

NSDA CANNABIS GUIDE FOR DENTAL OFFICES



Nova Scotia Dental Association



NSDA CANNABIS GUIDE FOR DENTAL OFFICES

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March 2019

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NSDA CANNABIS GUIDE FOR DENTAL OFFICES

What is Canada's new cannabis law?

Under the Government of Canada's *Cannabis Act*, recreational cannabis has been legalized Canada-wide. Canadians may now legally purchase, possess, consume, grow, and share cannabis, subject to federal and provincial restrictions and regulations. Individuals may also make cannabis-containing products at home.

What is Nova Scotia's law with respect to cannabis?

The *Cannabis Act* states that only a "designated person" may legally sell cannabis. Determining who a "designated person" is has been left to individual provinces. Under Nova Scotia's *Cannabis Control Act*, the only authorized cannabis seller is the Nova Scotia Liquor Corporation. While the *Cannabis Control Act* leaves open the possibility of other entities being approved to sell retail recreational cannabis, none have been approved to date. Nova Scotia's *Cannabis Control Act* has a particular focus on youth protection and imposes severe fines on persons who sell or otherwise distribute cannabis to a young person.

How is the legalization of cannabis relevant to dentists?

With the potential for increased cannabis consumption by all segments of the population, there are two primary areas where the legalization of cannabis may impact dentists: 1) obtaining informed consent from patients, and 2) responsibilities as an employer.

1. Obtaining informed consent from patients

How does a dentist obtain informed consent from a patient?

It is well-known that consuming cannabis may have an impairing effect on an individual's cognition. While many cannabis users may take it to relieve stress, individuals may experience the opposite effect and become more anxious either immediately after consuming cannabis or when experiencing withdrawal. Cannabis may also impair an individual's attention span, ability to concentrate, short-term memory, and one's ability to assess risk.

This raises concerns with respect to whether a patient is able to adequately weigh the risks and benefits of a particular treatment and give informed consent. In order to give informed consent, a patient must be capable of understanding the nature and purpose of the proposed treatment, the foreseeable consequences of accepting or not accepting treatment (risks and benefits), and any alternative courses of action available.

The complexity and risk involved with any particular treatment will dictate the level of understanding required. Where the treatment is a routine cleaning and the patient is aware of the purpose of their visit ahead of time, implied consent may be given by the patient opening their mouth. Where the proposed treatment is complex and carries significant risk, whether carried out or not, a more thorough exploration into the patient's capacity to consent must be done. In some circumstances, emergency situations are an exception to the general requirement that a health care provider obtain informed consent prior to giving treatment.

How can a person providing dental care in a dental office detect possible impairment?

It is important that all persons working in a dental office recognize the signs of impairment. Specifically with respect to cannabis, the signs include abnormalities with respect to:

- appearance (i.e., disheveled clothing, bloodshot eyes),
- odour/smell (i.e., smell of cannabis),
- behaviour (i.e., loud, inappropriate, easily angered, depressed or sullen),
- coordination or motor control (i.e., unsteady gait, clumsiness, shaking or tremors),
- speech (i.e., thick or slurred speech)
- memory (i.e., trouble recalling recent events), and
- health (i.e., signs of physical illness, vomiting).

What should a member of your dental practice do if they suspect a patient is impaired?

If any person working in your dental practice is concerned that a patient may be impaired, such that they cannot give consent, that person should speak to the patient's dentist.

If a dentist detects any of the above abnormalities, it is appropriate to ask pointed questions with respect to a patient's cannabis (or any other drug/alcohol) use. Helpful questions include:

- Have you recently used any form of cannabis and, if so, when and how much?
- Do you know the THC levels in your cannabis? (Higher THC relates to more acute impairing effects)
- Do you take cannabis with any other potentially impairing substances? (Generally, when cannabis is used in conjunction with other substances, less of each substance is required to become impaired)

Where the patient's response indicates they may be impaired to an extent that they are unable to provide valid consent, it is reasonable for the dentist to refuse to provide treatment until such time as the patient is capable of giving consent. However, dentists should be aware that not all cannabis is created equal and can contain varying amounts of THC — the psychoactive ingredient in cannabis — with some forms containing little to no THC. If the patient discloses that they use cannabis, but they are otherwise alert and understand the proposed treatment, it may be appropriate to provide that treatment. Any denial or approval of providing treatment should be done on a case-by-case basis.

2. Responsibilities as an employer

What are a dentist's responsibilities as an employer?

Nova Scotia's *Occupational Health and Safety Act* imposes obligations on both employers and employees to take every reasonable precaution to ensure the health and safety of all persons in the workplace, including patients. This dual obligation requires employers to not condone impairment in the workplace and requires employees to not report to work while impaired.

Should my dental practice have a drug and alcohol policy?

