January 14, 2019

Deputy Minister of Health and Wellness, Denise Perret  
Ministry of Health and Wellness  
Department of Health and Wellness  
PO Box 488  
Halifax, NS B3J 2R8

Dear Ms. Perret,

We have been watching with dismay the incursion of teledentistry in Canada in recent months, and on behalf of the Canadian Association of Orthodontists (CAO) I am writing to Federal and Provincial Health Ministers to raise awareness of the Direct to Consumer orthodontic treatments that are entering the Canadian marketplace from the United States.

Direct to consumer care presents a significant concern to all dental professionals as there is a profound risk to any patient using the system. The companies that are providing treatment have opened store fronts where digital scans are completed or also send impression kits directly to consumers. From these scans or self-impressions, digital models are fabricated and orthodontic appliances are created that are then sent directly to patients to perform active unsupervised tooth movement that directly affects oral health and function. These companies claim that treatment is approved by a licensed dentist in the jurisdiction where the patient lives and as a condition of acceptance of treatment the patient must sign a waiver absolving the company of liability.

The CAO wishes to stress that these direct to consumer systems are an active orthodontic process that moves teeth and is a biological and physiological process. This movement affects the health of the teeth, supporting bone and gum tissue and affects the fit and function of the patient’s bite.

A registered dentist in any provincial jurisdiction, in order to maintain their licensure, will need to follow strict guidelines when providing treatment which include:

- a complete medical and dental history
- a complete and thorough examination of the patient’s current state of oral health
- full diagnostic records that include radiographs, photographs and study models
- discussion of the treatment plan with the patient or guardian along with treatment options and review of potential risks and complications providing informed consent
- follow-up and treatment records need to be maintained documenting treatment rendered.

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None of these criteria are present when Direct to Consumer dentistry is performed representing a failure to meet the standard of care expected to maintain licensure. If a Canadian dentist is approving treatment for these companies then they are in breach of their licensure. In fact, we have evidence that the treatment is being approved by a dentist outside of Canada, which creates a dilemma for the regulatory agencies that are expected to maintain the patient’s interests. Who and how can they prosecute a dentist outside their jurisdiction? There must be some way to prevent these companies from providing substandard care to patients.

We understand that the aligners being provided to patients are a Class II medical device and require Health Canada approval for sale and use in Canada. To date the CAO has not been able to establish that Health Canada has given approval for sale of these devices. This becomes much more disconcerting in light of recent media attention surrounding failure of appropriate approval of medical devices in Canada.

Even with Health Canada approval, the process by which these companies work, the standard of care is not met. An active device must be designed and approved by a licensed Canadian dentist, fabricated by prescription of that dentist and must be provided to the patient by the dentist. If these companies are allowed to continue to provide treatment to patients in Canada a double standard is being established that will only further harm Canadian citizens.

The CAO on behalf of its members and all dentists in Canada ask that the Provincial and Federal Health Ministries direct their attention to this matter to prevent real and permanent harm to Canadians.

If you have any questions or comments on this issue, please email cao@associationconcepts.ca.

Sincerely,

Dr. Jay Philippson, President
Canadian Association of Orthodontists

cc. All Provincial Ministers of Health
    All Provincial Deputy Ministers of Health