



MILESTONES

Resource for Dental Hygienists in Ontario

www.cdho.org

NOVEMBER 2004

College of Dental
Hygienists of Ontario

L'Ordre des hygiénistes
dentaires de l'Ontario



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NEW LEGISLATION

what it means for practitioners



MISSION

STATEMENT

The mission of the College of Dental Hygienists of Ontario is to develop, advocate and regulate safe, effective dental hygiene practice for the promotion of oral health and well-being of the public of Ontario.

LA MISSION

La mission de l'Ordre des hygiénistes dentaires de l'Ontario consiste à élaborer, promouvoir et réglementer l'exercice de la profession d'hygiène dentaire de façon sûre et efficace dans le but de promouvoir la santé buccale et le bien-être du public ontarien.

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> 416-961-6234
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MILESTONES MESSAGE FROM THE PRESIDENT, Barbara Smith

It seems like only yesterday that we were discussing and planning the CDHO's 10th Anniversary in 2004. However, our anniversary year is quickly approaching its finish. Hopefully, you have noticed some of the messages about it in the media. A special edition of *Milestones* was recently published and we have received congratulations from the Premier of Ontario and many others. The Minister of Health and Long-Term Care asked me to convey his thanks and congratulations to the College on this 10th anniversary landmark. On behalf of Council, I'd like to congratulate those dental hygienists who have made self-regulation a reality and those who, by virtue of their commitment to the public of Ontario, make self-regulation work every day.

While we are justly proud of the CDHO's accomplishments and of those who came before us, we are also mindful of the work that still needs to be done. We have been very close to achieving our goal of having the *Dental Hygiene Act, 1991* amended to eliminate the 'order' requirement. Yet it remains outstanding. Two private members bills have been introduced recently. Both propose the very amendment that we are seeking. We will continue our efforts to see this amendment become a reality.

In October we will celebrate Dental Hygiene Week. This is a time to acknowledge the importance of dental hygiene and to help the people of Ontario to understand and appreciate the contributions of dental hygienists to their well-being. On their behalf, we thank you.



Celebrating 10 Years of Self-Regulation in Ontario
Célébrons 10 ans d'autoréglementation en Ontario

HAVE YOUR SAY



Q: For which procedures may a dental hygienist take impressions?

A: The CDHO does not consider the taking of impressions to be a controlled act therefore, dental hygienists may take impressions if they are competent to do so. However, dental hygienists may not insert the appliance if it is for therapeutic purposes i.e., night guards for bruxism, splints. The dental hygienist may provide the client directly with night trays for whitening and mouthguards for sports purposes.

Q: Who is responsible for ensuring that a chart entry is accurate?

A: A dental hygienist is responsible for ensuring that the information that they have included in either an electronic or paper chart is accurate and complete. Any changes due to error must be stroked through with a clean line, corrected and initialed. All chart entries should contain the initials of the individual making the entry.

Q: Is it ethical and just to take a full mouth series of radiographs (usually 18 films) on a client just because they are new clients to the office and the dentist wants to see all the teeth in the mouth *“just in case there is something that he cannot visually see?”*

A: Radiographs should only be taken if a clinical finding determines the need for such radiographs and then the number should be the minimal required for diagnostic purposes. The dental hygienist may wish to suggest that the client authorize the copying and sending of the radiographs from their previous office.

Q: There is an ‘order’ in the chart for the dental hygienist to perform orthodontic debonding on a client. The dentist will not be present in the office. Can I proceed?

A: There are no supervision requirements under the *Regulated Health Professions Act, 1991* or the *Dental Hygiene Act, 1991*.



Send your comments to:

- haveyoursay@cdho.org
- or by mail to Have Your Say
69 Bloor St. East, Suite 300, Toronto, Ontario, M4W 1A9

While not all submissions will be published, we will endeavour to respond to your comments.