Yes. Dental practices should proactively institute a drug and alcohol policy if they do not already have one (or, if they do, make sure it is updated for cannabis). Having a drug and alcohol policy is an effective means of communicating an employer's position on cannabis use. A drug and alcohol policy serves a number of purposes, including:

- It should clearly state that employees must report to work fit for duty and remain fit for duty during their shift.
- It sets out workplace rules with respect to prohibited cannabis use, and can cover off-duty cannabis use if it ultimately affects the employee's work duties.
- It sets out disciplinary procedures, which provide guidance to employers and transparency to employees.
- It informs employees of their human rights and ensures employees with illnesses or disabilities are encouraged to seek the help they need.

A sample policy is available through the Nova Scotia Dental Association. This sample policy is for information purposes only. Any dentist seeking to implement a drug and alcohol policy should consult legal counsel to ensure it meets the specific needs of their practice.

What should a dentist do if they suspect an employee is impaired?

If a dentist is satisfied that an employee may be impaired, the employee must be removed from the workplace. If the decision is made to send an employee home, the dentist should arrange for safe transportation. If the employee intends to drive home, the dentist must take steps to prohibit them from doing so, and may need to contact the local police.

The dentist must then consider next steps, including whether the employee's behaviour warrants discipline (discussed further below) and if there is a duty to accommodate (discussed further below). Dentists should seek legal advice when making this determination.

Can a dentist discipline an employee who is impaired at work?

Yes. If an employee's impairment relates to irresponsible use of recreational cannabis, appropriate disciplinary steps should be taken. Given a dentist's responsibilities to the profession and the public, and the safety-sensitive nature of a dental office's operations, dentists are likely justified in taking a tough approach to impairment in the workplace. This means that higher levels of discipline, including termination, may be imposed where an employee's impairment puts a patient's safety at risk.

However, where a patient's safety is not at risk due to an employee's impairment (for example, the employee is not directly involved in patient care, like a cleaner or bookkeeper), lesser forms of discipline may be justified on a first offence. Further, if the employee discloses irresponsible use of recreational cannabis as the reason for impairment, the employee's honesty should be considered a mitigating factor that justifies imposing a lesser form of discipline.

The severity of foreseeable consequences of an employee's misconduct, and the severity of the resulting discipline, should be assessed on a case-by-case basis.

What if the employee is taking medically prescribed cannabis or is addicted to cannabis?

Nova Scotia's *Human Rights Act* provides protection to individuals from discrimination based on disability or illness. This means that employees can neither be disciplined for taking medically prescribed cannabis to treat an illness, nor can they be disciplined for having an addiction or dependency, which is considered a disability. Where an employee takes prescribed medical cannabis or has a cannabis dependency, employers have an obligation to accommodate that

employee. Remember that not all cannabis is created equal, and an employee being prescribed medical cannabis does not necessarily mean they are impaired.

The ultimate question is whether the employee's medication or addiction may impair that employee's ability to work safely and effectively. A dentist should define the employee's essential duties and, in consultation with the employee and a medical professional (such as the employee's family physician or addictions specialist), answer the following four questions:

1. Can the employee perform his or her duties without accommodation?
2. If no, can the employee perform his or her duties with accommodation?
3. If no, can the employee perform the duties of another position in the workplace without accommodation?
4. If no, can the employee perform the duties of another position in the workplace with accommodation?

If the answer to the last question is still "no", the employee likely cannot be accommodated and the dentist would be justified in dismissing him or her. In general, a dentist does not need to create a new position in order to accommodate an employee. It is more difficult to accommodate an employee, and therefore easier to justify dismissal, in smaller offices. A good faith effort must be made in the accommodation process, and it should be done on a case-by-case basis in light of the employee's individual capabilities.



ALCOHOL AND DRUG USE POLICY

1. Purpose

It is recognized that the use of alcohol, cannabis or other drugs may have serious adverse effects on the health, safety, and job performance of employees and their colleagues. The purpose of this document is to set out the Employer's policy with respect to the use of alcohol, cannabis and other substances while on duty, in order to ensure a work environment that is safe, healthy and comfortable for all employees, and to accommodate employees who are dealing with drug or alcohol abuse or dependency problems, or who use a substance addressed by this Policy under the direction of a treating physician in order to treat their disabilities.

2. Responsibilities

The Employer is committed to maintaining a drug-free and alcohol-free workplace and to ensuring that smoking does not affect other employees in the workplace. This will lead to both a safer workplace and healthier work environment. All employees are responsible to abide by this Policy. Management is responsible to enforce this Policy.

