

## SCHEDULE

The bylaws of the College of Dental Hygienists of British Columbia made under the authority of the *Health Professions Act* are amended as follows:

**1. Section 1 is amended by repealing the definitions of “Code of Ethics” and “Practice Standards” and by adding the following definitions:**

“CPEDH” means the Canadian Performance Exam in Dental Hygiene approved by the registration committee, or any successor examination that is acceptable to the board;

“NDHCE” means the National Dental Hygiene Certification Examination offered by the National Dental Hygiene Certification Board, or any successor examination that is acceptable to the board;

“private dental hygiene practice” means any business or undertaking, whether or not it is incorporated,

- (a) that provides direct client care included in the practice of dental hygiene to individuals on a regular or continuous basis, according to criteria established by the board, and
- (b) whose provision of direct client care included in the practice of dental hygiene is not limited to providing services on behalf of
  - (i) another private dental hygiene practice owned by one or more dental hygiene practitioner registrants or grandparented registrants,
  - (ii) a dental practice owned by one or more registrants of the College of Dental Surgeons of British Columbia, or
  - (iii) another institution, facility or agency that meets criteria established by the board,

and, for greater certainty, does not include the practice of an individual registrant who provides direct client care included in the practice of dental hygiene exclusively as an employee of one or more practices, institutions, facilities or agencies described in paragraph (b)(i), (ii) or (iii);

“recognized dental hygiene degree” means

- (a) a baccalaureate degree in dental hygiene from a dental hygiene education program in British Columbia that is recognized by the board for the purpose of dental hygiene practitioner registration and specified in Schedule I, or
- (b) a baccalaureate degree in dental hygiene, or the equivalent, from another dental hygiene education program accredited by the Commission on Dental Accreditation of Canada or by the Commission on Dental Accreditation of the American Dental Association, that is considered by the registration committee to be equivalent to a degree referred to in paragraph (a);

“recognized dental hygiene diploma” means

- (a) a diploma in dental hygiene from a dental hygiene education program in British Columbia that is recognized by the board for the purpose of dental hygienist registration and specified in Schedule I, or
- (b) a two-year diploma in dental hygiene, or the equivalent, from another dental hygiene education program accredited by the Commission on Dental Accreditation of Canada or by the Commission on Dental Accreditation of the American Dental Association, that is considered by the registration committee to be equivalent to a diploma referred to in paragraph (a);

“recognized local anaesthesia certification program” means a local anaesthesia course or program that is recognized by the board for the purpose of certification of registrants under section 5(3)(b)(ii) of the Regulation and specified in Schedule I;

“restricted activity” means an activity specified in section 5 of the Regulation;

2. ***Section 3.1(1) is amended by repealing paragraphs (a) to (c) and substituting the following:***

- (a) dental hygienist registrants;
- (b) dental hygiene practitioner registrants;
- (c) grandparented registrants.

3. ***Section 3.2(1) is amended by repealing paragraphs (a) to (c) and substituting the following:***

- (a) dental hygienist registrants;
- (b) dental hygiene practitioner registrants;
- (c) grandparented registrants;

4. ***Section 10(1) is amended by repealing paragraph (a) and substituting the following:***

- (a) ceases to be a dental hygienist registrant, dental hygiene practitioner registrant or grandparented registrant,

5. ***Section 11(2)(a) is amended by striking out “general meetings of the college and”.***

6. ***Section 12 is amended***

(a) ***in subsection (5)(b), by adding “or certification under 46” after “section 20 of the Act”,***

(b) ***in subsection (5)(d), by adding “a registrant’s compliance with continuing competency or quality assurance requirements under Part IV.1 or” after “information concerning”,***

(c) ***in subsection (5)(i), by striking out “section 51(4)” and substituting “section 51(5)”, and***

(d) ***by repealing subsection (8) and substituting the following:***

(8) Subject to subsection (8.1), a majority of the board members constitutes a quorum.

(8.1) For the purposes of conducting a review under section 47.2, three members of the board constitute a quorum, provided that a majority of the board members in attendance are elected board members, and at least one-third of the board members in attendance are appointed board members.

7. ***Section 13(3) is amended by repealing paragraphs (a) to (c) and substituting the following:***

- (a) dental hygienist registrants;
- (b) dental hygiene practitioner registrants;
- (c) grandparented registrants;

8. ***Sections 30 and 31 are repealed and the following substituted:***

### **General Meetings**

30. (1) The college must convene a general meeting in British Columbia at a time and place determined by the board, at least once in every calendar year.
- (2) The following matters must be presented at an annual general meeting:
- (a) financial statements;
  - (b) the report of the auditor;
  - (c) the report of the board.
- (3) Every general meeting must be open to all registrants and to the public.
- (4) The board may direct the registrar to make arrangements for registrants and the public to have the opportunity to attend the general meeting by video, teleconference, web casting or an equivalent medium.
- (5) The purpose of a general meeting is informational only, and no resolutions may be proposed, considered or voted on at the meeting.
- (6) For greater certainty, the participants at a general meeting have no authority to make any decision or take any action that is binding on the board, any committee of the college, the registrar, or any other officer, employee or agent of the college in the exercise of its or their powers or in the performance of its or their duties under the Act or any other enactment.

