

# BYLAWS

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## DEFINITIONS

1. In these bylaws,
  - “Act” means the *Health Professions Act*;
  - “appointed board member” means a person appointed to the board under section 17(3)(b) of the Act;
  - “board” means the board of the college;
  - “board chair” means the chair of the board elected under section 11;
  - “board member” means an appointed board member or an elected board member;
  - “board vice-chair” means the vice-chair of the board elected under section 11;
  - “college” means the College of Dental Hygienists of British Columbia;
  - “CPEDH” means the Canadian Performance Exam in Dental Hygiene approved by the registration committee, or any successor examination that is acceptable to the board;
  - “deliver” with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business, or transmit to the most recent electronic mail address provided to the college by a registrant for the purpose of delivery;
  - “dental hygiene corporation” means a health profession corporation to which a permit has been issued by the college under section 43 of the Act;
  - “dental hygiene professional association” means
    - (a) the Canadian Dental Hygienists Association,
    - (b) the British Columbia Dental Hygienists’ Association, or
    - (c) another health profession association as defined in section 1 of the Act or similar organization whose members are registrants or persons registered or licensed for the practice of dental hygiene in another jurisdiction, and whose purposes or objects include the promotion of the interests of its members;
  - “elected board member” means a person elected to the board under section 17(3)(a) of the Act or appointed to the board under section 8;
  - “eligible voter” means, in respect of an election for the office of an elected board member or the removal of an elected board member from office, a registrant who is eligible under section 3.2 to vote in an election for that office;
  - “examination” means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, approved by the board, and includes a supplemental examination;
  - “holding company”, in respect of a dental hygiene corporation, has the same meaning as in section 40.1 of the Act;
  - “in good standing” means, in respect of a registrant,
    - (a) the registration of the registrant is not suspended under the Act, and
    - (b) no limits or conditions are imposed on the registrant’s practice of dental hygiene under section 20(2.1) or (3), 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act;
  - “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);

“public representative” means a person who is not a registrant or former registrant and has no close family or business relationship with a registrant or former registrant, and includes an appointed board member;

“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;

“Regulation” means the Dental Hygienists Regulation, B.C. Reg. 276/2008;

“regulations” means the regulations under the Act;

“respondent” means a current or former registrant named in a citation under section 37 of the Act, or a dental hygiene corporation named in a notice of permit revocation hearing under section 68;

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

“special resolution” means a resolution which requires a 2/3 vote of those persons present and eligible to vote at a meeting.

## **PART I: BOARD OF THE COLLEGE**

### ***Board Composition***

2. The board consists of six elected board members and the appointed board members.

### ***Electoral Districts***

3. (1) Until February 28, 2021, the province of British Columbia is divided into the following five electoral districts whose boundaries are defined by the map in Schedule A:
  - (a) Lower Mainland;
  - (b) Cariboo North;
  - (c) Kootenays;

- (d) Okanagan;
- (e) Vancouver Island/Coast.
- (2) Until February 28, 2021, two elected board members must be elected for the Lower Mainland electoral district, and one elected board member must be elected for each other electoral district, in accordance with these bylaws.
- (3) The boundaries of an electoral district, or the number of elected board members elected for an electoral district, may only be changed by a special resolution of the board amending Schedule A or subsection (2).
- (4) For the purposes of an election of an elected board member, every registrant is assigned to the electoral district in which the registrant's mailing address, as specified in the register under section 21(2) of the Act, is located on November 1 prior to the expiry of the applicable term of office.
- (5) This section, sections 3.1(3), 3.2(2) and 6, and Schedule A
  - (a) do not apply to the 2021 board election, and
  - (b) are repealed on March 1, 2021.