3. Policy

Alcohol and Drugs

- All employees are expected to be fit for duty when reporting to work and to remain fit for the duration of their shift. This means that employees must not be impaired by alcohol, recreational or medical cannabis, illegal drugs, or prescription drugs.
- If an employee is medically required to take prescription drugs or medical cannabis, these drugs must not inhibit their ability to proficiently and safely perform their job functions. Employees are expected to use all such medications responsibly, as prescribed and directed, and to ask their physician whether the drug could affect their ability to work safely.
- Possession, use, or selling of alcohol, drugs (including recreational cannabis), or drug paraphernalia while in the workplace is prohibited.
- Use of alcohol for social functions may be permitted when approved by the Employer. Approval must be obtained to ensure the use of alcohol does not contravene the intent of this Policy.
- Off-duty legal use of alcohol and drugs does not violate this Policy, as long as employees are fit for duty at all times when they are on duty.

Smoking and E-Cigarettes

- Smoking tobacco and the use of e-cigarettes is strictly prohibited anywhere inside the office and in any areas outside the office designated as “No Smoking” areas.
- Smoking tobacco and the use of e-cigarettes shall be limited to designated work breaks, in designated areas.
- **[OPTIONAL:]** If the designated smoking area and the cigarette butt receptacles are not kept clean by employees, the Employer reserves its right to forbid smoking and the use of e-cigarettes on its premises.
- The use of medical cannabis by way of inhalation outside of designated work breaks will be determined on a case-by-case basis in accordance with the Employer’s obligations under the Human Rights Act and the Occupational Health and Safety Act. Where there is a medically-supported requirement for an employee to use medical cannabis by way of inhalation while at work and it is determined that they can be accommodated without undue risk to workplace health and safety, the Employer will ensure the place of consumption respects the applicable legislation, and will make reasonable efforts to ensure other employees are not exposed to second-hand cannabis smoke.

Policy Violations

- Should there be reason to believe that an employee’s safe job performance is being negatively affected by alcohol or drugs (including prescription drugs, and medical and recreational cannabis), or that this Policy is being violated in any way, the Employer is entitled to investigate the nature of the problem and to take appropriate action, including disciplinary action, up to and including termination of employment for cause. All employees are required to fully participate in and cooperate with any such investigation.
- All employees must understand that cannabis is an impairing drug and that using it recreationally at work or coming to work high (other than in cases of medical use disclosed in advance to and approved by the Employer in accordance with this Policy) renders them unfit for duty in violation of this Policy. This is true regardless of whether their use of cannabis is otherwise legal.
- In determining its response to a violation of this Policy, the Employer will differentiate between behaviour that is properly characterized as illness or disability-related (including drug or alcohol dependence), and behaviour that is not. Should an illness or disability be present, the Employer will take measures to work with the employee and will accommodate the employee to the point of undue hardship in accordance with the Human Rights Act.

Employee Duty to Notify

- Employees must notify their supervisor if they are using legally prescribed medical cannabis or other legal prescription drugs, illegal drugs, recreational cannabis or alcohol that may potentially cause impairment, including when used for the treatment of a medical condition. Reporting for duty without disclosing the use of such drugs or alcohol may be grounds for discipline, up to and including termination for cause.
- Any employee who discloses an illness or disability (including drug or alcohol dependence) and requests assistance will not be disciplined for making such disclosure. The Employer will take all appropriate steps to accommodate disabled employees and to minimize the risks associated with the drug(s) necessary to treat an employee's medical condition, which may include requiring the employee to provide information from their treating physician, and offering modified work or a leave of absence if appropriate.
- All information received by the Employer in accordance with this Policy will be kept confidential and will not be disclosed to anyone other than as necessary to meet a legal obligation or as may be required to investigate suspected violations of this Policy.
- Any questions related to the content of this Policy or its interpretation should be directed to the **[Position]**.



MEDICAL HISTORY QUESTIONNAIRE

Medical Alert:

Name

Date of Birth (D/M/Y)

Phone (Home) (Cell)

Address

Nova Scotia Health Card Number Expiry Date

Insurance

Policy Holder

Company

Policy No.

Address (Business)

Phone (Business)

Occupation

Who referred you to our office?

In Case of Emergency, We Should Notify:

Name

Relationship

Day-Time Phone Number

Name of Family Doctor

Phone or Address

The following information is required to enable us to provide you with the best dental care.

All information is strictly private, and is protected by doctor-patient confidentiality. The dentist will review the questions and explain any that you do not understand.

PLEASE FILL IN THE ENTIRE FORM

1. Are you being treated for any medical condition at present or have you been treated within the past year? If yes, please explain.

2. When was your last medical checkup? _____

3. Has there been any change in your general health in the past year? If yes, please explain.

4. Are you taking any medications, non-prescription drugs or herbal supplements of any kind? If yes, please list.

5. Do you have any allergies?

Medications Foods Latex/Rubber Products Nickel Silver Other Metals

6. Have you ever had an adverse reaction to any medications or injections?

7. Do you have or have you ever had asthma?

8. Do you have or have you ever had any heart or blood pressure problems?

9. Do you have or have you ever had a replacement or repair of a heart valve, an infection of the heart (i.e. Infective Endocarditis), a heart condition from birth (i.e. congenital heart disease) or a heart transplant? If yes, explain.