### **Notice of General Meetings**

31. (1) The registrar must post a notice of a general meeting on the college website and deliver a copy of the notice to every registrant at least 30 days before the meeting.
- (2) Notice of a general meeting must include
- (a) the place, day and time of the meeting,
  - (b) instructions for registrants and the public to attend the meeting by video, teleconference, web casting or an equivalent medium, if the board has made a direction under section 30(4), and
  - (c) the general nature of the matters to be presented at the meeting.

9. *Sections 32 and 33 are repealed.*

10. *Part IV is repealed and the following substituted:*

## **PART IV: REGISTRATION**

### **Interpretation**

37.1 In this Part, “registration committee” has the same meaning as in section 20(6) of the Act.

### **Classes of Registrants**

38. The following classes of registration are established:
- (a) dental hygienist registration;
  - (b) dental hygiene practitioner registration;
  - (c) grandparented registration;
  - (d) temporary (visitor) registration;
  - (e) non-practising registration.

### **Applications**

- 38.1 (1) For the purpose of section 20(2)(a) of the Act, every person seeking registration, including reinstatement or renewal of registration, must deliver a registration application to the registrar in the manner specified by the registrar for the class in which the person is seeking registration.

- (2) For each class, the registrar must specify the manner of delivery for the purpose of subsection (1) and may modify the manner of delivery from time to time as the registrar considers necessary or advisable.

### **General Conditions and Requirements**

- 38.2 (1) For the purpose of section 20(2)(b) of the Act, an applicant for registration in any class of registrants must deliver the following to the registrar:
  - (a) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of dental hygiene;
  - (b) any outstanding fine, fee, debt or levy owed or owing by the applicant to the college;
  - (c) an authorization for a criminal record check or, if permitted by the registration committee, a criminal record check verification in the form required by the *Criminal Records Review Act*, accompanied by any required payment;
  - (d) the declarations prescribed in Schedule C that are applicable to the class of registration for which the applicant is applying;
  - (e) a certificate, letter, or other evidence in a form satisfactory to the registration committee, dated within 90 days of the date of application, from each applicable regulatory or licensing authority in every jurisdiction where the applicant is or was, at any time, registered or licensed for the practice of dental hygiene or any other regulated profession, certifying that
    - (i) the applicant's entitlement to practise dental hygiene or the other profession has not been cancelled, suspended, limited, restricted or made subject to conditions in the applicable jurisdiction at any time, or specifying particulars of any such cancellation, suspension, limitation, restriction or conditions,
    - (ii) there is no investigation, review or other proceeding underway in the applicable jurisdiction that could result in the applicant's entitlement to practise dental hygiene or the other profession being cancelled, suspended, limited, restricted or made subject to conditions, or specifying particulars of any such investigation, review or other proceeding, and
    - (iii) the applicant's entitlement to practise dental hygiene or the other profession has not been voluntarily relinquished in the applicable jurisdiction with the effect of preventing the commencement or completion of an investigation, review or other proceeding that could have resulted in the applicant's entitlement to practise dental hygiene or the other profession in the applicable jurisdiction being cancelled, suspended, limited, restricted or made subject to conditions, or specifying particulars of any such relinquishment;
  - (f) evidence satisfactory to the registration committee that the applicant holds current CPR certification from a program approved by the registration committee;
  - (g) evidence satisfactory to the registration committee of professional liability insurance coverage as required under section 68.1.
- (2) Subsection (1)(e) and (f) do not apply to applicants for temporary (visitor) registration.
- (3) Subsection (1)(f) and (g) do not apply to applicants for non-practising registration, and subsection (1)(c) and (e) do not apply to an applicant for non-practising registration whose application is received by the registrar within 60 days of the date the applicant's previous registration as a non-practising registrant was cancelled.
- (4) Subsection (1) does not apply to applicants for renewal under section 44 or applicants for reinstatement under section 45, except as provided in section 44 or 45.

### **Registration Fees**

38.3 For the purpose of section 20(2)(c) of the Act, every applicant for registration, including reinstatement or renewal of registration, must deliver to the registrar the full amount of all applicable application, registration, reinstatement or renewal fees specified in Schedule D.

