

2023 Registration Review Report

Manitoba Dental Association



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the Manitoba Dental Association (MDA) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of March 2023.

To provide context, a brief description of MDA's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

Since the introduction of Manitoba's fairness legislation in 2009, MDA has and continues to work co-operatively with FRPO and is committed to the fair assessment and registration of internationally educated dentists, dental specialists and dental assistants.

The majority of the work assessing applicants to MDA happens upfront, through national third parties such as the National Dental Examining Board of Canada, the Royal College of Dentists of Canada and the National Dental Assisting Examining Board of Canada. MDA has and continues to actively engage with these bodies to ensure best practices are in place for applicants.

MDA has taken numerous steps to improve the fairness of its assessment and registration process. Some of the more significant measures include:

- spearheading the development of formal agreements between provincial regulators and their national third-parties, ensuring third-party accountability to regulatory authorities
- advocating for and improving access to exams for dentists by persuading third parties to increase frequency of exam offerings
- sitting on national level boards and taking part in key decisions affecting the professions
- working with national third parties to develop and introduce alternative documentation policies for IEAs who for good reason cannot supply required documents
- supporting board member training and involvement in national exams as assessors
- introducing a general practice study club and encouraging IEA participation as a means of preparing for national exams
- partnering with their national third-party to present on licensing requirements and processes to groups of newly arrived internationally educated dentists

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may impact internationally educated applicants (IEAs).

MDA's compliance to necessary assessment criteria

MDA's assessment criteria and various requirements for registration are for the most part warranted and necessary. FRPO notes a few minor concerns with documentation requirements.

1. MDA requires applicants provide a certified copy of their dental degree or dental assisting diploma. Ideally, as the national bodies collect these documents in the first stage of the application and assessment process, requirements would be synchronised and this duplicate request eliminated. MDA could obtain these documents through the development of a formal information sharing agreement with the national bodies and signed release forms from applicants. This would relieve the burden on applicants to supply documents twice.

If this is not possible, FRPO would like to see the removal of the requirement for notarization of educational documents submitted to MDA. Documents have already been validated through national body processes. Notarization makes sense when a fact of witness is useful, for instance signatures on contracts or other legal documents. It does little to deter fraud in the sense of safeguarding against inauthentic or forged documents. A notary public only witnesses the copying of documents and does not comment on, or ensure, the authenticity of that which is copied. In this context, FRPO questions the relevance of this requirement. Unless there is good reason for notarization, it should not be required as it represents a minor, but unnecessary burden for applicants.

2. FRPO makes a similar observation and argument with regard to MDA's requirement for a certified copy of the applicant's national certification. Synchronization of documentation requirements or the elimination of notarization would reduce the burden on applicants while allowing MDA to maintain their standards.

3. Upon application, MDA asks for an original letter from the dean/director of each applicant's dental training program confirming successful completion of the dental program. FRPO understands this is not in fact a requirement, but rather an option to accommodate new graduates from accredited programs or from Canadian degree completion programs, who have not obtained their official degree at time of application. Clarification of this in MDA's application information is needed so that applicants do not needlessly spend time and effort obtaining letters from deans and program directors.

II. Duty to comply with domestic trade agreements – act, 4(1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

MDA's compliance to abide labour mobility obligations

MDA's labour mobility policies for individuals registered in other provincial jurisdictions applying for registration in Manitoba are largely compliant with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

Under these agreements, regulated professions have a general obligation to ensure application requirements of all workers certified in other jurisdictions are transparent and that information is clear and complete.

FRPO notes the following concerns:

1. Information for mobility applicants is not easy to find on MDA's website. Applicants navigate through icons specific to their profession — e.g., general practitioner, dental specialist, dental assistant. Once in these areas, there are no icons specific to applicants registered in other Canadian jurisdictions. To find pertinent information, mobility applicants must select the registration package within their practice area for applicants from an accredited program.

Step-by-step instructions and application requirements are not laid out within these registration packages for mobility applicants. The focus of these instructions is on applicants from accredited programs who have not yet applied for registration. Mobility applicants must weed out the pieces of this information that pertain to them.

