



Province of Alberta

## HEALTH PROFESSIONS ACT

# DENTISTS PROFESSION REGULATION

### **Alberta Regulation 254/2001**

With amendments up to and including Alberta Regulation 170/2012

### Office Consolidation

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Consolidated up to 170/2012)

**ALBERTA REGULATION 254/2001**

**Health Professions Act**

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**Definitions**

1 In this Regulation,

- (a) “College” means The Alberta Dental Association and College;
- (b) “Competence Committee” means the competence committee of the College;
- (c) “Complaints Director” means the complaints director of the College;
- (d) “Council” means the council of the College;
- (e) “Hearings Director” means the hearings director of the College;

- (f) “Hearing Tribunal” means the hearing tribunal of the College;
- (g) “Registrar” means the registrar of the College;
- (h) “Registration Committee” means the registration committee of the College;
- (i) “Reinstatement Review Committee” means the reinstatement review committee established under this Regulation.

#### **Register categories**

**2** The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) main register;
- (b) education and research register;
- (c) courtesy register.

### **Registration**

#### **Main register education, exam requirements**

**3(1)** An applicant for registration as a regulated member on the main register must

- (a) have a degree of doctor of dental surgery or doctor of dental medicine from a dentistry program approved by the Council, and
- (b) have successfully completed the registration examination approved by the Council and the ethics and jurisprudence examination approved by the Council.

**(2)** An applicant under subsection (1) must have completed the requirements set out in this section within 5 years of submitting a complete application for registration or demonstrate to the satisfaction of the Registrar or the Registration Committee that the applicant is currently competent to practice.

#### **Education and research register requirements**

**4(1)** An applicant for registration as a regulated member on the education and research register

- (a) must submit a letter from the Dean of the Faculty of Medicine and Dentistry, University of Alberta that states

that the applicant will be employed as a dentist by the University of Alberta and that lists the employment duties of the applicant, and

- (b) must satisfy the Registrar that the applicant is qualified to carry out the employment duties.

(2) A person registered on the education and research register may practice dentistry only as part of the person's teaching and research duties as an employee of the Faculty of Medicine and Dentistry of the University of Alberta and shall not carry out the practice of dentistry in private practice.

(3) For the purposes of this section, "employment" means being engaged to provide dental services on a full-time or part-time basis as a paid or unpaid employee, consultant or contractor.

#### **Equivalent jurisdiction**

5 An applicant currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements may be registered on the appropriate register.

#### **Equivalent competence**

6(1) An applicant who does not meet the registration requirements under section 3 or 5 but whose qualifications have been determined by the Registrar to be substantially equivalent to the competence requirements set out in section 3 or 5 may be registered on the appropriate register.

(2) In determining whether or not an applicant's qualifications are substantially equivalent under subsection (1), the Registrar may require the applicant to undergo an examination, testing and assessment activity to assist with the determination.

(3) The Registrar may direct the applicant to undergo any education or training activities the Registrar may consider necessary in order for the applicant to be registered.

#### **Courtesy register applications**

7 An applicant who is registered as a dentist in good standing in another jurisdiction and who requires registration in Alberta on a temporary basis for a specified purpose approved by the Registrar is eligible to be registered on the courtesy register for up to 30 days.

**Good character, reputation**

**8** All applicants for registration as regulated members must provide evidence of having good character and reputation by submitting any of the following on the request of the Registrar:

- (a) written references from colleagues and, where applicable, from another jurisdiction in which they are currently registered;
- (b) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of dentistry or of another profession;
- (c) a statement as to whether the applicant has ever been convicted of a criminal offence;
- (d) any other evidence as requested.

**Liability insurance**

**9** All applicants for registration as regulated members must provide evidence of having the type and amount of professional liability insurance required by the Council.