### ***Eligibility for Election***

- 3.1 (1) Subject to subsections (2) to (8), registrants in the following classes of registrants are eligible to be elected in an election under section 17(3)(a) of the Act:
- (a) dental hygienist registrants;
  - (b) dental hygiene practitioner registrants;
  - (c) grandparented registrants.
- (2) A registrant is not eligible to be elected in a board election if any of the following apply on the date that nominations must be received by the registrar under section 5 in respect of the board election:
- (a) the registrant is not in good standing;
  - (b) the registrant is not ordinarily resident in British Columbia;
  - (c) the registrant is in default of payment of any fine, fee, debt or levy owing to the college under the Act;
  - (d) the registrant is a respondent or directly or indirectly owns a legal or beneficial interest in any voting share of a dental hygiene corporation that is a respondent, and the citation or notice of permit revocation hearing is unresolved;
  - (e) the registrant is the subject, in British Columbia, another province or a foreign jurisdiction, of a pending hearing, or hearing underway, that could result in the registrant's entitlement to practise a profession in British Columbia or that other province or foreign jurisdiction being cancelled, revoked or suspended for any reason other than late payment or non-payment of fees;
  - (f) the registrant is found by any court, in Canada or a foreign jurisdiction, to be incapable or managing the registrant's own affairs;
  - (g) the registrant is an undischarged bankrupt.
- (2.1) A registrant is not eligible to be elected in a board election if, at any time within the three-year period immediately preceding the date that nominations must be received by the registrar under section 5 in respect of the board election, the registrant
- (a) has been the subject of
    - (i) a determination under section 39(1)(a) to (e) of the Act, by the discipline committee established in section 16 or the discipline committee of another college under the Act, or
    - (ii) a finding, by a body in another province of Canada or a foreign jurisdiction that is the equivalent in that other province or foreign jurisdiction of a discipline committee referred to in subparagraph (i), that the registrant committed an act that, in the opinion of the nominations committee, would likely constitute unprofessional conduct under the Act, or
  - (b) has been suspended or removed from office as

- (i) an elected board member, or the equivalent of an elected board member of another college under the Act, or
  - (ii) a director or other similar governance position of
    - (A) any other body, in British Columbia, another province or a foreign jurisdiction, that regulates a profession in British Columbia or that other province or foreign jurisdiction, or
    - (B) any other public body in British Columbia, another province or a foreign jurisdiction,

for a reason that, in the opinion of the nominations committee, would likely constitute grounds for suspension or removal from office as an elected board member.
- (2.2) A registrant is not eligible to be elected in a board election if, at any time within the six-year period immediately preceding the date that nominations must be received by the registrar under section 5 in respect of the board election,
  - (a) the registrant's entitlement to practise a profession has been cancelled, revoked or suspended in British Columbia, another province or a foreign jurisdiction, for any reason other than late payment or non-payment of fees,
  - (b) the registrant's entitlement to practise a profession has been voluntarily relinquished in British Columbia, another province or a foreign jurisdiction, with the effect of preventing the commencement or completion of an investigation, review or other proceeding that could have resulted in the registrant's entitlement to practise the profession in British Columbia or that other province or foreign jurisdiction being cancelled, revoked or suspended for any reason other than late payment or non-payment of fees, or
  - (c) the registrant has been convicted of an offence in British Columbia, another province or a foreign jurisdiction and the nominations committee is satisfied that the nature of the offence or the circumstances under which it was committed give rise to reasonable concerns about the registrant's competence or fitness to serve as an elected board member such that the registrant's disqualification is justified.
- (2.3) Despite subsection (2)(a), (d) and (e), (2.1) and (2.2), a registrant must not be disqualified under any of those provisions if
  - (a) the registrant delivers a request in accordance with section 5(5.1), and
  - (b) the nominations committee is satisfied, after giving the registrant an opportunity to be heard, that such disqualification would be a breach of the registrant's rights under section 14 of the *Human Rights Code*.
- (2.4) The nominations committee must conclude its deliberations in respect of a request under section 5(5.1) not later than the date that election ballots must be delivered under section 6(1) or 6.1(2).
- (3) A registrant must be assigned to an electoral district in accordance with section 3(4) to be elected as an elected board member for that electoral district.
- (4) An elected board member is not eligible to be elected to another office as an elected board member with an overlapping term of office in an election under section 17(3)(a) of the Act, unless he or she resigns his or her existing office as an elected board member at the time he or she submits his or her nomination for the other office.
- (5) A registrant is not eligible to be elected in an election under section 17(3)(a) of the Act if the registrant is employed by the college, or was employed by the college at any time on or after the date that is 11 months before the expiry of the applicable term of office.
- (6) A registrant is not eligible to be elected in an election under section 17(3)(a) of the Act if the registrant is, or was at any time on or after the date that is 11 months before the expiry of the applicable term of office, a director or officer of a dental hygiene professional association.