WHAT THE NEW PERSONAL HEALTH INFORMATION PROTECTION ACT MEANS FOR PRACTITIONERS

By Richard Steinecke

On November 1, 2004 new provincial privacy legislation specifically designed for the handling of health information will go into effect. The legislation's impact on practitioners will likely be largely positive. It will clarify matters about consent that may have been uncertain under the current federal legislation, the *Personal Information Protection and Electronic Documents Act (PIPEDA)*.

The Personal Health Information Protection Act, 2004 (PHIPA) applies to any collection, use and disclosure of personal health information by a "health information custodian". This is a significant expansion from *PIPEDA* which generally applied only to practitioners working in private practice. *PHIPA* will apply to almost all practitioners in clinical practice.

In essence, *PHIPA* applies to any personal health information collected, used or disclosed by a custodian (i.e., health practitioners and facilities) regardless of whether the custodian engages in commercial activities. Practitioners who work for a health facility or health agency will generally be able to fit under their information practices. Each custodian must appoint an information officer, called a "contact person".

First the bad news. *PHIPA* imposes a few new, and perhaps, onerous obligations. For example, if there is a privacy breach, custodians have an obligation to notify their client of the theft, loss or unauthorized access. There is also an explicit duty on agents of custodians, like a practitioner employed by a health facility, to notify the custodian if the agent has been involved in a security breach.

PHIPA is enforced by the Ontario Information and Privacy Commissioner. The Commissioner has broad powers of investigation and can directly order a custodian to comply with their *PHIPA* obligations. Practitioners are also subject to prosecution for breaches of *PHIPA* and to civil actions for damages, including a maximum of \$10,000 for mental anguish.

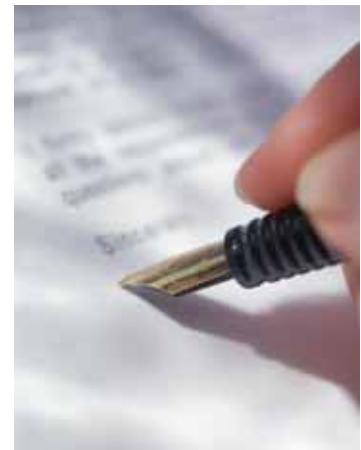
However, the good news is that *PHIPA* clarifies a number of ambiguities that exist under both *PIPEDA* and under the current patchwork quilt of statute and case law.

PHIPA provides more workable consent procedures for the collection, use and disclosure of personal health information. Generally implied consent will be sufficient in the course of providing health care. A poster or brochure readily available and likely to be seen by a client can be used to support implied consent. Practitioners can even assume implied consent for disclosure of personal health information to other custodians who are treating the client. In addition, practitioners can usually assume that a signed consent form relating to personal health information is valid. Also, the rules for substituted consent for information handling are very similar to those for substituted consent for treatment decisions.

Some recurring problem areas are also addressed by *PHIPA*. For example, a direction from a client not to record pertinent information is invalid. Also, if a client directs that relevant information not be provided to another custodian, practitioners can warn the recipient that they are receiving only part of the file.

PHIPA also provides for more scope for using and disclosing personal health information without the client's consent. These include using the information for health care planning and delivery, risk management and education. Disclosure of personal health information can generally be made without consent to others on the health care team, to provide basic status reports on those admitted to facilities, to support families and friends of a deceased client, for audit and accreditation purposes, for serious safety issues and to successor custodians (e.g., the purchaser of a practitioner's practice).

PHIPA requires that reasonable safeguards be taken to protect personal health information. As noted above, clients have the right to be advised of privacy breaches. Information technology suppliers to custodians must comply with certain standards. However, with client consent, records can be reasonably stored at the client's home (i.e. for clients in collective living centers or in individual's home) or at an off-site storage facility.





In addition, *PHIPA* provides for a more health-specific system for client access and correction of their records. For example, access requests can be refused for quality assurance information, for raw data from psychological tests and where there is a risk of significant harm to either the client or others. Correction requests can be declined for professional opinions and observations and, in many circumstances, where the record was provided by another custodian. In addition, custodians do not have to provide copies of corrected records (or statements of disagreements) to those the custodian has previously disclosed the disputed personal health information unless the notification would have an impact on the client's care or otherwise benefit the client.