2. Web navigation would be improved by adding clickable links specific to mobility applicants on all pages for professions licensed through MDA. For example, on the 'Registration Package for General Practitioner' page, a link for — Applicants Registered in other Canadian Jurisdictions — could be added after — Graduate of Accredited Dentist Program — and — Graduate of Non-Accredited Dentist Program.

Developing step-by-step instructions along with a checklist of documentation requirements specific to mobility applicants would also help bring MDA into compliance with mobility legislation requirements for clear, complete and transparent information.

III. Notice of changes in registration practices – act, 5(2)

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

MDA's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. MDA updated FRPO regarding recent changes to certification and licensing examinations. MDA is compliant with the duty to notify.

FRPO understands that MDA is in the process of amending their registration and licensing bylaw and looks forward to receiving notification as per this new duty to notify policy.

Recommendations

The Fair Registration Practices Office sees the following opportunities for Manitoba Dental Association to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Synchronise documentation requirements with national bodies to the greatest extent possible, removing the requirement for notarization if documentation must be supplied.
2. Clarify information regarding the option for applicants to supply a letter from the dean/director of their educational program confirming program completion in cases where official documents have not been obtained at time of application.
3. Separate registration information for mobility applicants from information for applicants who have not yet registered in Manitoba/Canada. Develop step-by-step application instructions for mobility applicants along with a detailed list of application requirements. Improve web navigation so that application information and requirements are easy to find.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the Manitoba Dental Association committed to the following action plan, current as of March 2023:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Synchronise documentation requirements with national bodies to the greatest extent possible, removing the requirement for notarization if documentation must be supplied.</p>	<p>Develop an information sharing agreement with the following dental examination bodies:</p> <ol style="list-style-type: none"> 1. National Dental Examining Board of Canada 2. National Dental Assisting Examining Board of Canada 	<p>April 1, 2024</p>
<p>2. Clarify information regarding the option for applicants to supply a letter from the dean/director of their educational program confirming program completion in cases where official documents have not been obtained at time of application.</p>	<p>Yes, this to confirm that in absence of being able to present a copy of a dental completion degree, a letter from the dean of the dental education program is sufficient to confirm graduation status. The MDA will update its guidelines and registration forms to reflect the above.</p>	<p>Immediate</p>
<p>3. Separate registration information for mobility applicants from information for applicants who have not yet registered in Manitoba/Canada. Develop step-by-step application instructions for mobility applicants along with a detailed list of application requirements. Improve web navigation so that application information and requirements are easy to find.</p>	<p>Reformat the MDA Website in the following manner:</p> <ol style="list-style-type: none"> 1. Separate navigation pathways for internationally trained applicants for both dentists and dental assistants. 2. Separate navigation pathway for mobility applicants in accordance with the Labour Mobility Act. 3. Identify phone number on website to call for assistance in completing forms. 	<p>February 28, 2024</p>

Manitoba Dental Association

Comments

The timeframe for recommendation number one is about 12 months. As the MDA is dealing with national examining bodies who have specific processes in place to approve third party agreements. We are confident we can achieve this by the anticipated completion date of April 1, 2024. However, we will try to complete third party agreements prior to timeframe listed to meet the FRPO request.

Compliance

FRPO's 2023 registration review of the Manitoba Dental Association (MDA) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