- (7) A registrant is not eligible to be elected in an election under section 17(3)(a) of the Act if the registrant is a current candidate for election as a director of a dental hygiene professional association.
- (8) An elected board member who has held office for a consecutive period of six years or more is not eligible to be elected in an election for a vacant or impending vacant elected board member office under section 17(3)(a) of the Act, unless the term of office of the vacant or impending vacant elected board member office commences at least one year after the expiry of that consecutive period.

### **Eligibility to Vote in Elections**

- 3.2 (1) Subject to subsection (2), registrants in the following classes of registrants are eligible to vote in an election under section 17(3)(a) of the Act:
- (a) dental hygienist registrants;
  - (b) dental hygiene practitioner registrants;
  - (c) grandparented registrants;
  - (d) non-practising registrants.
- (2) A registrant must be assigned to an electoral district in accordance with section 3(4) to be eligible to vote in an election for the office of an elected board member for that electoral district.

### **Notice of Election**

4. (1) The registrar must deliver to every eligible voter notice of an election at least 150 days prior to the expiry of the applicable term of office.
- (2) The notice must contain information about the nomination procedure and the election procedure.
- (3) The accidental omission to deliver notice of an election to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

### **Nomination Procedure**

5. (0.1) Commencing with the 2021 board election, the board must develop and approve the competencies expected of persons who wish to be elected to the board.
- (1) Subject to subsection (0.1) and section 17.1, a candidate for election to a vacant or impending vacant elected board member office must be nominated by another individual who is an eligible voter in good standing who has not nominated any other candidate for election to the same office.
- (2) The nomination must be in writing in the form set out in Schedule B, and must be signed by the nominator and at least five other eligible voters in good standing.
- (3) A person nominated under subsection (1) must declare in writing that he or she will observe the provisions of the Act, the regulations and these bylaws and the procedures related to the election and the conduct of the election by signing the declaration on the form set out in Schedule B.
- (4) Nominations must be received by the registrar at least 90 days before the expiry of the applicable term of office.
- (5) A nomination is not valid if the person nominated is ineligible for election to the applicable vacant or impending vacant elected board member office under section 3.1.
- (5.1) Despite subsection (5), a registrant may deliver with the registrant's nomination form under subsection (2) a written request to the nominations committee that the registrant not be disqualified under section 3.1(2)(a), (d) or (e), (2.1) or (2.2), as applicable, on the basis that such disqualification would be a breach of the registrant's rights under section 14 of the *Human Rights Code*.
- (6) A candidate for election must not simultaneously be nominated for election to more than one vacant or impending vacant elected board member office to be filled in the election.



### ***Election Procedures until 2020 Board Election***

6. (1) The registrar must deliver an election ballot to each eligible voter for each vacant or impending vacant elected board member office not less than 45 days before the expiry of the applicable term of office.
- (2) Each eligible voter for a vacant or impending vacant elected board member office is entitled to one ballot, and may vote in favour of one candidate to be elected for that office.
- (3) A ballot must not be counted unless it is received by the registrar at least 21 days prior to the expiry of the applicable term of office and is delivered to the registrar in accordance with the procedures established under subsection (6.1).
- (4) The candidate for a vacant or impending vacant elected board member office who receives the most votes on the return of the ballots is elected.
- (5) In the case of a tie vote, the registrar must select the successful candidate by random draw.
- (6) The registrar must supervise and administer all board elections and may establish procedures, consistent with these bylaws, for that purpose.
- (6.1) The registrar must establish procedures, consistent with these bylaws, for eligible voters to deliver ballots to the registrar in a manner that ensures that each ballot is submitted by an eligible voter and that no eligible voter casts more than one ballot, while assuring the anonymity of each voter in the counting of the ballots.
- (7) The registrar must determine any dispute or irregularity with respect to any board election or ballot.
- (8) If only one eligible candidate is nominated for election to a vacant or impending vacant elected board member office under section 5 by the close of nominations, that candidate is elected by acclamation.