Most practitioners who have developed privacy policies to comply with *PIPEDA* will only have to make minor adjustments to them as a result of *PHIPA*.

Accompanying *PHIPA* is a related statute called the *Quality of Care Information Protection Act, 2004*. *QCIPA* protects certain information from being used against a practitioner or other custodian in any civil or other proceeding (including discipline proceedings). For example, information compiled by a risk management committee at a facility or by the College's quality assurance program about a practitioner is protected. Even information collected by a practitioner in order to comply with the College's quality assurance program cannot be used against the practitioner. This statute will provide greater assurance to practitioners so that, when they take steps to improve their practice or that of their facility, they will not be creating liability for themselves.



Richard Steinecke is the author of *A Complete Guide to the Regulated Health Professions Act* and has written and spoken extensively on privacy law. For more information about his upcoming presentation for the Federation of Health Regulatory Colleges on *PHIPA* and other accountability issues see:

www.sml-law.com/seminars/details.asp?eventID=73

The Guide "*Getting Ready for Ontario's privacy Legislation: Privacy Requirements and Policies for Health Practitioners*" by **Richard Steinecke**, can be downloaded from the CDHO web site at:

www.cdho.org

or in plain paper format from the CDHO office.

REGISTRANTS STATUS UPDATE

Resigned as of OCTOBER 1, 2004

Name	Reg ID
Ettolla Allen	001813
Margarida Bevilacqua	003733
Lise Anne Boudreau	007972
Bonnie Lynn Bradbury-Massey	001860
Linda Carter	007350
Clare Case	006086
Patty Wai Mon Chan	003755
Wendy Catherine Clewlow	006611
Cettina Marie Co	006897
Aldine E Cole	005502
Corinne Colledge	007832
Cynthia Lynn Contre	007329
Karen Ann Conway	007960
Julie M Côté	007662
Joanne Genevieve Cwil	000100
Franca Dalzilio	002770
Patti Louise Devitt	000227
Donna Duckworth	005069
Jacklyn Ann Ferguson	000105
Muriel Yvonne Fletcher	000929
Tracy Fogarty	005605
Joanne Gendron	007958
Sylvia Evelyn Glassford	000171
Janet Lee Griffiths-Maxymiw	002169
Caterina Guerra	004134
Jennifer L Hamilton-Marrin	006658
Shelley Ann Harvey	000581
Gisele M Helie-Perrier	002562
Cynthia Houghton	006262
Margaret M Jackson	000796
Paula Marie Jessome	005994
Nicole Colleen Jones	007077
Constance Naomi Keilty	000304
Michelle Kertesz	006005
Mylene Labelle	007584
Trina Lightbody	008688
Lucy Lorraine Link	001567
Karen Louise Love	004089
Kelly Ann Lyle	007234
Tami Lynn Mahoney	008685
Gail Cheryl Mann	000347

Suspended as of OCTOBER 1, 2004

Name	Reg ID
Anna Albanese	004955
Liliana Ilivia Bertola	004763
Linda Bourdon	001762
Michelle Frances Brunet	007080
Danielle Kristan Campbell	005583
Crystal Dawn Caul	008883
Brenda Gail Denluck	008645
Michelle D Diskic	008292
Lynn Gauthier	007594
Susan Hawkins	000115
Stacey D Hineman	007950
Donna Hogan	005297
Susan Lee Hustwitt	001145
Susan Jane Hutchinson	003960
Catherine P Kean	001692
Kimberly Lynn Kilgour	005077
Heather Anne Kimmel	004850
Annett Marie LeBeau	005204
Tammy Mona Leblanc-Tremblay	007934
Marnie Louise Lougheed	005169
Linda Lois MacInnis	007636
Michelle Maitre	003560
Zuzana Markovic	008304
Martha Jane Mays-Uchikata	000610
Sherry L McColeman	007298
Karen Susan Nelmes	008363
Joanne E E Norris	007410
Renée D Paquette	007922
Elaine DaSilva Pavao	008309
Xiu Zhen (Susan) Peng	008357
Wennie J Robbins	000083
Frances Marlyn Schneider	001790
Wendy Karen Shapira	000296
Rhonda Allison Shaw	006251
Charlene M Sukhbir	002590
Donna Lynn Trites	007957