### **Dental Hygienist Registration**

39. (1) For the purposes of section 20(2)(b) of the Act, the conditions and requirements for dental hygienist registration are
- (a) a recognized dental hygiene diploma or a recognized dental hygiene degree,
  - (b) successful completion of the NDHCE,
  - (c) successful completion of a jurisprudence module required by the registration committee, and
  - (d) receipt by the registrar of
    - (i) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) to (c), and
    - (ii) the items required under section 38.2.
- (2) Despite subsection (1), a registrant is deemed to be a dental hygienist registrant on March 1, 2020 if
- (a) the registrant held registration as a full registrant or a conditional registrant immediately before March 1, 2020, and met the applicable conditions and requirements for renewal of registration on or before that date, and
  - (b) is not entitled to dental hygiene practitioner registration under section 40(2) or grandparented registration under section 41.
- (3) Despite subsection (1), an applicant may be granted dental hygienist registration if the applicant
- (a) holds registration or licensure in another Canadian jurisdiction as the equivalent of a dental hygienist registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to dental hygienist registrants in British Columbia,
  - (b) meets any applicable continuing competency and quality assurance requirements established by the applicable regulatory or licensing authority in the jurisdiction referred to in paragraph (a),
  - (c) successfully completes a jurisprudence module required by the registration committee, and
  - (d) delivers to the registrar
    - (i) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) to (c), and
    - (ii) the items required under section 38.2.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that an applicant meets the conditions and requirements for dental hygienist registration, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a), and to grant dental hygienist registration on that basis, if the applicant
- (a) meets the requirements in subsection (1)(b) and (c),
  - (b) successfully completes
    - (i) the CPEDH, or an equivalent clinical examination offered by a regulatory body governing the practice of dental hygiene in another Canadian jurisdiction that is satisfactory to the registration committee, and
    - (ii) any additional examination or upgrading program required by the registration committee, and
  - (c) delivers to the registrar

- (i) evidence satisfactory to the registration committee that the applicant holds a degree or diploma from a dental hygiene education program that is not a recognized dental hygiene degree or a recognized dental hygiene diploma,
  - (ii) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) and (b), and
  - (iii) the items required under section 38.2.
- (5) For greater certainty, a former dental hygienist registrant within the meaning of section 45(1) is not eligible for registration under subsection (1) or (4) without satisfying the applicable requirements for reinstatement as a dental hygienist registrant under section 45.
- (6) A dental hygienist registrant may use the titles "registered dental hygienist" and "dental hygienist" and the abbreviation "RDH".

#### ***Dental Hygiene Practitioner Registration***

40. (1) For the purposes of section 20(2)(b) of the Act, the conditions and requirements for dental hygienist practitioner registration are
- (a) a recognized dental hygiene degree,
  - (b) successful completion of the NDHCE,
  - (c) successful completion of a jurisprudence module required by the registration committee, and
  - (d) receipt by the registrar of
    - (i) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) to (c), and
    - (ii) the items required under section 38.2.
- (2) Despite subsection (1), a registrant is deemed to be a dental hygiene practitioner registrant on March 1, 2020 if
- (a) the registrant held registration as a full registration (365 day rule exempt) registrant immediately before March 1, 2020, and met the applicable conditions and requirements for renewal of registration on or before that date, or
  - (b) the registrant
    - (i) held registration as a full registrant immediately before March 1, 2020, and met the applicable conditions and requirements for renewal of registration on or before that date, and
    - (ii) delivered to the registrar, on or before March 1, 2020, evidence satisfactory to the registration committee that the person holds a recognized dental hygiene degree.
- (3) Despite subsection (1), an applicant may be granted dental hygiene practitioner registration if the applicant
- (a) holds registration or licensure in another Canadian jurisdiction as the equivalent of a dental hygiene practitioner registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to dental hygiene practitioner registrants in British Columbia,
  - (b) meets any applicable continuing competency and quality assurance requirements established by the applicable regulatory or licensing authority in the jurisdiction referred to in paragraph (a),
  - (c) successfully completes a jurisprudence module required by the registration committee, and
  - (d) delivers to the registrar
    - (i) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) to (c), and

- (ii) the items required under section 38.2.
- (4) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that an applicant meets the conditions and requirements for dental hygiene practitioner registration, to consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a), and to grant dental hygiene practitioner registration on that basis, if the applicant
  - (a) meets the requirements in subsection (1)(b) and (c),
  - (b) successfully completes
    - (i) the CPEDH, or an equivalent clinical examination offered by a regulatory body governing the practice of dental hygiene in another Canadian jurisdiction that is satisfactory to the registration committee, and
    - (ii) any additional examination or upgrading program required by the registration committee, and
  - (c) delivers to the registrar
    - (i) evidence satisfactory to the registration committee that the applicant holds a baccalaureate degree in dental hygiene, or the equivalent, that is not a recognized dental hygiene degree,
    - (ii) evidence satisfactory to the registration committee of the applicant's satisfaction of the conditions and requirements established in paragraphs (a) and (b), and
    - (iii) the items required under section 38.2.
- (5) Despite subsections (1) and (4), a dental hygienist registrant or a grandparented registrant may be granted dental hygiene practitioner registration by the registration committee upon
  - (a) providing evidence satisfactory to the registration committee that the knowledge, skills and abilities of the dental hygienist registrant or grandparented registrant are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a), and
  - (b) successfully completing any examination or upgrading program required by the registration committee.
- (6) For greater certainty, a former dental hygiene practitioner registrant within the meaning of section 45(1) is not eligible for registration under subsection (1) or (4) without satisfying the applicable requirements for reinstatement as a dental hygiene practitioner registrant under section 45.
- (7) A dental hygiene practitioner registrant may use the titles "registered dental hygiene practitioner", "dental hygiene practitioner", "registered dental hygienist" and "dental hygienist" and the abbreviations "RDHP" and "RDH".