### ***Election Procedures for 2021 and Subsequent Board Elections***

- 6.1 (1) This section applies to the 2021 board election and subsequent board elections.
- (2) The registrar must deliver an election ballot to each eligible voter not less than 45 days before the expiry of the applicable term of office, listing all eligible candidates for election to a vacant or impending vacant elected board member office who have been duly nominated under section 5.
- (3) Each eligible voter is entitled to one ballot, and may cast one vote for each vacant or impending vacant board member office to be filled in the board election.
- (4) A ballot must not be counted unless it is received by the registrar at least 21 days prior to the expiry of the applicable term of office and is delivered to the registrar in accordance with the procedures established under subsection (8).
- (5) The candidates who receive the most votes on the return of the ballots are elected to the vacant or impending vacant elected board member offices to be filled in the board election.
- (6) In the case of a tie, the registrar must select the successful candidate by random draw.
- (7) The registrar must supervise and administer all board elections and may establish procedures, consistent with these bylaws, for that purpose.
- (8) The registrar must establish procedures, consistent with these bylaws, for eligible voters to deliver ballots to the registrar in a manner that ensures that each ballot is submitted by an eligible voter and that no eligible voter casts more than one ballot, while assuring the anonymity of each voter in the counting of the ballots.
- (9) The registrar must determine any dispute or irregularity with respect to any board election or ballot.
- (10) If, by the close of nominations under section 5, the number of eligible candidates who have been duly nominated for election is fewer than or equal to the number of vacant or impending vacant elected board member offices to be filled in the board election, all of those candidates are elected by acclamation.

### ***Terms of Office***

7. Subject to the Act and sections 8 and 10, the term of office for an elected board member is two years, commencing on March 1 immediately following the election.

### ***Vacancy***

8. (1) If an elected board member ceases to hold office as an elected board member before the expiry of his or her term of office, the board may, by special resolution, appoint a registrant to fill the resulting vacancy who is eligible to be elected to that office, who will immediately assume the former board member's office as an elected board member, and will hold office for the remainder of the former board member's term of office.
- (2) For the purpose of subsection (1),
- (a) the reference in section 3(4) to "November 1 prior to the expiry of the applicable term of office" must be read as "the date of the special resolution of the board under section 8(1)",
  - (a,1) the references in section 3.1(2), (2.1) and (2.2) to "the date that nominations must be received by the registrar under section 5 in respect of the board election" must be read as "the date of the special resolution of the board under section 8(1)", and
  - (b) the references in section 3.1(5) and (6) to "the date that is 11 months before the expiry of the applicable term of office" must be read as "the date that is 11 months before the date of the special resolution of the board under section 8(1)".
- (3) Subject to subsection (4), if no eligible candidate is nominated for election to a vacant or impending vacant elected board member office within the time required under section 5(4), the board may, by special resolution, appoint a registrant who is eligible to be elected to that office to fill that office.
- (4) The board may appoint a registrant to fill an office under subsection (3) who does not satisfy one or more of the following requirements:
- (a) the requirement under section 3.1(5), if the registrant is not currently employed by the college or resigns his or her employment with the college;
  - (b) the requirement under section 3.1(6), if the registrant is not currently a director or officer of a dental hygiene professional association or resigns his or her position as a director or officer of a dental hygiene professional association;
  - (c) the requirement under section 3.1(8).

### ***Remuneration of Board Members***

9. Board members are equally entitled to be
- (a) remunerated for time spent on business of the college, in the amount approved by the board from time to time, and
  - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

### ***Removal from Elected Board Member Office***

10. (1) An elected board member ceases to hold office as an elected board member if he or she
- (a) ceases to be a dental hygienist registrant, dental hygiene practitioner registrant or grandparented registrant,
  - (b) ceases to be in good standing,
  - (c) ceases to be a resident of British Columbia,
  - (d) becomes a respondent, or directly or indirectly owns a legal or beneficial interest in any voting share of a dental hygiene corporation that becomes a respondent,
  - (e) becomes the subject, in British Columbia, another province or a foreign jurisdiction, of a pending hearing, or hearing underway, that could result in his or her entitlement to practise a profession in British Columbia or that other