Revoked as of OCTOBER 1, 2004

Name	Reg ID
Jyotica Ahuja	006613
Sonia Boisvert	004872
Samantha Stella Doupe	004374
Suzana Furtado	007621
Elisabeth Monique Gagnon	007375
Anne V Geseron	007978
Shana D Kasarda	007998
Nancy Lea MacCaul	005506
Margaret Heather MacPherson	005367
Catherine Ann McIntyre	003932
Patricia Jean Messenger	007993
Sandra D Myslichuk	008289
Sheryl Elyse Nightingale	003843
Geneviève Poisson	007982
Graziella Salucci	004249
Irene Kit Ling Tang	004253
Patricia Lesa Tester	003117
Ellen Amy Timms	001138
Lynn Vandevenne	003130

AS THE CDHO CELEBRATES 10 YEARS so do two very valuable members of Administration:



Margaret Stevenson

(Director of Administrative Services) was the first person hired by the Transitional Council in August 1993. She has that delightful Scottish brogue that many have heard during their telephone calls with the office. Prior to joining the CDHO, Margaret was the Office Manager at the Royal College of Dental Surgeons of Ontario for many years before taking on the daunting task of setting up a new regulatory College. Over the years, Margaret has proved to be Administration's "rock".

Thank you, Margaret, for dedicating over ten years to the regulation of dental hygiene in Ontario.

Evelyn Waters

(Deputy Registrar) joined the College of Dental Hygienists of Ontario in January 1994 as Administrative Assistant after several years of experience as Assistant to the Deputy Registrar at the Royal College of Dental Surgeons of Ontario where she gained invaluable experience in the areas of Complaints and Discipline. In April 1994 Evelyn was appointed Acting Registrar and in January 1995 assumed the position of Deputy Registrar of the College. She is the one with the Irish lilt to her voice. Many registrants have met Evelyn during her informative visits to the academic colleges and to local societies.

Thank you, Evelyn for being such an integral part of the CDHO for ten years.





UPDATE ON QUALITY ASSURANCE

Continuing Quality Improvement Review -2003

According to the Quality Assurance regulation, each year when they renew their certificate of registration, registrants holding a general or specialty certificate of registration must assure the College that they are maintaining a professional portfolio and participating in continuing quality improvement activities sufficient to practice in a manner consistent with the CDHO Dental Hygiene Standards of Practice. Those registrants who failed to assure the College will then be referred by the Registrar to the Quality Assurance Committee. The Quality Assurance Committee may appoint an assessor who may request the submission of a professional portfolio under the Continuing Quality Improvement (CQI) Review.

Continuing Quality Improvement (CQI) Review

Report for the following years: (Registrants still in the assessment process due to: professional portfolio deficiencies, no responses from Registrants, resignations, suspensions, inactive status)

2004

of the 17 professional portfolios requested
 82.0% have been submitted
 82.0% are in the assessment process