### ***Grandparented Registration***

41. (1) Subject to subsection (2) and section 44, a person is entitled to grandparented registration if the person
- (a) held registration as a full registrant or a conditional registrant immediately before March 1, 2020, and met the applicable conditions and requirements for renewal of registration on or before that date,
  - (b) is not entitled to dental hygiene practitioner registration under section 40(2),
  - (c) delivered to the registrar, on or before March 1, 2020, evidence satisfactory to the registration committee that the person
    - (i) is a voting shareholder of a dental hygiene corporation or a holding company that directly or indirectly owns a legal or beneficial interest in any voting share of a dental hygiene corporation,

- (ii) holds a direct or indirect proprietary interest in a private dental hygiene practice other than a dental hygiene corporation,
  - (iii) is a director of a dental hygiene corporation, or
  - (iv) exercises a material degree of management or control over a private dental hygiene practice, in accordance with criteria established by the board, and
- (d) has held grandparented registration continuously from March 1, 2020.
- (2) On March 1, 2022, every person holding grandparented registration under this section is deemed to be a dental hygienist registrant.
  - (3) A grandparented registrant may use the titles “grandparented registered dental hygienist”, “grandparented dental hygienist”, “registered dental hygienist” and “dental hygienist” and the abbreviations “GRDH” and “RDH”.

### ***Temporary (Visitor) Registration***

42. (1) An applicant may be granted temporary (visitor) registration for a period of up to 90 days, if the following conditions and requirements, established for the purposes of section 20(2)(b) of the Act, are satisfied with respect to the application:
- (a) the applicant holds registration or licensure in another jurisdiction as the equivalent of a dental hygienist registrant or dental hygiene practitioner registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to dental hygienist registrants or dental hygiene practitioner registrants in British Columbia;
  - (b) receipt by the registrar of
    - (i) evidence satisfactory to the registration committee of the applicant’s satisfaction of the conditions and requirements established in paragraph (a),
    - (ii) a declaration, in a form acceptable to the registration committee, that the applicant is applying for temporary (visitor) registration solely for the purpose of participating in or conducting an educational program or course, or administering or delivering an examination or assessment, that is sponsored by an agency approved by the registration committee, and
    - (iii) the items required under section 38.2.
- (2) A temporary (visitor) registrant may only provide dental hygiene services for the purpose described in the temporary (visitor) registrant’s declaration under subsection (1)(b)(ii).
  - (3) A temporary (visitor) registrant may use the title “visiting dental hygienist” and the abbreviation “RDH (visitor)”.

### ***Non-practising Registration***

43. (1) For the purposes of section 20(2)(b) of the Act, the conditions and requirements for non-practising registration are
- (a) current or previous registration as a dental hygienist registrant, a dental hygiene practitioner registrant or a grandparented registrant, or, before March 1, 2020, as a full registrant, a full registration (365 day rule exempt) registrant or a conditional registrant, and
  - (b) receipt by the registrar of
    - (i) a declaration, in a form acceptable to the registration committee, that the applicant will not provide direct client care included in the practice of dental hygiene in British Columbia while registered under this section, and
    - (ii) the items required under section 38.2.
- (2) A non-practising registrant must not perform a restricted activity or provide any other direct client care included in the practice of dental hygiene in British Columbia.
  - (3) A non-practising registrant may use the titles
    - (a) “non-practising dental hygienist” and “retired dental hygienist”, and

- (b) “non-practising dental hygiene practitioner” and “retired dental hygiene practitioner”, if the registrant has previously qualified for dental hygiene practitioner registration.

### ***Renewal of Registration***

- 44. (1) Registration other than temporary (visitor) registration is subject to annual renewal on the last day of February of each year in accordance with this section.
- (2) For the purposes of section 20(2)(b) of the Act, the conditions and requirements for renewal of registration are receipt by the registrar of
  - (a) any outstanding fine, fee, debt or levy owed to the college,
  - (b) the declarations prescribed in Schedule C that are applicable to the applicant’s class of registration,
  - (c) evidence satisfactory to the registration committee of meeting any applicable continuing competency and quality assurance requirements under Part IV.1,
  - (d) evidence satisfactory to the registration committee that the registrant holds current CPR certification from a program approved by the registration committee, and
  - (e) evidence satisfactory to the registration committee of professional liability insurance coverage as required under section 68.1.
- (3) Subsection (2)(c), (d) and (e) do not apply to applicants for renewal of non-practising registration.
- (4) The registrar must deliver an annual notice of renewal to each registrant eligible for renewal under subsection (1) by January 31 of each year, which must state the applicable renewal fees payable by the registrant under section 38.3 and describe the consequences of late payment or non-payment of renewal fees.
- (5) Each registrant eligible for renewal under subsection (1) must pay to the college the applicable renewal fees on or before the last day of February of each year.
- (6) If a registrant eligible for renewal under subsection (1) fails to pay the applicable renewal fees on or before the date specified in subsection (5), or otherwise fails to meet the applicable conditions and requirements for renewal of registration on or before that date, the registrant’s registration is cancelled.