**Titles and Abbreviations****Authorization to use titles, etc.**

**10(1)** All regulated members may use the following titles: registered, dentist, doctor and Dr.

**(2)** A regulated member who has successfully completed the following educational requirements may use the following titles:

- (a) a 2-year postgraduate program and examination in endodontics approved by the Council, the title “Endodontist”;
- (b) a 4-year postgraduate program and examination in oral and maxillofacial surgery approved by the Council, the title “Oral and Maxillofacial Surgeon”;
- (c) a 2-year postgraduate program and examination in orthodontics and dentofacial orthopedics approved by the Council, the title “Orthodontist and Dentofacial Orthopedist”;

- (d) a 2-year postgraduate program and examination in pediatric dentistry approved by the Council, the title “Pediatric Dentist”;
- (e) a 3-year postgraduate program and examination in periodontics approved by the Council, the title “Periodontist”;
- (f) a 3-year postgraduate program and examination in prosthodontics approved by the Council, the title “Prosthodontist”;
- (g) a 3-year postgraduate program and examination in oral pathology and oral medicine approved by the Council, the title “Oral Pathologist and Oral Medicine Specialist”;
- (h) a 2-year postgraduate program and examination in oral and maxillofacial radiology approved by the Council, the title “Oral and Maxillofacial Radiologist”;
- (i) a 2-year postgraduate program and examination in public health dentistry approved by the Council, the title “Public Health Dentist”.

### **Practice Permit**

#### **Conditions**

**11** On issuing a practice permit, the Registrar may impose conditions on a regulated member, including but not limited to the following:

- (a) that the regulated member complete any examinations, testing, assessment, counselling, training or education as considered necessary by the Registrar or the Competence Committee;
- (b) that the regulated member limit the member’s practice to specified procedures or settings;
- (c) that the regulated member report to the Registrar on specified matters on specified dates;
- (d) that the practice permit is valid only for a specified purpose and time;
- (e) that the regulated member be prohibited from supervising dentistry students under section 15 or other dentists;

- (f) that the regulated member must practice under the supervision of another regulated member for the period of time considered necessary by the Registrar.

### **Restricted Activities**

#### **Authorized activities**

**12** Regulated members may, within the practice of dentistry, perform the following restricted activities as set out in Schedule 7.1 to the *Government Organization Act*:

- (a) to cut a body tissue and to administer anything by an invasive procedure on a body tissue below the dermis or the mucous membrane or in or below the surface of teeth, including scaling of teeth;
- (b) to insert or remove instruments, devices, fingers or hands
  - (i) beyond the cartilaginous portion of the ear canal;
  - (ii) beyond the point in the nasal passages where they normally narrow;
  - (iii) beyond the pharynx;
  - (iv) into an artificial opening of the body;
- (c) to set or reset a fracture of a bone;
- (d) to reduce a dislocation of a joint;
- (e) to prescribe a Schedule 1 drug within the meaning of the *Pharmaceutical Profession Act*;
- (f) to dispense, provide for selling or sell a Schedule 1 or Schedule 2 drug within the meaning of the *Pharmaceutical Profession Act*;
- (g) to prescribe, dispense or administer a vaccine;
- (h) to prescribe parenteral nutrition;
- (i) to prescribe, compound or administer blood or blood products;
- (j) to prescribe or administer diagnostic contrasting agents;
- (k) to prescribe or administer nitrous oxide for the purpose of anaesthesia or sedation;

- (l) to prescribe or administer radiopharmaceuticals, radiolabelled substances, radioactive gases or radioaerosols;
- (m) to order or apply any form of ionizing radiation in medical radiography;
- (n) to order and apply non-ionizing radiation in lithotripsy;
- (o) to order non-ionizing radiation in magnetic resonance imaging and ultrasound imaging;
- (p) to prescribe or fit an orthodontic or periodontal appliance, a fixed or removable partial or complete denture or an implant supported prosthesis.

#### **Anaesthetics**

**13** Only regulated members who successfully complete an educational program in the administration of general and neurolept anaesthesia approved by the Council and have been authorized by the Council may perform the following restricted activities related to the administration of anaesthesia, other than nitrous oxide, in the practice of dentistry

- (a) insert or remove instruments, devices, fingers or hands
    - (i) beyond the opening of the urethra,
    - (ii) beyond the labia majora, and
    - (iii) beyond the anal verge,
- and
- (b) prescribe and administer anaesthetic gases, other than nitrous oxide, for the purposes of anaesthesia and sedation.

#### **Restriction**

**14** Despite sections 12 and 13, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed.

#### **Students**

**15(1)** A student who is enrolled in a dentistry program approved by Council may perform the restricted activities set out in section

12 under the direct supervision of a regulated member registered on the main register or on the education and research register.

