the authority to do so.
- This briefing note will outline substantive changes that the Ministry has proposed. Council is asked for its decision on those substantive changes and on a process step related to finalizing the regulation amendment. Urgency is required as the Ministry must have the regulation approved by Cabinet by August 31, 2023. This item is for decision.

PUBLIC INTEREST:

- This matter furthers or serves the public interest by ensuring that health regulatory Colleges can respond to emergencies by quickly registering additional health professionals as required.
- This matter relates to two pillars of the Strategic Plan: stakeholder engagement and emerging issues.

BACKGROUND:

- Council approved a draft regulation amendment, creating an emergency class of registration at its meeting in April 2023.
- The RCDSO's regulation amendment was developed on the express direction of the Ministry of Health. The Ministry has given the same direction to all Ontario health regulatory Colleges who are subject to the *Regulated Health Professions Act, 1991* (RHPA)-twenty-six Colleges in total.
- This initiative forms part of the Ministry's 'Plan to Stay Open', intended to learn from the experience of the COVID-19 pandemic and bolster Ontario's workforce.
- In addition to requiring that regulation amendments be developed, the Ministry has provided direction on the content of the regulation amendment and the timelines on which this work is to be complete.

- All regulation amendments for all twenty-six Ontario health regulatory Colleges must be complete and approved by Cabinet on August 31, 2023.
- Developing a regulation amendment is a shared initiative between the RCDSO and the Ministry with each partner assuming responsibility for different elements of work.
- The RCDSO's key responsibilities are at the front end of the process. The RCDSO is required to:
 - Develop draft regulation amendment language
 - Circulate the draft regulation amendment for a mandatory 60-day consultation to solicit feedback from the public, profession and other system partners
 - Provide materials to the Ministry for posting on the regulation registry (essentially a second form of consultation on the draft regulation amendment)
 - Revise the draft regulation amendment based on feedback, as required
 - Present the draft regulation amendment to Council for approval in principle
 - Prepare a formal submission on the draft regulation amendment to the Ministry
- All of the RCDSO's responsibilities as outlined above were completed by May 1st; the date on which the RCDSO sent a formal submission of Council's regulation amendment to the Ministry.
- The primary responsibility for finalizing the regulation amendment then shifted to the Ministry, with RCDSO staff and external legal counsel Sarah Yun of Weir Foulds, supporting the Ministry in its review.
- As noted at Council's meeting in April 2023, it is customary and expected that as the regulation amendment is finalized, minor wording and organizational changes may be proposed by either the Ministry or the RCDSO to ensure internal consistency in the regulation and also to ensure that Council's direction and intent is clear and well represented.
- It is the job of RCDSO staff to ensure that any changes proposed are consistent with Council's direction, or if they introduce a new idea or concept, that the proposed change comes to Council for direction.
- The RCDSO and Ministry engaged in detailed conversations on the regulation amendment mid-late July.
- On July 26 2023, RCDSO staff received a set of proposed changes to Council's regulation amendment that were substantive in nature. That is, these were not minor wording changes or clarifications, but rather brand-new ideas that the Ministry wished to include in the regulation amendment.
- Those changes will be outlined for Council in the next section of the briefing note. Only Council can approve such changes to the regulation amendment; staff does not have the authority to do so.

CURRENT STATUS:

- At its meeting on August 3, 2023, Council will be asked to make two decisions: 1. whether it approves the draft regulation amendment with the recent revisions included and 2. whether it directs staff to request an exemption for additional circulation period; a necessity in order to meet the Ministry's timelines.
- Information included below is intended to support Council in making these decisions.

I. DRAFT REGULATION AMENDMENT: NEW REVISIONS

- Council's revised regulation amendment is attached as **Appendix A**. This version of the regulation amendment includes minor amendments that are consistent with Council's direction (shaded in grey) and substantive changes that represent new ideas (highlighted in yellow).
- Council's direction is required on the substantive changes shaded in yellow. Staff are happy to additionally take Council's comments and reactions on the minor amendments shaded in grey.