### ***Reinstatement of Registration***

- 45. (1) In this section,
  - “former dental hygiene practitioner registrant” means a non-practising registrant or former registrant who was previously registered
    - (a) as a dental hygiene practitioner registrant, or
    - (b) before March 1, 2020, as a full registration (365 day rule exempt) registrant;
  - “former dental hygienist registrant” means a non-practising registrant or former registrant who was previously registered
    - (a) as a dental hygienist registrant or a grandparented registrant, or
    - (b) before March 1, 2020, as a full registrant or a conditional registrant.
- (2) For the purposes of section 20(2)(b) of the Act, the conditions and requirements for reinstatement of the dental hygienist registration of a former dental hygienist registrant or for reinstatement of the dental hygiene practitioner registration of a former dental hygiene practitioner registrant are receipt by the registrar of the following, either within 60 days of the date on which the applicant’s previous registration in the applicable class of registration was cancelled or within the time specified by the registration committee under subsection (3):
  - (a) the applicant’s application under section 38.1 and fees under section 38.3;
  - (b) any other outstanding fine, fee, debt or levy owed to the college;
  - (c) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of dental hygiene;
  - (d) any additional evidence required under subsections (4) or (6);

- (e) the declarations prescribed in Schedule C that are applicable to the class of registration for which the applicant is applying for reinstatement;
  - (f) evidence satisfactory to the registration committee of meeting any applicable continuing competency and quality assurance requirements under Part IV.1, as if the registrant had continued to be registered in the applicable class of registration from the time the registrant's previous registration in the applicable class of registration was cancelled until the date of the applicant's application for reinstatement;
  - (g) evidence satisfactory to the registration committee that the applicant holds current CPR certification from a program approved by the registration committee;
  - (h) evidence satisfactory to the registration committee of professional liability insurance coverage as required under section 68.1.
- (3) The registration committee may extend the time for a former dental hygienist registrant or a former dental hygiene practitioner registrant to apply for reinstatement under subsection (2) if, in addition to the items required under subsection (2), the applicant delivers to the registrar
- (a) the items referred to in section 38.2(1)(c) and (e), and
  - (b) any additional evidence that may be required by the registration committee to satisfy it that the applicant has maintained knowledge, skills and abilities that are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications required for initial applicants for dental hygienist registration or dental hygiene practitioner registration, as the case may be.
- (4) An applicant for reinstatement of dental hygienist registration or dental hygiene practitioner registration under this section whose registration in the applicable class of registrants was cancelled under section 44(6) following a determination by the registration committee that he or she failed to meet the conditions and requirements for renewal of registration established in section 44(2)(c) must provide additional evidence to satisfy the registration committee that the applicant has satisfied all outstanding conditions and requirements established in section 44(2)(c) or any alternative remediation requirements specified by the quality assurance committee.
- (5) If the registration committee determines that an applicant for reinstatement of dental hygienist registration or dental hygiene practitioner registration under this section has failed to meet the conditions and requirements established in subsection (2)(f) or (4), the applicant is ineligible for reinstatement of registration in the applicable class of registrants until the applicant satisfies all outstanding conditions and requirements established in subsection (2)(f) or (4), or any alternative remediation requirements specified by the quality assurance committee, in addition to meeting all other applicable conditions and requirements established in this section.
- (6) An applicant for reinstatement of dental hygienist registration or dental hygiene practitioner registration under this section must provide additional evidence to satisfy the registration committee that reinstatement of the applicant's registration in the applicable class of registrants will not pose an undue risk to public health and safety, if
- (a) the applicant's previous registration was cancelled under section 32.2, 32.3, 33, 36, 37.1, 38, 39 or 39.1 of the Act,
  - (b) the applicant's previous registration was cancelled under section 44(6) or with the agreement or at the request of the applicant while the applicant's previous registration was suspended under section 32.2, 32.3, 33, 36, 37.1, 38, 39 or 39.1 of the Act, or
  - (c) the applicant voluntarily relinquished his or her previous registration under the Act in circumstances as described in section 20(2.1)(b.1) of the Act.