- (2) The supervising regulated member must be
- (a) on-site with the student while the student is performing the restricted activity,
  - (b) available for consultation and to assist the student in performing the restricted activity as required, and
  - (c) authorized by this Regulation to provide the restricted activity and authorized by the dentistry program in which the student is enrolled to supervise the restricted activity.

### **Continuing Competence**

#### **Program credits**

- 16(1)** On and after the January 1 immediately following the coming into force of this Regulation, regulated members must obtain 60 continuing competence program credits in a 2-year period.
- (2) To obtain program credits, a regulated member may undertake the following professional development activities in accordance with the rules approved under section 17:
- (a) attendance at a dental-related scientific or clinical course designed to enhance the professional development of dentists;
  - (b) providing a presentation on a professional development activity undertaken by the regulated member to other regulated members;
  - (c) attendance at a dentistry-related study club;
  - (d) receipt of a fellowship by examination;
  - (e) successful completion of an examination;
  - (f) completion of a graduate or postgraduate specialty program;
  - (g) presentation of a research paper or abstract at a scientific meeting;
  - (h) publication of a research paper in a peer-refereed journal;
  - (i) attendance at professional development sessions or activities;

- (j) attendance at professional development sessions on dental-clinical practice issues;
- (k) undertaking research and innovation projects that extend beyond the member's immediate practice;
- (l) self-directed study;
- (m) other activities approved by Council, the Registrar or the Competence Committee.

#### **Program rules**

**17(1)** The Registrar or the Competence Committee may recommend to the Council

- (a) rules governing the program credits that may be earned for each professional activity,
- (b) rules governing the type and category of professional activities that a regulated member must undertake in a 2-year period,
- (c) rules limiting the number of professional development activities within a specific category for which a member may earn credits, and
- (d) other rules as required governing the continuing competency program.

**(2)** The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.

**(3)** The Council may approve rules and amendments to the rules reviewed under subsection (2).

#### **Rule distribution**

**18** The rules and any amendments to the rules approved under section 17 must be made available by the Registrar to the public, the Minister of Health, regional health authorities and any person who requests them.

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#### **Practice visits**

**19(1)** The Competence Committee is authorized to carry out practice visits and may, for the purpose of assessing continuing

competence, select individual regulated members or groups of regulated members for a practice visit.

**(2)** The criteria for selecting members for review must be developed by the Competence Committee and approved by the Council.

#### **Actions to be taken**

**20** If the results of a practice visit are unsatisfactory, the Competence Committee may direct a regulated member or a group of regulated members to undertake one or more of the following actions:

- (a) completion of specific continuing competence requirements or professional development activities within a specified time;
- (b) completion of any examinations, testing, assessment, training, education or counselling;
- (c) a requirement to practice under the supervision of another regulated member for a specified period of time;
- (d) a requirement that the regulated member or group of regulated members limit their practice to specified procedures or practice settings;
- (e) a requirement for the regulated member or group of regulated members to report to the committee on specified matters on specified dates;
- (f) that the regulated member or group of regulated members be prohibited from supervising other dentists or dental students;
- (g) that the regulated member or group of regulated members correct any problems identified in the practice visit.

#### **Alternative Complaint Resolution**

##### **Process conductor**

**21** When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

**Agreement**

**22** The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

**Confidentiality**

**23** The complainant and the investigated person must, subject to section 59 of the Act, agree to treat all information shared during the process as confidential.

**Leaving the process**

**24** The complainant and the investigated person may withdraw from the alternative complaint resolution process at any time.

**Reinstatement****5-year limitation**

**25** A person whose registration or practice permit is cancelled under Part 4 of the Act may apply to the Registrar for reinstatement 5 or more years after the date of cancellation.

**Hearing date**

**26(1)** The Reinstatement Review Committee must hold a reinstatement hearing regarding the application for reinstatement within 90 days of receipt of the application by the Registrar under section 25.

**(2)** The Registrar must provide to the person making the application, at least 30 days before the date of the reinstatement hearing, written notice of the time and place of the hearing.

**Reinstatement Review Committee**

**27** On receipt of an application under section 26, the Registrar must notify the Hearings Director and the Hearings Director must appoint 3 regulated members who are not members of the Registration Committee or of the Council, as members of a Reinstatement Review Committee.