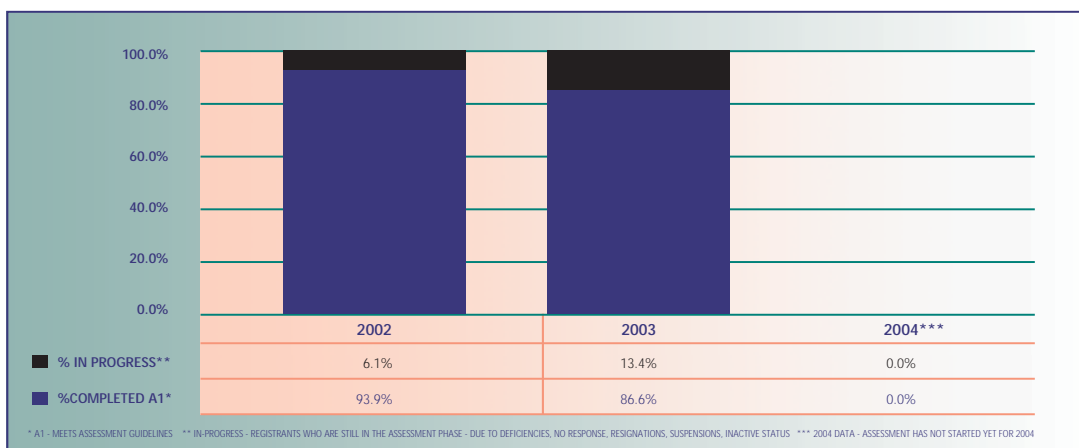
2003

of the 67 professional portfolios requested
 86.6% have met the assessment guidelines
 13.4% are still in the assessment process

2002

of the 49 professional portfolios requested
 93.9% have met the assessment guidelines
 6.1% are still in the assessment process

CQI REVIEW 2002 - 2004



2004 Peer Assessment – Professional Portfolio/Practice Review

The Committee reviewed and approved the list of registrants selected for the 2004 Stratified Random Sample for the Professional Portfolio/Practice Review. 653 registrants were selected for the review.

the College on May 31 and June 1, 2004 to assess the registrants' professional portfolios. Five assessors worked off-site, which provided the College with a valuable opportunity to assess both the review process and the technology associated with an off-site evaluation.

The list of assessors for the 2004 Peer Assessment Review was approved by the Committee. This year twenty assessors came to



Professional Portfolio/Practice Review

Please Note: Registrants' professional portfolios under the classification in the assessment process include those professional portfolio having deficiencies, no responses from registrants, registrant resignations, suspensions, registration change to inactive status.

2004

of the 653 professional portfolios requested
85.4% have met the assessment guidelines
14.6% are still in the assessment process

These numbers reflect the review activity to Friday, August 20th, 2004.

2003

of the 607 professional portfolios requested
94.9% have met the assessment guidelines
5.1% are still in the assessment process

2002

of the 478 professional portfolios requested
97.9% have met the assessment guidelines
2.1% are still in the assessment process

2001

of the 298 professional portfolios requested
98.3% have met the assessment guidelines
1.7% are still in the assessment process

2000

of the 150 professional portfolios requested
99.3% have met the assessment guidelines
0.7% are still in the assessment process

1999

of the 59 professional portfolios requested
98.3% have met the assessment guidelines
1.7% are still in the assessment process

Total Quality Improvement Review

The Quality Assurance Committee is currently working with PMJ Consultants to produce the Total Quality Improvement (TQI) Review Report 2002 for distribution to registrants and the public. This report is a comparative analysis of the data from the survey, Dental Hygiene Practice in Ontario 1995 and the data from the survey, Dental Hygiene Practice in Ontario 2002. This is the final project of the Total Quality Improvement Review – 2002. However, there may be ongoing analysis of the data as required.

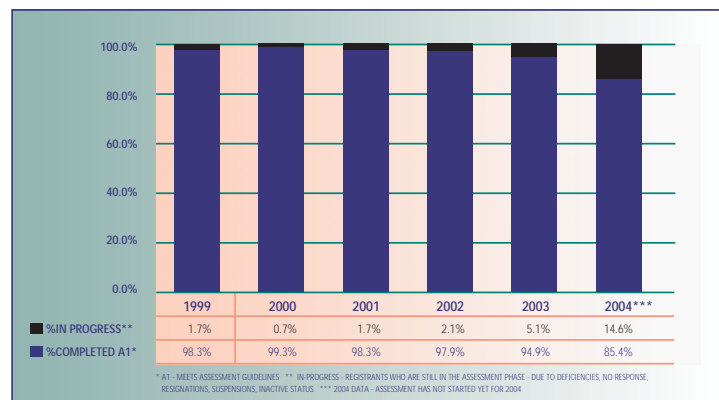
The Quality Assurance Committee appreciates both the quality and the detail of registrants' response to the 2002 Survey Dental Hygiene Practice in Ontario. This analysis is based on a response rate of 80% for the 1995 survey and a response rate of 84% for the 2002 survey.