***Certification for Administration of Local Anaesthesia***

46. (1) In this section and sections 47 and 47.1, “eligible registrant” means a dental hygienist registrant, dental hygiene practitioner registrant or grandparented registrant.
- (2) A registrant must not administer local anaesthesia unless
- (a) the registrant is an eligible registrant who is granted and maintains current certification under this section,
  - (b) the registrant holds current registration as a temporary (visitor) registrant, and is authorized to administer local anaesthesia in the jurisdiction referred to in section 42(1)(a), or
  - (c) the registrant is authorized under subsection (3) to provide a service that includes the administration of local anaesthesia under the supervision of a registrant referred to in paragraph (a), (b) or (c).
- (3) A registrant referred to in subsection (2)(a) or (b) who is a faculty member or instructor for a recognized local anaesthesia certification program or a local anaesthesia refresher course referred to in subsection (5)(c)(i) or section 47(2)(b)(i) may authorize an eligible registrant enrolled in that course to provide a service that includes the administration of local anaesthesia under the first registrant’s supervision for the purpose of the eligible registrant’s fulfillment of the course requirements.
- (4) An eligible registrant may apply to the registration committee in the manner specified by the registrar for certification that the eligible registrant is qualified and competent to administer local anaesthesia.
- (5) The registration committee must grant certification under this section to an applicant under subsection (4) if the applicant delivers to the registrar
- (a) any applicable application and certification fees specified in Schedule D,
  - (b) evidence satisfactory to the registration committee that the applicant has successfully completed a recognized local anaesthesia certification program, or another course or program considered by the registration committee to be equivalent, and
  - (c) if more than five years have elapsed since the applicant completed a course or program described in paragraph (b), evidence satisfactory to the registration committee that the applicant has, within the past five years,
    - (i) successfully completed a local anaesthesia refresher course approved by the registration committee, or another course or program considered by the registration committee to be equivalent, or
    - (ii) been authorized in another Canadian jurisdiction to administer local anaesthesia.
- (6) Despite subsection (5), an eligible registrant is deemed to have been granted certification under this section on March 1, 2020 if the eligible registrant held registration as a full registrant or a full registration (365 day rule exempt) registrant immediately before March 1, 2020.
- (7) If an eligible registrant is granted certification under this section, the registrar must enter a notation of certification for administration of local anaesthesia in the register in respect of the eligible registrant.
- (8) The registrar must remove a registrant’s notation of certification for administration of local anaesthesia from the register if
- (a) the registrant requests or gives written consent to cancellation of the registrant’s certification,
  - (b) the registrant fails to renew that certification in accordance with section 47.1,
  - (c) the registrant’s certification is cancelled or suspended under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, or
  - (d) the registrant ceases to be an eligible registrant.
- (9) An eligible registrant holding current certification under this section may use the term “(certified)” or the abbreviation “(C)” together with and immediately following a title or abbreviation the registrant is authorized to use under section 39(6), 40(7) or 41(3).

- (10) If the registration committee refuses a registrant's application for certification under this section, the registration committee must, within 30 days, notify the registrant of the decision and of the registrant's right to apply for a review of the decision under section 47.2.

### ***Reinstatement of Certification***

47. (1) An eligible registrant who previously held certification under section 46 may apply to the registration committee in the manner specified by the registrar for reinstatement of that certification.
- (2) Subject to subsection (3) and any other limits or conditions imposed on the applicant's practice under the Act, the certification of an applicant under subsection (1) may be reinstated by the registration committee if the applicant delivers to the registrar
  - (a) any applicable application and reinstatement of certification fees specified in Schedule D,
  - (b) if more than five years have elapsed since the applicant ceased to hold certification, evidence satisfactory to the registration committee that the applicant has, within the past five years,
    - (i) successfully completed a local anaesthesia refresher course approved by the registration committee, or another course or program considered by the registration committee to be equivalent, or
    - (ii) been authorized in another Canadian jurisdiction to administer local anaesthesia, and
  - (c) if the applicant's certification was previously cancelled or suspended under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, or voluntarily relinquished by the applicant in circumstances as described in section 20(2.1)(b.1) of the Act, evidence satisfactory to the registration committee that reinstatement of the applicant's certification will not pose an undue risk to public health or safety.
- (3) If the registration committee refuses to reinstate a registrant's certification under this section, the registration committee must, within 30 days, notify the registrant of the decision and of the registrant's right to apply for a review of the decision under section 47.2.

### ***Renewal of Certification***

- 47.1 (1) Certification granted to an eligible registrant under section 46 is subject to annual renewal on the last day of February of each year in accordance with this section.
- (2) An eligible registrant's certification under section 46 may be renewed by the registration committee if the applicant
  - (a) applies for and is granted renewal of the applicant's dental hygienist registration, dental hygiene practitioner registration or grandparented registration under section 44, and
  - (b) delivers to the registrar evidence satisfactory to the registration committee of meeting any applicable continuing competency and quality assurance requirements under Part IV.1 pertaining to renewal of certification for administration of local anaesthesia.
- (3) If the registration committee refuses to renew a registrant's certification under this section, the registration committee must, within 30 days, notify the registrant of the decision and of the registrant's right to apply for a review of the decision under section 47.2.

### ***Review of Certification Decision***

- 47.2 (1) In this section, "certification decision" means a decision by the registration committee refusing a registrant's application for certification under section 46 or refusing to reinstate or renew a registrant's certification under section 47 or 47.1.