- province or foreign jurisdiction being cancelled, revoked or suspended for any reason other than late payment or non-payment of fees,
- (f) becomes the subject of a finding by any court, in Canada or a foreign jurisdiction, that he or she is incapable of managing his or her own affairs,
  - (g) becomes a bankrupt,
  - (h) becomes an employee of the college,
  - (i) becomes a director or officer, or a candidate for election as a director, of a dental hygiene professional association,
  - (j) resigns from office under subsection (2),
  - (k) is removed from office under section 17.11(5) of the Act or subsection (3), or
  - (l) dies.
- (2) An elected board member may resign from office as an elected board member at any time before the expiry of his or her term of office by delivering a notice in writing to the registrar, and the resignation is effective
- (a) on the effective date specified in the notice, unless withdrawn in writing by the elected board member before that date, or
  - (b) if no effective date is specified, on receipt by the registrar of the notice.
- (3) In addition to the board's powers and duties under section 17.11(5) of the Act, the board may, by special resolution, remove an elected board member from office as an elected board member before the expiry of his or her term of office, after reasonable notice to the elected board member and giving him or her an opportunity to be heard, if the board is satisfied that the elected board member has contravened a term of the code of conduct approved by special resolution of the board for the purpose of this subsection.
- (4) The operation of subsection (1)(b), (d) or (e) is stayed pending a decision by the nominations committee under subsection (5) if the registrar receives, not later than seven days after the date that the elected board member has notice of the precipitating event under subsection (1)(b), (d) or (e), as applicable, and in any event not more than 14 days after the college has notice of such event, a written request from the elected board member that he or she not be removed from office under subsection (1)(b), (d) or (e), as applicable, on the basis that such removal would be a breach of the elected board member's rights under section 14 of the *Human Rights Code*.
- (5) Despite subsection (1)(b), (d) and (e), an elected board member does not cease to hold office under any of those provisions if
- (a) the elected board member delivers a request in accordance with subsection (4), and
  - (b) the nominations committee is satisfied, after giving the elected board member an opportunity to be heard, that such removal would be a breach of the elected board member's rights under section 14 of the *Human Rights Code*.

### ***Board Chair and Vice-Chair***

11. (1) The board must elect a board chair and a board vice-chair from among its members by a majority vote, for a two year term.
- (1.1) The board chair or board vice-chair ceases to hold office as board chair or board vice-chair
- (a) upon the election of a new board chair or board vice-chair, as the case may be, under subsection (1), or
  - (b) if he or she
    - (i) ceases to hold office as an elected board member,
    - (ii) resigns from the office of board chair or board vice-chair, as the case may be, or
    - (iii) is removed from the office of board chair or board vice-chair by a majority vote of the board.
- (1.2) If the board chair or board vice-chair ceases to hold that office under subsection (1.1)(b), the board must elect another board chair or board vice-chair from

among its members, by a majority vote, to fill the vacancy in the applicable office as soon as is convenient.

- (2) The board chair must
  - (a) preside at all board meetings, and is a non-voting member of every committee of the college to which the board chair is not otherwise appointed as a voting member under section 13,
  - (b) sign certificates and other instruments executed on behalf of the college as required,
  - (c) sign the minutes of each meeting after they are approved by the board, and
  - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (3) If the board chair is absent or unable to act, the board vice-chair may exercise the powers and must perform the duties of the board chair.
- (4) If the board chair and board vice-chair are both absent or unable to act, the board may authorize another board member to exercise the powers and perform the duties of the board chair.

### ***Board Meetings***

12. (1) The board must meet at least 3 times in each fiscal year and must provide reasonable notice of board meetings to registrants.
  - (1.1) Notice may be provided to registrants under subsection (1) by posting a notice on the college website.
  - (1.2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of, such notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.
- (2) Meetings of the board must be called by the registrar at the request of either the board chair or any 5 board members.
- (3) Subject to subsection (3.1), the registrar must provide the following to any person on request:
  - (a) details of the time and place of a board meeting;
  - (b) a copy of the agenda for the board meeting;
  - (c) a copy of the minutes of any previous board meeting.
- (3.1) A copy of an agenda provided under subsection (3)(b) or minutes provided under subsection (3)(c) may be edited to remove information about any matter referred to in subsection (5), provided that the reasons for removing that information are noted in the edited agenda or minutes.
- (4) Subject to subsection (5), meetings of the board must be open to registrants and to the public.
- (5) The board may exclude any person who is not a board member from any part of a meeting if it is satisfied that one or more of the following matters will be discussed:
  - (a) financial or personal or other matters that are of such a nature that the interest of any affected person or the public interest in avoiding disclosure of those matters outweighs the public interest in board meetings be open to the public;
  - (b) information concerning an application by any individual for registration under section 20 of the Act or certification under section 46, or reinstatement or renewal thereof, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy;
  - (c) information concerning a complaint against, or investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy;
  - (d) information concerning a registrant's compliance with continuing competency or quality assurance requirements under Part IV.1 or an assessment of the professional performance of a registrant under section 26.1 of the Act, the