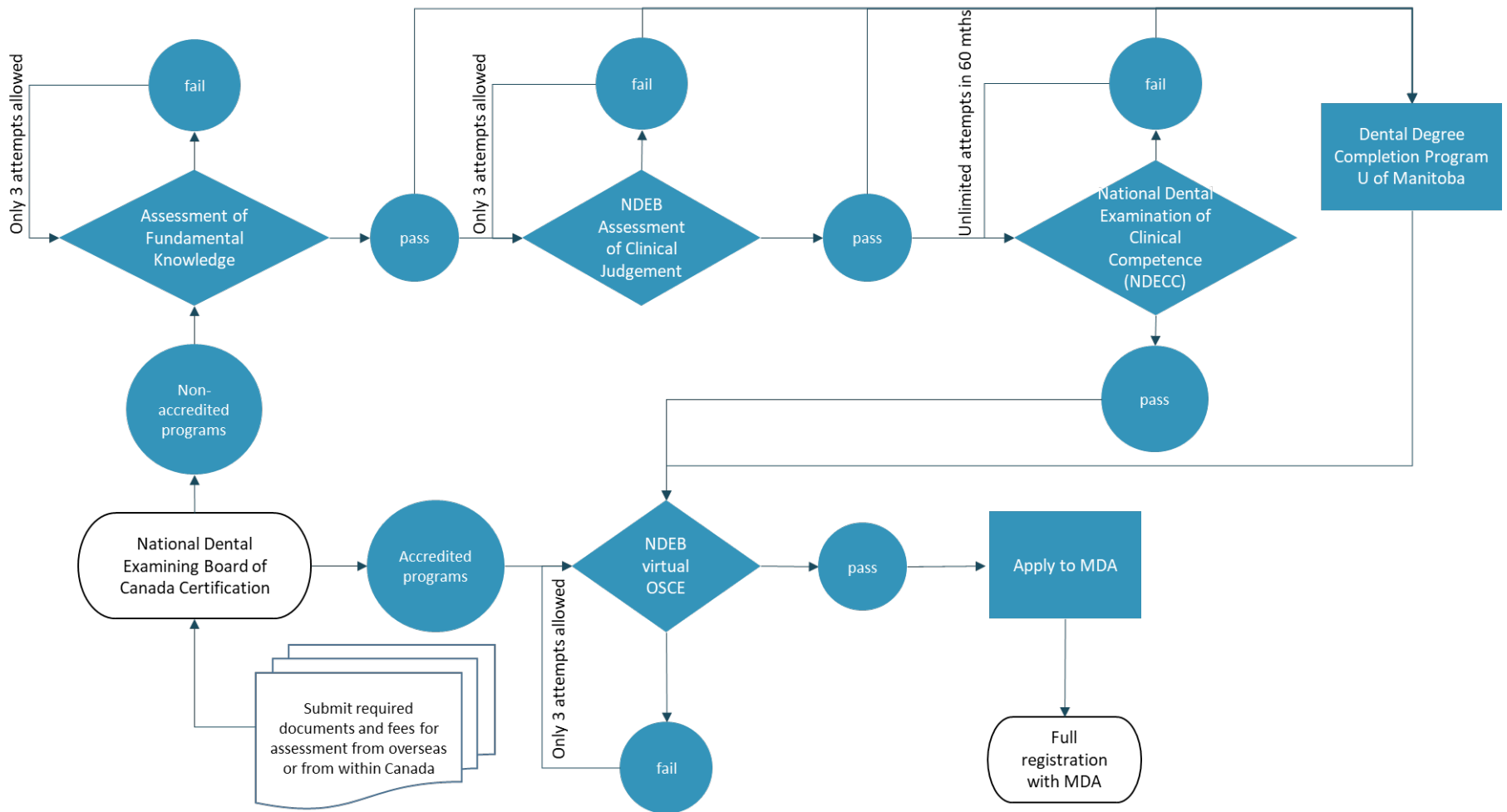
FRPO finds MDA compliant with the duty to notify FRPO regarding changes in assessment in registration practices.

FRPO raises concerns about duplicate documentation requests, clarity of information regarding application requirements for IEAs and accessibility and clarity of information for mobility applicants.