- (2) A registrant referred to in section 46(10), 47(3) or 47.1(3) may apply in writing to the board for a review of the applicable certification decision within 30 days of the date on which the registrant receives notice of the certification decision.
- (3) Subject to subsections (4) and (5), on receipt of an application under subsection (2), the board must conduct a review on the record.
- (4) If an applicant under subsection (2) wishes the board to consider evidence that is not part of the record, the applicant must, at the time the application is delivered to the registrar,
  - (a) specify what evidence the applicant requests the board to consider, and
  - (b) identify any exceptional circumstances that warrant the board's consideration of that evidence.
- (5) If, in the opinion of the board, special circumstances exist that warrant its consideration of evidence that is not part of the record, the registrar must make arrangements for the board to receive that evidence, either in writing or in person, as directed by the board.
- (6) After a review under this section, the board may
  - (a) confirm the certification decision,
  - (b) direct the registration committee to grant the registrant's application for certification or to reinstate or renew the registrant's certification, or
  - (c) send the matter back to the registration committee for reconsideration with directions.
- (7) The board must notify the applicant and the registration committee of its decision under subsection (6).
- (8) The registrar may establish additional procedures consistent with the bylaws for reviews under this section.

#### ***Use of Titles***

48. A registrant may only use a title reserved for the exclusive use of registrants under the Regulation or another title, term or abbreviation referred to in section 39(6), 40(7), 41(3), 42(3), 43(3) or 46(9), if the registrant
- (a) is registered in a class of registrants authorized under the bylaws to use the title, term or abbreviation, and
  - (b) uses the title, term or abbreviation in a manner authorized under the bylaws.

#### ***Registration Information***

49. (1) For the purposes of section 21(2)(f) of the Act, the registrar must enter and maintain on the register, for every current or former dental hygienist registrant, dental hygiene practitioner registrant or grandparented registrant, a notation of
- (a) any certification for administration of local anaesthesia granted to the registrant under section 46, and
  - (b) any removal of such certification under section 46(8).
- (2) A registrant must immediately notify the registrar of any change of name, address, telephone number, or any other information under section 21(2) of the Act previously provided to the registrar.

#### ***Fees***

50. The board may
- (a) fix different fee amounts for the different classes of registration,
  - (b) establish a lesser registration renewal fee for registrants who practise for less than a full year, and
  - (c) establish such fees in Schedule D as are necessary for the proper administration of the college and its affairs.

### **Examinations**

51. (1) All examinations conducted by the college must be prepared by or under the direction of the registration committee and approved by the registration committee.
- (2) An applicant for dental hygienist registration under section 39(4) or dental hygiene practitioner registration under section 40(4) is eligible to take the CPEDH after successfully completing the NDHCE and satisfying the requirements of section 39(4)(c)(i) or 40(4)(c)(i).
- (3) The registration committee must
- (a) determine the time and place for the holding of an examination, designate examiners and determine the procedures for the conduct of the examinations,
  - (b) review the results of the examination or re-examination for each applicant and make a determination as to that applicant's qualification for registration, and
  - (c) notify the applicant of the results of the examination or re-examination as soon as is practicable.
- (4) An applicant who fails an examination conducted by the college is entitled to two opportunities to repeat the examination.
- (5) Where the examiner has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the examiner must make a report to the registration committee and may recommend that the registration committee take one or more of the following courses of action
- (a) fail the applicant,
  - (b) pass the applicant,
  - (c) require the applicant to rewrite the examination, or
  - (d) disqualify the applicant from participating in any examination for a period of time.
- (6) After considering a report made under subsection (5), the registration committee may take one or more of the courses of action specified in subsection (5).
- (7) An applicant who is disqualified under subsection (5)(d) must be provided with written reasons for the disqualification.
- (8) Applicants for registration must pay to the college the examination fees approved by the board.

## **PART IV.1: QUALITY ASSURANCE**

### **Quality Assurance Program**

52. (1) In this section:
- “continuing competency credit” means a credit for a continuing dental hygiene educational activity that has been approved by the quality assurance committee for the purpose of the college's quality assurance program, as determined in accordance with criteria established by the quality assurance committee;
- “QAP cycle” means
- (a) the first five-calendar year period assigned to a registrant who is required by the quality assurance committee to satisfy the requirements of this section, or
  - (b) any successive five-calendar year period thereafter.
- (2) Subject to subsections (3) to (5), every dental hygienist registrant, dental hygiene practitioner registrant and grandparented registrant who is required by the quality assurance committee to satisfy the requirements of this section must do all of the following during each QAP cycle:
- (a) successfully complete the individualized assessment process approved by the quality assurance committee within the first two months of the QAP cycle;
  - (b) prepare an individualized learning plan that includes stated learning goals;
  - (c) complete 75 continuing competency credits;