- disclosure of which would be an unreasonable invasion of the registrant's personal privacy;
- (e) information the disclosure of which may prejudice the interests of any person involved in
    - (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act, a review under Part 4.2 of the Act, or a permit revocation hearing under section 68, or
    - (ii) any other criminal, civil or administrative proceeding;
  - (f) personnel matters;
  - (g) property acquisitions;
  - (h) the contents of examinations;
  - (i) information concerning the scoring or results of examinations, or a report of an examiner under section 51(5), the disclosure of which would be an unreasonable invasion of any individual's personal privacy;
  - (j) communications with the Office of the Ombudsperson;
  - (k) instructions given to or opinions received from legal counsel, or any other matter which is subject to solicitor-client privilege;
  - (l) information which the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*;
  - (m) information which the college is otherwise required by law to keep confidential.
- (6) If the board excludes any person from a part of a meeting, it must have its reasons for doing so noted in the minutes of the meeting.
  - (7) The registrar must ensure that minutes are taken at each meeting and retained on file.
  - (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.
  - (9) The board may meet and conduct business in person or by video, teleconference, web casting, or an equivalent medium.
  - (10) Despite subsections (1) and (1.1), the registrar may call a meeting of the board under subsection (2) without providing notice to the registrants where necessary to conduct urgent business.
  - (11) In case of a tie vote the chair of the meeting does not have a second vote in addition to the vote to which the chair is entitled as a board member, and the proposed resolution does not pass.
  - (12) Except as otherwise provided under the Act, the most recent edition of the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* governs the procedures at meetings of the board.

### **Resolutions in Writing**

- 12.1 (1) A resolution approved by a majority of all board members in writing, including by mail, facsimile or e-mail, is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.
- (2) A resolution approved by two-thirds of all board members in writing, including by mail, facsimile or e-mail, is valid and binding and of the same effect as a special resolution duly passed at a meeting of the board.
- (3) A report of any resolution or special resolution approved under subsection (1) or (2) must be verified and made a part of the minutes of the next meeting of the board.

### **Committees**

13. (1) Committee members
  - (a) must be appointed by the board for terms of office specified by the board not exceeding two years, and
  - (b) are eligible for reappointment, except that a registrant may not serve more than three consecutive terms as a member of the same committee.
- (2) The board may from time to time establish special committees, the membership and purpose of which are determined by the board.
- (3) Only a public representative or a member of one of the following classes of registrants may serve as a member of a committee:
  - (a) dental hygienist registrants;
  - (b) dental hygiene practitioner registrants;
  - (c) grandparented registrants;
  - (d) non-practising registrants.
- (4) A committee member may be removed by a special resolution of the board.
- (5) A committee member may resign from the committee by providing written notice of resignation to the registrar.
- (6) If a committee position becomes vacant, the board may appoint a new member to the committee.
- (7) The board must appoint a committee chair and committee vice-chair from among the members of the committee.
- (8) The duties of the chair of a committee include
  - (a) presiding over all meetings of the committee,
  - (b) submitting an annual report to the board of the committee's activities, and
  - (c) carrying out other duties as directed by the board.
- (9) The vice-chair of a committee must perform the duties of the chair of a committee in the absence of the chair.

### **Registration Committee**

14. (1) The registration committee is established consisting of at least 6 persons.
- (2) The registration committee must include at least one third public representatives, one of whom is an appointed board member, one elected board member and three registrants.

### **Inquiry Committee**

15. (1) The inquiry committee is established consisting of at least 6 persons.
- (2) The inquiry committee must include at least one third public representatives, one of whom is an appointed board member, one elected board member, and three registrants.

