



JUL 15 2019

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Board of Directors  
College of Dental Surgeons of British Columbia  
500-1765 West 8<sup>th</sup> Avenue  
Vancouver BC V6J 5C6

Dear Board Members:

Thank you for your response to my directive of April 9, 2019 issued under section 18.2 of the *Health Professions Act* (HPA).

I understand that representatives of the College of Dental Surgeons of British Columbia (CDSBC) met with Ministry of Health (Ministry) staff on May 13, 2019 and provided an overview of your response entitled, *Action Plan: Addressing the Recommendations and Unmet Standards in the Cayton Report* (the Action Plan). Following that meeting, Ministry staff requested additional documentation related to the process for development of the Action Plan as outlined in section 5 of that document. The purpose of that request was to gain an understanding of the current state of organizational culture at CDSBC.

I am encouraged by the commitments to change set out in the Action Plan, but am concerned about the pace of action and the critical substantive changes needed for the functioning of the board, its relationship with staff, and independence of the board from the British Columbia Dental Association (BCDA).

The Action Plan and requested documentation have been reviewed and several areas have been identified by Ministry staff where I would like immediate and substantive action to be taken, including bylaw amendments. As you know, as the Minister of Health, I am empowered under section 19(5) of the HPA to request that CDSBC amend or create new bylaws to reflect the direction outlined below. I am requesting that the board meet the following timelines:

- a. Within 7 days of receipt of this letter, confirm a commitment in principle to making the changes listed below and provide written confirmation of the commitment to me. Please include confirmation this letter was provided to all board members;
- b. Post the new bylaws and amendments for public feedback within 30 days following receipt of this letter;
- c. File the new bylaws and amendments with the Ministry within 60 days following receipt of this letter; and,
- d. All other plans or documentation requested below should be provided in writing to Ministry staff within 30 days following receipt of this letter.

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I remain committed to continue working constructively with the board and applying a proportionate, progressive approach to the use of the powers available to me under the HPA to intercede as required. This includes ensuring that CDSBC is making necessary and timely progress on fully delivering on its mandate to protect the public interest and commitments set out in the Action Plan.

Although I expect that future changes to CDSBC's bylaws will be necessary, I have prioritized changes that I believe are required to begin shifting the culture of CDSBC and enable the entire organization to be wholly focused on service and protection of the public through improved governance structures and a recalibrated relationship with staff.

### **1. Board size and composition**

The board of CDSBC is currently the largest of the health profession regulatory colleges in the province. This large size and composition makes it difficult for the board to speak with one voice, a necessary condition of good governance. A smaller board will be more efficient and remove any need for an executive committee. Consideration of board members competencies and geographical representation can be part of a smaller board. Additionally, the election of the board chair from within the board will ensure the position of chair is open to the best qualified public and elected members.

- a. The board amends its bylaw to reduce its size from 23 board members to between 8 and 12 competent, geographically representative board members with the expectation that 50 percent of the board will be made up of public members. At least two of the elected members must be certified dental assistants. The board can consider enabling the opportunity for dental therapists to run for election.
- b. The reference to the roles of president, vice-president, and treasurer should be removed from the bylaws and a position of chair created. The chair should be elected from within the board. Elected and appointed board members should be eligible for this position. Should the board wish to create a vice-chair role, that role will also be elected from within the board with elected and appointed members eligible for the position.
- c. Remove the requirement for elected regional representation currently referred to in the bylaws as "electoral districts" and other specialized representative positions.

### **2. Eligibility for Election and Board Membership**

While member driven, advocacy organizations have a role in promoting professional interests, regulatory colleges must be, and must be perceived to be, independent of these organizations in order to achieve their public interest mandate.

Additionally, in order to promote fairness, all three registrant groups should be able to vote for all elected board positions.

- a. Amend the bylaws to remove restrictions on voting in order to enable dental therapists, certified dental assistants and dentists to vote for all elected board positions, even if the vacancy is to be filled by a particular class of registrant.
- b. Amend the bylaws to prohibit current officers or directors of an association or another body that advocates for dentists, certified dental assistants, or dental therapists, from simultaneously serving on the board of the CDSBC. Create a three year period before a person previously holding one of these positions can become a CDSBC board member.
- c. Each board member must complete or update CDSBC's declaration of conflict form. Signed forms from all board members are to be provided to Ministry staff within 30 days of this letter. The Ministry must be advised of how any real or perceived conflicts will be addressed.

### **3. Collection of Dental Association Fees**

The Action Plan as currently written does not include a detailed timeline with milestones and strategy for separation of CDSBC and British Columbia Dental Association (BCDA). Additional clarity is required to ensure that this commitment is actioned in a timely manner and is not unnecessarily detrimental to BCDA.

- a. Amend the bylaws to remove CDSBC from collecting fees on behalf of the BCDA, or another similar organization. The bylaw amendment should be part of this suite of changes and come into force no later than April 11, 2021.
- b. Provide a plan, including key milestones, to set out how the separation will occur.

### **4. Relationship between Board and Staff**

The Cayton report notes ongoing dysfunction and distrust between the board and staff of CDSBC. A respectful, professional relationship between board and staff is required in order for CDSBC to successfully implement the Action Plan.

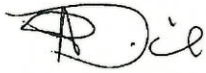
- a. Set out a staff and board development plan that is focused on promoting culture change at CDSBC. The plan should prioritize respectful communication, and clarify roles and responsibilities, including the board's responsibility for strategy and oversight and the registrar and senior staff's responsibility for implementation and operational delivery.

I have asked the Ministry's Professional Regulation and Oversight Branch to be available for consultation as the above noted bylaws amendments are drafted and plans are developed. Given the urgent requirement for change, I have also asked Ministry staff to shorten the bylaw posting and filing periods to meet the timelines outlined in this letter.

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I look forward to hearing from you in writing within 7 days of receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrian Dix', with a stylized flourish at the end.

Adrian Dix  
Minister