FOR ASSISTANCE WITH THE QUALITY ASSURANCE PROGRAM

You may visit the CDHO web-site www.cdho.org, Quality Assurance where you can read and/or download program information and professional portfolio forms.

If you require additional assistance, in the greater Toronto area please contact Eleanor McIntyre (416) 961- 6234, ext. 239 or elsewhere (toll-free) 1-800-268-2346, ext 239 or Joyce Quan, ext.230.

PROFESSIONAL PORTFOLIO/PRACTICE REVIEW 1999 - 2004



PLEASE NOTE: The most common deficiency associated with the review of professional portfolios for the 2004 Peer Assessment – Professional Portfolio/Practice Review has been that registrants have failed to submit a Form #8, Continuing Quality Improvement Activities Evaluation for each goal. For example, if there are three goals listed on Form #6, Continuing Quality Improvement Learning Plan then there must be three Form # 8s, Continuing Quality Improvement Activities Evaluation in the professional portfolio even if a goal is still in progress.



COUNCIL'S CORNER

The Registrar reported that as of August 25, 2004 the CDHO had 7,741 registrants. In addition, she reported that the College was seeking to secure a Practice Advisor as per the notice that was mailed with the commemorative issue of *Milestones*.

The Executive Committee reported on the status of the two Private Members Bills (91 & 116) that have been tabled in the legislature that will, when passed, amend the *DHA, 1991*. Council approved the 2003 audited financial statements and re-appointed the auditors, Soberman LLP for the 2004 fiscal year. Council Meeting dates for 2005 were set for January 21, April 15, July 15 and October 21.

The Annual Report for 2003 will not be printed and distributed in hard copy form but will be posted on the College web-site. A plain paper copy will be available from the office upon request.

Council reaffirmed its commitment to the Commission on Dental Accreditation of Canada and passed the awarding of a grant of \$6.61 per dental hygienist for the year 2005.

The Executive Committee reported that they are currently working on three outstanding statutory issues. A policy regarding a published schedule of discipline hearings was approved by Council.

Council approved, as second reading, an amendment to Section 16.8, Bylaw No. 3 that incorporates the cost recovery fees for replacement materials to registrants: wall certificate \$25, lapel pin \$10, jurisprudence package \$30. The bylaw amendment is included with this issue of *Milestones*.

The Complaints Committee reported that they completed its investigation of six complaints. There was one referral to the Discipline Committee. There is one complaint currently under investigation.

The Registration Committee reported that a Panel had reviewed five applications from graduates of non-accredited programs outside of North America. In four cases the Panel determined that the course of study was equivalent to having successfully completed an approved, accredited dental hygiene program.

The Council Meeting scheduled for May 14, 2004 was cancelled as the CDHO was deemed not to be constituted as the College was below the number of public appointments as stipulated in the *DHA, 1991*. Subsequently, Mr. Gordon Campbell of Toronto was appointed by Order-in-Council and Barbara Smith's appointment has been extended until January 31, 2004.

On September 17, 2004 Mr. Mohammad Fouladi was appointed by the Lieutenant Governor in Council to the College for a period of three years.