10. Do you have a prosthetic or artificial joint? If yes, explain.

11. Do you have any conditions or are undergoing any therapies that could affect your immune system (i.e. leukemia, AIDS, HIV infection, radiotherapy, chemotherapy)? If yes, explain.

12. Have you ever had hepatitis, jaundice or liver disease? If yes, explain.

13. Do you have a bleeding problem or bleeding disorder? If yes, explain.

14. Have you ever been hospitalized for any illness or operations? If yes, explain.

15. Do you have, or have you ever had any of the following? If yes, please check.

- | | | | |
|---------------------------------------------------|----------------------------------------------|-------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Chest pain/angina | <input type="checkbox"/> Rheumatic fever | <input type="checkbox"/> Pacemaker | <input type="checkbox"/> Steroid therapy |
| <input type="checkbox"/> Osteoporosis medications | <input type="checkbox"/> Seizures (epilepsy) | <input type="checkbox"/> Heart attack | <input type="checkbox"/> Mitral valve prolapse |
| <input type="checkbox"/> Lung disease | <input type="checkbox"/> Diabetes | <input type="checkbox"/> Kidney disease | <input type="checkbox"/> Stroke |
| <input type="checkbox"/> Heart murmur | <input type="checkbox"/> Tuberculosis | <input type="checkbox"/> Stomach ulcers | <input type="checkbox"/> Thyroid disease |
| <input type="checkbox"/> Shortness of breath | <input type="checkbox"/> Cancer | <input type="checkbox"/> Arthritis | <input type="checkbox"/> Drug/alcohol dependency |
| <input type="checkbox"/> Sleep apnea | <input type="checkbox"/> Acid reflux | <input type="checkbox"/> Eating disorder (bulimia/anorexia) | |

16. Are there any conditions or diseases not listed above that you have, or have had? If so, what?

17. Are there any disease or medical problems that run in your family? If yes, explain.

18. Do you use any tobacco or cannabis products? If so, what specific type and frequency of use?

19. Do you drink alcohol? If so, how much do you drink each week?

20. Do you use any controlled or “recreational” drugs such as cocaine, ecstasy, LSD, heroin? If so, please identify. _____

21. Are you nervous during dental treatment? _____

22. For women only: Are you breast feeding or pregnant? If pregnant, what is the expected delivery date? _____

To the best of my knowledge, the above information is correct:

Patient/Parent/Guardian Signature

Date

Dentist Signature

Date



Patient Information Bulletin: **CANNABIS & DENTAL PROCEDURES**

Whether you smoke it, vape, or use edibles, cannabis (marijuana) can negatively impact your dental appointment.

1 STAY SAFE: TALK TO YOUR DENTIST

If you consume cannabis products before your dental appointment it can affect the outcome of your procedure. Be sure your use of cannabis is part of your current medical history (just like tobacco and alcohol). To ensure your safety, your dentist needs to know if you have taken any cannabis prior to your dental appointment.



5 PLAN AHEAD, AVOID CANNABIS BEFORE YOUR APPOINTMENT

Please avoid consuming cannabis products before your procedure. Your dentist may need to re-schedule your appointment for another time to ensure your safety.



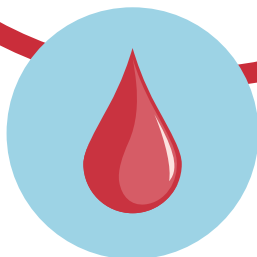
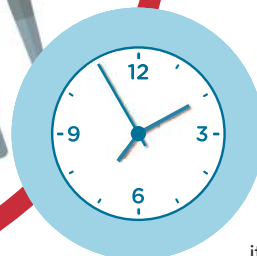
2 CANNABIS CAN ALTER THE EFFECTIVENESS OF PRESCRIBED MEDICATION

Cannabis can impact the effects of medications and anaesthetics needed for your procedure.



4 CANNABIS EFFECT VARIES

Various strains of cannabis have different amounts of THC. The amount of THC in your system is determined by the strain, the amount and the way it is consumed. When smoked or inhaled as vapour, the effects tend to peak sooner and dissipate more rapidly. When eaten, the drug effect takes longer to appear, lasts longer and is less predictable.



3 INCREASED BLEEDING

Using cannabis can increase your risk of bleeding and cause complications for healing after your dental procedure.



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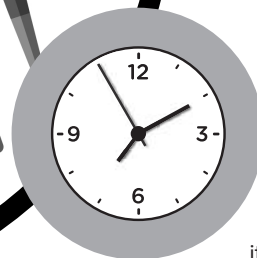
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