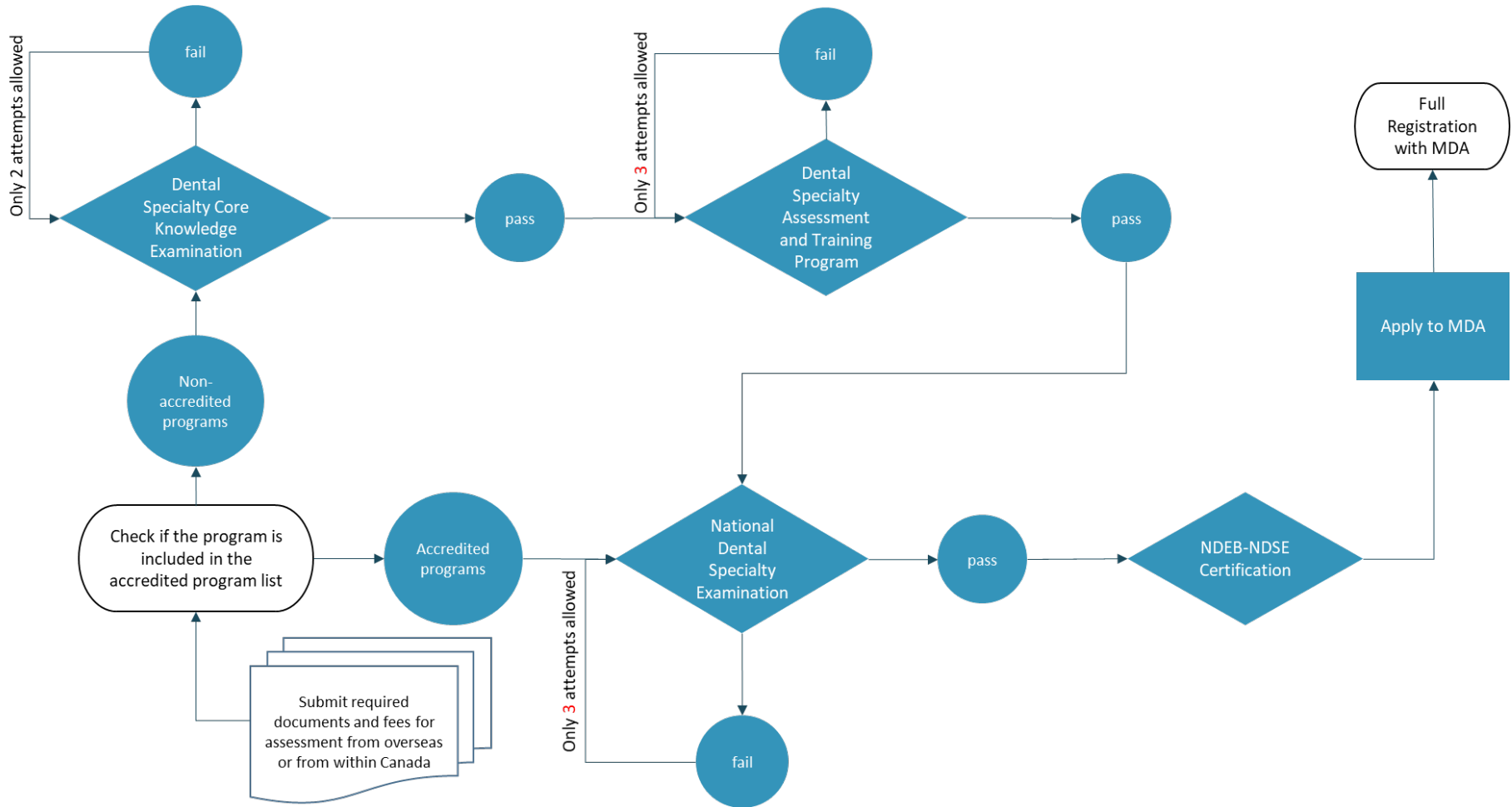
MDA's action plan commitment will address the concerns raised in this review, helping to ensure fair practice and improve compliance to The Fair Registration Practices in Regulated Professions Act as well as to mobility legislation. FRPO notes that timelines for addressing the recommendations of this review are longer than the office had hoped, particularly for updates to MDA's web based navigation and information. MDA is encouraged to prioritise these updates and ensure their completion in as timely a manner as possible.