- (d) complete any other learning activities that the quality assurance committee directs the registrant to complete during the QAP cycle.
- (3) Subsection (2)(a) does not apply to a registrant during the registrant's first QAP cycle if all four of the following conditions are met:
  - (a) the registrant's first QAP cycle begins on January 1 of the year following the registrant's initial registration;
  - (b) the registrant was not registered or licensed for the practice of dental hygiene in another jurisdiction before the registrant's initial registration in British Columbia;
  - (c) the registrant was awarded a recognized dental hygiene diploma or a recognized dental hygiene degree within one year before the date of the registrant's initial registration;
  - (d) the registrant successfully completed the NDHCE within one year before the date of the registrant's initial registration.
- (4) If a registrant is exempted under subsection (3) from completing the individualized assessment process described in subsection (2)(a) during the registrant's first QAP cycle, the activities completed by that registrant under subsection (2)(b) to (d) during the registrant's first QAP cycle must include any content directed by the quality assurance committee.
- (5) The quality assurance committee or, if authorized by the quality assurance committee, the registrar may extend a registrant's QAP cycle or modify one or more of the requirements in subsection (2) in respect of a registrant in accordance with the *Human Rights Code* or as otherwise required by law.
- (6) The quality assurance committee must establish
  - (a) criteria for successful completion of the individualized assessment process under subsection (2)(a),
  - (b) a policy for preparation of a statement of learning goals and the remaining components of a learning plan under subsection (2)(b), and
  - (c) policies and procedures, consistent with the bylaws, for registrants' compliance with their individualized learning plans and stated learning goals.
- (7) If a registrant fails to successfully complete the individualized assessment process under subsection (2)(a) in accordance with the criteria established under subsection (6)(a), the quality assurance committee may appoint an assessor under section 26.1(4) of the Act
  - (a) to assess the registrant's professional performance under section 26.1(2) of the Act, and
  - (b) to report to the quality assurance committee regarding that assessment.
- (8) Following receipt of a report under subsection (7)(b), the quality assurance committee may act under section 26.1(3) of the Act in respect of the registrant.

11. *Section 58(3) is amended by striking out "in the form set out in Schedule H".*

12. *The following Part is added:*

## **PART V.1: PRIVATE DENTAL HYGIENE PRACTICES**

### ***Ownership and Control of Private Dental Hygiene Practice***

60.01 Except as permitted under section 60.2(2), no registrant other than a dental hygiene practitioner registrant or a grandparented registrant may

- (a) hold a direct or indirect proprietary interest in a private dental hygiene practice,  
or

- (b) exercise a material degree of management or control over a private dental hygiene practice, in accordance with criteria established by the board.

**13. Section 60.2 is repealed and the following substituted:**

***Eligibility for Dental Hygiene Corporation Permit***

- 60.2 (1) A corporation may be issued a permit to operate as a dental hygiene corporation if, in addition to satisfying the other requirements and conditions under Part 4 of the Act,
- (a) every registrant of the college referred to in section 43 of the Act is a dental hygiene practitioner registrant or a grandparented registrant, except as provided in subsection (2), and
  - (b) the name of the corporation is approved by the registrar under section 64.
- (2) Despite subsection (1)(a) and section 60.01, a dental hygienist registrant or non-practising registrant, or a person described in section 43(1)(c)(ii)(B) or (C) of the Act in respect of that registrant, may
- (a) legally or beneficially own
    - (i) a non-voting share of a dental hygiene corporation or a holding company, or
    - (ii) a voting share of a holding company referred to in section 43(1)(d)(i)(B) of the Act, or
  - (b) be a beneficiary of a trust referred to in section 43(1)(d)(ii) of the Act.

**14. Section 62 is amended by striking out “included in the practice of dental hygiene” and substituting “that constitute the designated health profession of dental hygiene under the Regulation”.**

**15. Section 67 is amended**

- (a) *in subsection (1), by striking out “section 60.2(a)” and substituting “section 60.2(1)(a) or (2)(a)”, and*
- (b) *in subsection (2), by striking out “section 60.2(a)” and substituting “section 60.2(1)(a)”.*

**16. Section 68.1 is amended by striking out “included in the practice of dental hygiene” and substituting “that constitute the designated health profession of dental hygiene under the Regulation”.**

**17. The following section is added:**

***Provision of Restricted Activities by Students***

70. (1) A dental hygienist registrant, dental hygiene practitioner registrant, grandparented registrant or temporary (visitor) registrant who is a faculty member or instructor for a dental hygiene education program acceptable to the board may authorize a student enrolled in that dental hygiene education program to provide a service that includes the performance of a restricted activity under the registrant’s supervision
- (a) for the purpose of the student’s fulfillment of the requirements of the dental hygiene education program, and
  - (b) in a setting operated by or affiliated with the dental hygiene education program.
- (2) A registrant who authorizes a student to provide a service under subsection (1)
- (a) must comply with any applicable standards, limits or conditions under section 70 or 71,

- (b) must comply with any other standards or requirements established by the dental hygiene education program, and
  - (c) is ultimately responsible for the quality of care provided by the student.
- (3) A registrant must not authorize a student to provide a service under subsection (1) that includes the administration of local anaesthesia unless the registrant is authorized to provide that service under section 46.
- (4) A registrant must not authorize any student enrolled in a dental hygiene education program to provide a service that includes the performance of a restricted activity except in accordance with this section.

**18. *Parts VIII and IX are repealed and the following substituted:***

## **PART VIII: STANDARDS OF PRACTICE AND PROFESSIONAL ETHICS**

### ***Standards of Practice and Professional Ethics***

71. Registrants must comply with

- (a) any standards, limits or conditions for the practice of dental hygiene established by the board in accordance with section 19(1)(k) or (1.1) of the Act, and
- (b) any standards of professional ethics for registrants established by the board in accordance with section 19(1)(l) or (1.1) of the Act.