1. SUBSTANTIVE REVISION: FEE EXEMPTION FOR EMERGENCY CLASS REGISTRANTS

- This amendment creates an exemption for emergency class registrants related to a specific administrative fee. It applies to three provisions in the regulation amendment: s.16(4), s.18(6.1), and s.20 (3.1). For brevity, only section 16(4) is highlighted in the chart below but all three are highlighted in the regulation amendment attached as **Appendix A**.
- This revision is considered a substantive change because Council did not discuss this concept when it approved the regulation amendment at its April 2023 meeting.
- As noted in the 'impact' column, this amendment does not change the core requirements for licensure, nor does it have any impact on patient safety.

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
<p>16. (4) The requirements of paragraphs 1, 3, 4 and 5 of subsection (1) and the requirement to pay the application fee set out in a College by-law do not apply to an applicant who held an emergency certificate of registration issued by the College within three years before submitting their application for that</p>	<p>Explanation This proposed revision applies in a specific instance: when emergency class registrants wish to apply for another class of licensure post-emergency. In that instance, those registrants will be exempt from paying a minor application fee associated with the second category of licensure.</p> <p>Rationale The Ministry has required this amendment. It is based on a specific legal interpretation from the Ministry's legislative counsel</p>	<p>This amendment has an administrative impact only; it does not change any of the requirements for entry into the emergency class or have any implications for patient safety.</p> <p>From a financial perspective, it means that the RCDSO would waive an administrative fee of approximately \$350 per application.</p>

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
<p>general certificate of registration.</p> <p><i>The above language is triplicated in clauses 18 (6.1) and 20 (3.1).</i></p>	<p>which RCDSO learned about late last week.</p> <p>Originally, the RCDSO was proposing to introduce this change through RCDSO by-law. The Ministry is now requiring that this change be included in regulation.</p> <p>It is a substantive change because Council had not previously considered application fees and the possibility of exempting fees in this manner.</p>	<p>The RCDSO is however contemplating charging emergency class applicants an annual fee, in an amount that would cover the costs of PLP coverage. Information and a proposed by-law change on that annual fee will come to the September Council meeting.</p>

2. MINOR AMENDMENT: COMPETENCIES & EDUCATIONAL REQUIREMENTS

- This minor amendment was proposed by RCDSO staff and legal counsel. It adds an important clarification to the regulation amendment.
- It enables the Registration Committee to review the education of applicants to ensure they meet baseline clinical and professionalism competencies, in keeping with national standards and with the requirements of other existing classes of registration.
- Typically, this review of education would be conducted by the National Dental Examining Board of Canada (NDEB); they set requirements for education and baseline competencies in order for applicants to be eligible to write certification examinations.
- In the regulation amendment, emergency class applicants are exempt from writing NDEB certification examinations.
- The minor amendment allows the Registration Committee to fulfill the role that NDEB would typically fulfill.

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
<p>26.1 (1) 2. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school, approved by the Registration Committee.</p>	<p>Explanation</p> <p>The Registration Committee will ensure that all applicants to the emergency class meet baseline clinical and professionalism competencies. A policy will be developed to support the Registration Committee in this task.</p> <p>Rationale</p> <p>Dental education varies quite widely around the globe. For instance, some</p>	<p>Although this is a minor change to the regulation amendment, it will have a significant impact on the RCDSO's ability to ensure that patient safety is protected.</p>

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
	<p>applicants may graduate from dental school without having had any contact with patients, or without having reached baseline competencies.</p> <p>The RCDSO wants to ensure that all applicants can comply with national standards for professionalism and clinical competencies and ensure that there are consistent expectations for competencies across each of the RCDSO's classes of registration.</p> <p>This is an important step to ensure that all dentists can provide effective, high-quality care, and that the public is safe.</p>	

3. MINOR + SUBSTANTIVE AMENDMENTS: OPENING THE EMERGENCY CLASS

- The Ministry has made some minor amendments and one substantive change to the provisions around when and by whom the emergency class can be opened.
- The general concepts and ideas are consistent with what Council reviewed and approved in April 2023: the class can either be opened by the government or by Council, if Council determines it is in the public interest to do so.
- The most recent amendments entail minor wording changes related to the government's ability to open the class and a substantive amendment relating to Council's authority to open the class. The Ministry is proposing that Council be required to consider specific factors related to registration when determining if it is in the public interest to open the class.