Appendix 1 – Registration Process for Internationally Educated Applicants

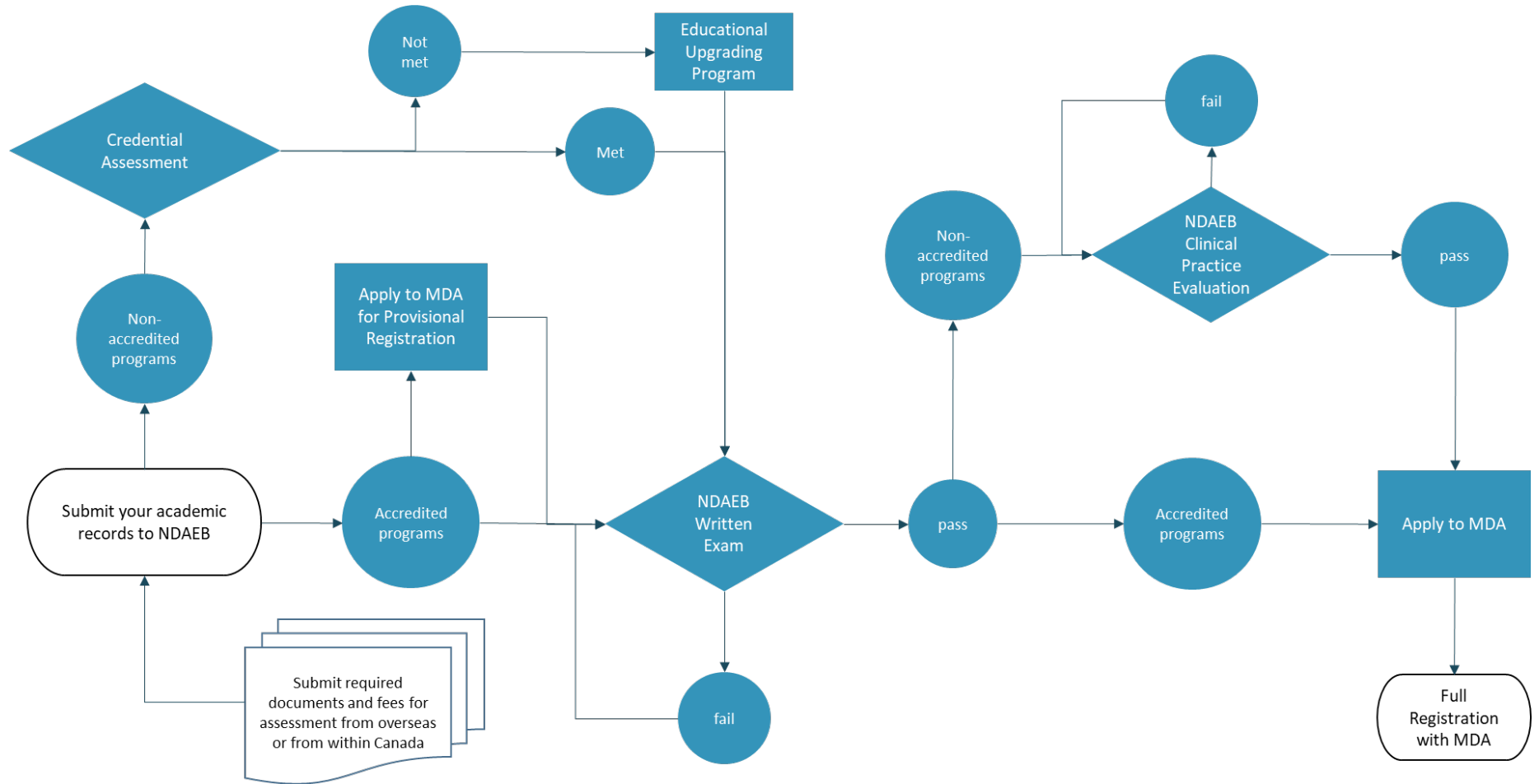
General Practitioner



Dental Specialist



Dental Assistant



Manitoba
Dental
Association

Dentists and Dental Specialists



808

**Registered
Members**

(As of December 2021)

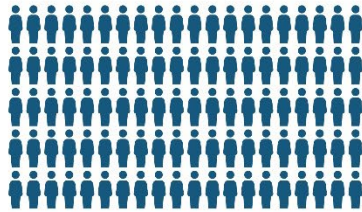
2011–2021 Internationally Educated Applicant Data



103

applications

Application Outcomes



registered - **100%**



Top Countries of Education



applicants were educated in **24**
different countries



Median Time to Registration

1.4 years

2012–2021 Domestic Applicant Data



380

applications

380 (100%)

registrations

Manitoba
Dental
Association

Dental Assistants



1,330
Registered
Members

(As of December 2021)

2018-2021 Internationally Educated Applicant Data



<10
applications

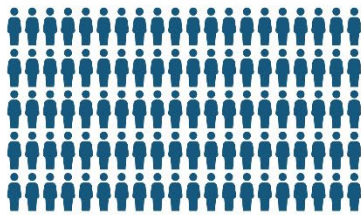


Top Countries of Education



applicants were educated in **3**
different countries

Application Outcomes



registered - **100%**



Median Time to Registration

1.4 years

2018-2021 Domestic Applicant Data



311
applications

230 (74%)
registrations