COUNCIL MEETING DATES



The date of the next Council meeting is **Friday, November 19, 2004**

The next meeting of Council is scheduled for Friday, November 19, 2004 at the Toronto Board of Trade, 77 Adelaide Street West, Toronto, from 10:00 a.m. to 4:00 p.m. All are welcome to attend. For further information please contact Jane Cain at (416) 961-6234, extension 226 or toll free at (1-800) 268-2346 extension 226 or via e-mail at: jane@cdho.org.

PRACTICALLY SPEAKING



- **It is not the instrument; it is what you do with it!**

It does not state in either the *RHPA, 1991* or the *DHA, 1991* that a dental hygienist can or cannot use a particular instrument. The Acts do specify the nature of a controlled act and who may perform those controlled acts. Therefore, if a new instrument comes on the market and the dental hygienist is considering its use, then the question is “not may I use the instrument” but “what does the instrument do?” This pertains equally to the use of the highspeed handpiece or to a laser, for example. If the new instrument will assist in dental hygiene care, the use is in the client’s best interest, the dental hygienist is competent and the procedure is within the dental hygiene scope of practice, then the dental hygienist may choose to use the instrument.

- **ODN&AA Seeks Self-Regulation**

Dental assistants in Ontario have requested regulation. Currently only Ontario and Quebec do not regulate dental assistants and in both Alberta and Saskatchewan dental assistants are self-regulating. For more information regarding the ODN&AA and their quest for self-regulation go to their web-site at www.odnaa.org.

- **Ontario Health Pandemic Influenza Plan**

CDHO registrants are encouraged to visit the Ministry of Health & Long-Term Care (MOHLTC) web site at www.health.gov.on.ca click on the Emergency Management Unit, Health Care Professionals for more information on emergency preparedness and disease outbreak information.

PROFESSION SECTION

Dental Waste Best Management Practices Guide for the Dental Community

(Dental Waste Best Management Practices Flowcharts)

A committee representing educators and professional organizations within the dental community was struck by Environment Canada to provide a reliable resource on best practice options which are clinically effective and environmentally sound in the management and disposal of dental waste materials.

These flowcharts provide all members of the dental community with an easy access to best practice options for the management/disposal of heavy metals, biomedical/pathological and chemical wastes with minimum impact on the environment.

The Dental Waste Best Management Practices flowcharts are available for viewing on the CDHO web-site at www.cdho.org click on “Resources”.

NOTICE TO ALL REGISTRANTS

- Certificate of Registration Renewals 2005 will be sent to all Registrants mid-November.

If you have not received yours by December 1, 2004, it is your responsibility to contact CDHO.

SOME WEB SITES TO VIEW:

- For information about the new Ontario Health Privacy Legislation go to www.ipc.on.ca
- The Ministry of Health and Long-Term Care's web-site contains a resources area for health care profession providers which can be found at www.health.gov.on.ca

A REMINDER

- A notice to all registrants in Districts No. 1, 5 and 6 elections will be held on Monday, November 29, 2004. Information regarding the election will be sent out shortly to the noted districts.
- A reminder to registrants to review the bylaw amendment to Section 16.8, Bylaw No. 3 that incorporates the cost recovery fees for replacement materials to registrants contained in this mailing of *Milestones*.

The College sometimes receives inquiries from registrants requesting information on practising dental hygiene on animals. This does not fall under the College's jurisdiction. For information on the legalities of practising dental hygiene on animals, you should contact the College of Veterinarians of Ontario at 1-800-424-2856.



Celebrating 10 Years of Self-Regulation in Ontario
Célébrons 10 ans d'autoréglementation en Ontario

The registrant is responsible for notifying the College of an address or name change within seven (7) days of that change.

Milestones is published periodically by the College of Dental Hygienists of Ontario, 69 Bloor Street East, Suite 300, Toronto, Ontario M4W 1A9
Telephone • 416 961-6234 Toll Free • 1 800 268-2346 Fascimile • 416 961-6028

Milestones is the official publication of the College of Dental Hygienists of Ontario.

Comments or Questions on issues relating to the dental hygiene profession are welcome.

2004 College of Dental Hygienists of Ontario.

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