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
<p>26.1 (1) The additional requirements for the issuing of an emergency certificate of registration are the following:</p> <p>1. The Minister must have requested that the College initiate registrations under this class based on the Minister's opinion that emergency circumstances call for it or the Council must</p>	<p>Explanation</p> <ul style="list-style-type: none"> • The amendments shaded in grey involve minor wording changes regarding when the government can open the emergency class. • Those highlighted in yellow provide specific considerations for Council when determining if it is in the public interest to open the emergency class. When determining if it is in the public interest to open the class, the amendments require Council consider specific factors related to registration. 	<p>Council still has the authority to open the emergency class when it is in the public interest to do so.</p> <p>This amendment simply requires Council to consider factors related to registration when making that public interest determination.</p> <p>Council is free to consider additional factors, aside from</p>

PROPOSED REVISION	EXPLANATION & RATIONALE	IMPACT
<p>have determined, after taking into account all of the relevant circumstances that impact the ability of applicants to meet the ordinary registration requirements, that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates of registration.</p>	<p>Rationale</p> <ul style="list-style-type: none"> The language of this provision (both grey and yellow) is being drafted consistently for each college. All regulations for all 26 Colleges will contain this same language. The language aligns with the Ministry’s express direction to regulatory colleges: to construe ‘emergency’ broadly’ and to consider how an emergency class certificate of registration can serve as a pathway to registration. The Ministry’s direction is grounded in the experience during the COVID-19 pandemic, when third party examinations were shut down for many health professionals, thereby posing a barrier to registration and entry to practice. 	<p>those related to registration, when opening the class.</p>

4. MINOR AMENDMENT: SUPERVISION OF EMERGENCY CLASS REGISTRANTS

- The Ministry has made some minor amendments related to the requirement that emergency class registrants be supervised by another RCDSO registrant.
- In Council’s original language, emergency class applicants were required to include in their application, a signed undertaking by a dentist who had agreed to act as their supervisor.
- The Ministry has removed the requirement for an undertaking but has retained the core requirement that emergency class registrants can only practice under supervision.

PROPOSED REVISIONS	EXPLANATION & RATIONALE	IMPACT
<p>1. Remove the requirement for an Undertaking</p> <p>Previous Version 26.1 (1) 7. The applicant has provided an undertaking to the College in a form satisfactory to the Registrar from a member of the</p>	<p>1. Remove the requirement for an Undertaking</p> <p>Explanation The Ministry is requesting that the RCDSO not require the undertaking as part of the application process.</p> <p>Rationale The Ministry has stated that believes the requirement for an undertaking poses a</p>	<p>The requirement that emergency class registrants only practice under supervision remains the same.</p> <p>The impact of this amendment will be operational, for both applicants, and RCDSO staff/Registration Committee.</p>