**Hearing**

**28(1)** The reinstatement hearing is open to the public unless the Reinstatement Review Committee determines on its own motion or

on application by any person that the reinstatement hearing or part of it should be in private because

- (a) of probable prejudice to a civil action or a prosecution of an offence,
- (b) of concern for the safety of the person or the public,
- (c) the non-disclosure of a person's confidential, personal, property acquisition or financial information outweighs the desirability of having the reinstatement hearing open to the public, or
- (d) of other reasons satisfactory to the Reinstatement Review Committee.

**(2)** The applicant must present evidence of the actions taken since the cancellation.

**(3)** The Registrar or a person that the Registrar designates may appear at the reinstatement hearing on behalf of the College to present evidence, including a copy of the decision and of the record of the hearing at which the applicant's registration and practice permit were cancelled, and to make submissions respecting the application.

**(4)** If a person is designated under subsection (3), the Registrar must inform the applicant of the person's name at least 30 days before the date of the reinstatement hearing.

**(5)** The following may be represented by legal counsel at the reinstatement hearing:

- (a) the Reinstatement Review Committee hearing the application;
- (b) the applicant;
- (c) the Registrar or a person designated under subsection (3).

**(6)** Evidence may be given before the Reinstatement Review Committee in any manner that it considers appropriate and it is not bound by the rules of law respecting evidence applicable to judicial hearings.

#### **Deliberations**

**29** In determining whether or not an application should be approved, the Reinstatement Review Committee must

- (a) consider

- (i) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
  - (ii) the evidence presented at the hearing,
- and
- (b) be satisfied that
    - (i) the applicant meets the current requirements for registration,
    - (ii) any conditions imposed at the time the applicant's permit and registration were cancelled have been met, and
    - (iii) the applicant is fit to practice dentistry and does not pose a risk to public safety.

#### **Decision**

**30(1)** The Reinstatement Review Committee must, within 60 days after the conclusion of a reinstatement hearing, issue a written decision containing one or more of the following orders:

- (a) an order denying the application;
- (b) an order directing the Registrar to reinstate the person's registration and practice permit if the person is eligible for registration as a regulated member in a register referred to in section 2;
- (c) an order directing the Registrar to impose specified terms and conditions on the person's practice permit;
- (d) an order directing the person making the application to pay any or all of the College's expenses incurred in respect of the application, as calculated in accordance with the by-laws.

**(2)** The Reinstatement Review Committee must provide reasons for any of its orders in its written decision and its decision is final.

#### **Access to decision**

**31(1)** The Reinstatement Review Committee may order that its decision be publicized in a manner it considers appropriate.

**(2)** The College must make the decision of the Reinstatement Review Committee available for 10 years to the public on request.

## Information

### Providing information

**32(1)** A regulated member must provide the following information at the request of the Registrar in addition to that required under section 33(3) of the Act:

- (a) home address, mailing address and business address;
- (b) a passport-type photograph;
- (c) year of registration;
- (d) degrees and other qualifications, including specialization;
- (e) school of graduation;
- (f) year of graduation;
- (g) date of birth and gender;
- (h) date of retirement.

**(2)** Subject to section 34(1) of the Act, the College may release the information collected under subsection (1) only

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

### Correcting information

**33** The Registrar may correct or remove any information in the register if the Registrar determines it is incorrect or inaccurate.

### Section 119 information

**34** The Council must provide, under section 119 of the Act, the information referred to in section 119(4) of the Act for 5 years.

### Information made available

**35** The Council must provide

- (a) information on a practice permit for 2 years after a regulated member was last granted a practice permit,

- (b) information from the record of a disciplinary hearing for 5 years after completion of a hearing by the Hearing Tribunal, and
- (c) information as to whether a hearing is scheduled to be held or has been held under Part 4 of the Act with respect to a named regulated member until the hearing is completed.

### **Transitional Provisions, Repeals and Coming into Force**

#### **Transitional provisions**

**36** On the coming into force of this Regulation, a registered member described in section 6 of Schedule 7 of the Act is deemed to be entered on the regulated member register in the register category that the Registrar considers appropriate.

#### **Repeal**

**37** The *Dental Profession Regulation* (AR 328/84) is repealed.

#### **Coming into force**

**38** This Regulation comes into force on the coming into force of Schedule 7 of the *Health Professions Act*.





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