### **Discipline Committee**

16. (1) The discipline committee is established consisting of at least 6 persons.
- (2) The discipline committee must include one third public representatives, one of whom is an appointed board member, one elected board member, and three registrants.
- (3) The board must not appoint a person to be a member of the discipline committee and the inquiry committee at the same time.

### **Quality Assurance Committee**

17. (1) The quality assurance committee is established consisting of at least 6 persons.
- (2) The quality assurance committee must include one third public representatives, one of whom is an appointed board member, one elected board member and three registrants.

### **Nominations Committee**

- 17.1 (1) The nominations committee is established consisting of at least 3 persons.

- (2) The nominations committee must include at least one third public representatives, one of whom is an appointed board member, and at least one elected board member.
- (3) For each board election, the nominations committee
  - (a) must review all nominations received under section 5, and determine whether each nomination complies with all applicable eligibility requirements under section 3.1, and
  - (b) commencing with the 2021 board election, having regard to the competencies approved by the board under section 5(0.1), must
    - (i) in consultation with the board, identify the competencies needed in prospective candidates in the board election and, in collaboration with the registrar, ensure that information about those needed competencies is disseminated to registrants during the board election process,
    - (ii) use reasonable efforts to identify and recruit prospective candidates who have the needed competencies, and to obtain at least as many qualified nominees for election as the number of elected board member offices to be filled in the election, and
    - (iii) present to the board and the registrar a ticket of qualified nominees.

#### ***Committee Panels***

18. (1) The discipline committee, the inquiry committee, the registration committee and the quality assurance committee may meet in panels of three committee members which must include at least one public representative.
- (2) The chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate a chair of a panel.
- (3) A panel of a committee referred to in subsection (1) may exercise any power, duty or function of that committee.

#### ***Meetings of a Committee or Panel***

19. (1) A majority of a committee constitutes a quorum.
- (2) All members of a panel constitute a quorum.
- (3) The provisions of section 12(1.2) to (7), (9), (11) and (12) and section 12.1 apply to a committee or a panel as if it were the board, with any necessary changes.

#### ***Remuneration of Committee Members***

20. Committee members are equally entitled to be
  - (a) remunerated for time spent on business of the college, in the amount approved by the board from time to time, and
  - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

## **PART II: COLLEGE ADMINISTRATION**

#### ***Seal***

21. (1) A seal for the college must be approved by the board.
- (2) The seal of the college must be affixed, by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

#### ***Registrar***

- 21.1 (1) In addition to the registrar's powers and duties under the Act, the registrar holds final responsibility for all administrative and operational matters for the college.
- (2) The registrar is a non-voting member of every committee of the college.

- (3) The registrar is authorized to establish, by bylaw, forms for the purposes of the bylaws, and to require the use of such forms by registrants.
- (4) The registrar may designate an officer, employee or agent of the college to exercise any power or perform any duty of the registrar assigned by the registrar.
- (5) An officer, employee or agent of the college referred to in subsection (4) has the same authority as the registrar when the officer, employee or agent is acting on behalf of the registrar.

#### ***Deputy Registrar***

22. If the board appoints a deputy registrar under section 21 of the Act, the exercise or performance by the deputy registrar of any power or duty of the registrar is subject to any directions given by the registrar.

#### ***Fiscal Year***

23. The fiscal year of the college commences on March 1 and ends on the last day of February of the following year.

#### ***Banking***

24. The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.

#### ***Payments and Commitments***

25. (1) The board
  - (a) must annually approve an operating expense and revenue budget for each fiscal year, and
  - (b) may from time to time, as and subject to any conditions the board considers necessary, authorize the registrar to approve capital expenditures up to a maximum amount as determined by the board.
- (2) The registrar may authorize any budgeted expenditure provided that the registrar is satisfied that the expenditure will not cause the total of the annual operating expense and revenue budget to be exceeded.
- (3) The registrar may authorize an expenditure that was not contemplated by the operating expense and revenue budget or that exceeds the amounts set out in that budget for any item of expense, or a capital expenditure, provided that the registrar is satisfied that the contemplated expenditure will not
  - (a) compromise the board's annual objectives,
  - (b) cause the total of the annual operating expense and revenue budget to be exceeded, or
  - (c) exceed the registrar's authority to approve capital expenditures as authorized by the board under subsection (1)(b).
- (4) If the registrar authorizes an expenditure under subsection (3), the registrar must report that action to the board at its next meeting.