PROPOSED REVISIONS	EXPLANATION & RATIONALE	IMPACT
<p>College who is in good standing and who holds a general, specialty or academic certificate of registration.</p> <p>New Version 26.1 (2) The requirements of paragraphs 1, 2, 4, 5, and 6 and 7 of subsection (1) are non-exemptible</p> <p>2. Clarify that supervision is required</p> <p>26.1(3)1</p> <p>The member may engage in the practice of dentistry only under the supervision of a member who holds a general, specialty or academic certificate of registration who has been approved by the Registrar to supervise a member of the Emergency class.</p>	<p>barrier to registration. It does not have an issue with the requirement for supervision.</p> <p>2. Clarify that supervision is required</p> <p>Explanation This is a companion amendment to the amendment directly above. If the requirement for a signed undertaking is removed, as the Ministry has requested, this provision sets out a clear requirement that emergency class registrants can only practice under supervision.</p> <p>Rational This amendment fulfills Council’s direction that emergency class registrants only practice under supervision by a registrant in the general, specialty or academic class.</p>	<p>It simply removes the requirement that emergency class applicants have a supervisor in place before submitting their application for licensure.</p> <p>There are practical benefits to Council’s original approach: including a signed undertaking as part of the emergency class application. Doing so would mean that emergency class applicants have all the essential information and arrangements in place and can move into practice directly after receiving an emergency class certificate of registration.</p> <p>By removing the undertaking, there is a chance that emergency class applicants may be granted an emergency class certificate of registration but not be able to practice, if they have not secured a supervisor.</p> <p>These registrants could then experience a delay in moving into practice.</p> <p>RCDSO highlighted this possibility to the Ministry, but the Ministry indicated their commitment to this amendment.</p> <p>RCDSO staff are developing a supporting guidance document regarding supervision that will support both emergency class registrants and supervisors.</p>

PROPOSED REVISIONS	EXPLANATION & RATIONALE	IMPACT
		Additionally, staff will look into communications and process options to support emergency class applicants to minimize any potential delays that could arise.

II. TIMELINES & EXEMPTION OF RE-CIRCULATION

- The Ministry requires that the RCDSO's regulation amendment be approved by Cabinet by August 31, 2023. This timeline is set out in law and applies to all 26 Ontario health regulatory Colleges.
- In order to meet that August 31 deadline, the Ministry needs to receive a final regulation from the RCDSO by August 4, 2023.
- Typically, when substantive changes are made to a regulation amendment, before it is finalized, those changes would be re-circulated to partners and stakeholders for comment.
- In this instance, the Ministry's timelines will not allow for a re-circulation period. Given these circumstances, it is customary practice to request an exemption of the re-circulation requirement from the Minister.
- We will be asking Council whether it approves having RCDSO staff make that exemption request.

CONSIDERATIONS:

- In addition to finalizing the regulation amendment, there has been a lot of work underway to develop supporting materials to effectively implement the regulation amendment.
- A small working group comprised of Harinder Sandhu, Osama Soliman, Nancy di Santo, Eli Fisher and Brian Smith has been struck to direct this work.
- The supporting materials will include policies, protocols and by-law amendments relating to opening the emergency class, supervision, fees and more.
- The by-law amendments related to fees will come to Council at its meeting in September and the other materials will be finalized with the working group over the fall of 2023.
- The intention is to be proactive and have all the required elements in place by the end of 2023 .

NEXT STEPS:

- Should Council approve the regulation amendment attached as **Appendix A**, RCDSO staff will work to finalize the regulation amendment. This will entail having a final copy signed and sealed by both Dan Faulkner and Harinder Sandhu, as required by the Ministry.
 - Also, should Council direct it, staff will request an exemption of the re-circulation requirement.
 - From there, the Ministry will lead the remaining steps: submitting the regulation amendment to Cabinet for final approval.
 - Staff will provide Council with an update at its September meeting.
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DECISIONS FOR COUNCIL:

- Council is asked for direction on the following:
 1. Does Council approve amendments to Ontario Regulation 205/94 (as amended to date) made under the *Dentistry Act, 1991*, as proposed by the Minister of Health and shown in Appendix A, to create a new Emergency Class Certificate of Registration?
 2. Does Council direct that the Registrar request the Minister of Health to exempt the proposed regulation amendments from circulation?

CONTACT:

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Attachments:

Appendix A: Revised regulation amendment, Emergency Class, August 1 2023

RCDSO Revised Emergency Class Regulation Amendment: August 1 2023

Substantive amendments are highlighted in yellow
 Minor amendments are shaded in grey

1. Subsection 10.1 (1) of Ontario Regulation 205/94 is amended by adding the following paragraph:

10. Emergency.

2. Section 16 of the Regulation is amended by adding the following subsection:

(4) The requirements of paragraphs 1, 3, 4 and 5 of subsection (1) and the requirement to pay the application fee set out in a College by-law do not apply to an applicant who held an emergency certificate of registration issued by the College within three years before submitting their application for that general certificate of registration.

3. Section 18 of the Regulation is amended by adding the following subsection:

(6.1) The requirements of paragraphs 1, 5, 6 and 7 of subsection (2) and the requirement to pay the application fee set out in a College by-law do not apply to an applicant who held an emergency certificate of registration issued by the College within three years before submitting their application for that specialty certificate of registration.

4. Section 20 of the Regulation is amended by adding the following subsection:

(3.1) The requirements of paragraphs 1, 3 and 4 of subsection (1) and the requirement to pay the application fee set out in a College by-law do not apply to an applicant who held an emergency certificate of registration issued by the College within three years before submitting their application for that academic certificate of registration.

5. The Regulation is amended by adding the following section:

EMERGENCY

26.1 (1) The additional requirements for the issuing of an emergency certificate of registration are the following:

- 1 The Minister must have requested that the College initiate registrations under this class based on the Minister's opinion that emergency circumstances call for it or the Council must have determined, after taking into account all of the relevant circumstances that impact the ability of applicants to meet the ordinary registration

requirements, that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates.

2. The applicant has a degree in dentistry evidencing successful completion of a course in dental studies of at least four years duration at a university-based dental school approved by the registration committee.
3. Since the applicant satisfied the requirement of paragraph 2, there has been no three-year period during which the applicant has not engaged in the practice of dentistry on a continuous and regular basis.
4. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
5. The applicant has successfully completed an examination in ethics and jurisprudence set or approved by the College.
6. The applicant is a Canadian citizen or a permanent resident of Canada or has received the appropriate authorization under the *Immigration and Refugee Protection Act* (Canada) to permit the applicant to engage in the practice of dentistry in Canada as authorized by the certificate.

(2) The requirements of paragraphs 1, 2, 4, 5 and 6 of subsection (1) are non-exemptible.

(3) An emergency certificate of registration is subject to the following terms, conditions and limitations:

1. The member may engage in the practice of dentistry only under the supervision of a member who holds a general, specialty or academic certificate of registration who has been approved by the Registrar to supervise a member of the Emergency class.
2. The member may engage in the practice of dentistry only while identifying themselves as a member of the emergency class.
3. The certificate shall expire one year from the date the certificate was issued, unless extended by the Registrar as long as the Council has not determined that the emergency circumstances have ended.
4. The certificate is automatically revoked,
 - i. 15 days or a greater period up to 60 days as the Council shall determine, after the Council's determination that the emergency circumstances referred to in paragraph 1 of subsection (1) have ended, or

- ii. immediately, if in the opinion of the Registrar or the Registration Committee, the revocation is in the public interest.

(4) The Registrar may extend an emergency certificate of registration for one or more periods, each of which is not to exceed one year, as long as Council has not determined that the emergency circumstances have ended.

(5) Where a member who holds an education certificate of registration also holds an emergency certificate of registration, the terms, conditions and limitations listed in subsection 21 (2) do not apply to the member during the time that the member is practising as a member of the emergency class.

(6) Where a member who holds a post-specialty training certificate of registration also holds an emergency certificate of registration, the terms, conditions and limitations listed in subsection 22 (3) do not apply to the member during the time that the member is practising as a member of the emergency class.

(7) Where a member who holds a graduate student certificate of registration also holds an emergency certificate of registration, the terms, conditions and limitations listed in subsection 23 (2) do not apply to the member during the time that the member is practising as a member of the emergency class.