#### ***Collection of Funds as Agent***

- 25.1 (1) In this section, "association" means a health profession association as defined in section 1 of the Act or similar organization, whose members are registrants or persons registered or licensed for the practice of dental hygiene in another Canadian jurisdiction.
- (2) In each fiscal year, the college may collect from registrants an amount equivalent to the annual fees of an association, whether or not the registrant is a member of the association, provided that the board and the association execute a written agreement to that effect.
- (3) Funds received by the registrar under subsection (2) are collected by the college as agent for the association and are held by the college on trust for the association.



### **Borrowing Powers**

26. The board may raise money, or guarantee or secure the payment of money in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.

### **Investments**

27. (1) The board may invest funds of the college in accordance with the board's investment policy, which must be consistent with sections 15.1 and 15.2 of the *Trustee Act*.  
(2) All income derived from invested funds must be added to and become part of the general revenue of the college.

### **Auditor**

28. (1) The board must appoint a chartered professional accountant as auditor.  
(2) The registrar must submit the college's financial statement to the auditor within 45 days of the end of the fiscal year.

### **Legal Counsel**

29. The board or registrar may retain a member in good standing of the Law Society of British Columbia for the purpose of advising the college on any matter.

### **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.

32. [deleted]

33. [deleted]

## PART III: COLLEGE RECORDS

### ***Administration of the Freedom of Information and Protection of Privacy Act***

34. (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorize a deputy registrar or another officer, employee or agent of the college to exercise any power or perform any duty of the registrar under the *Freedom of Information and Protection of Privacy Act*.

### ***Fees for Information Requests***

- 34.1 Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the applicable fees specified in the “Schedule of Maximum Fees” in Schedule 1 of the Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012.

### ***Protection of Personal Information***

- 34.2 (1) The board must take reasonable measures to ensure that the collection, use and disclosure of personal information by the college complies with the *Freedom of Information and Protection of Privacy Act*.
- (2) The board must take reasonable measures to ensure that, if personal information is provided by the college to any person or service provider for processing, storage or destruction, a contract is made with the person or service provider which includes an undertaking by the person or service provider that the confidentiality of that personal information will be maintained.

### ***Disclosure of Annual Report***

35. The registrar must make each annual report under section 18(2) of the Act available electronically and free of charge on the college website, must notify registrants that the report is available, and must provide a paper copy of the report to any person on request upon payment of the applicable fee specified in Schedule D.

### ***Disclosure of Registration Status***

36. If the college receives an inquiry about the registration status of a person, the registrar must disclose
- (a) whether or not the person is a registrant or a former registrant, and
  - (b) any information respecting the person that is included in the register under section 21(2) or (5) of the Act as of the date the inquiry is made, if the person is a registrant or former registrant, unless access to that information is refused under section 22(2) of the Act.

### ***Manner of Disposal of College Records Containing Personal Information***

37. The board must ensure that a college record containing personal information is disposed of only by
- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
  - (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
  - (c) returning the record to the person the information pertains to, or
  - (d) returning the record to the registrant who compiled the information.

## 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.

## PART V: INSPECTIONS, INQUIRIES AND DISCIPLINE

### *Disposition of Complaints by Registrar*

53. The registrar is authorized to act under section 32(3) of the Act.

### *Inspections*

54. An inspector must not observe a registrant while the registrant is providing a service to a client except where

- (a) the consent of the client being treated has been obtained in advance, or
- (b) the service is being provided in a public setting.

55. *[deleted]*

### *Undertakings and Consents*

56. (1) The record of an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act must
- (a) include any consent to a reprimand or to any other action given by the respondent under section 32.2(4)(b), 32.3(3)(b), 36 or 37.1 of the Act,
  - (b) include any undertaking made by the respondent under section 36 of the Act,
  - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the respondent,
  - (d) specify the procedure that the respondent may follow to be released from an undertaking specified in paragraph (b), and
  - (e) subject to sections 22 and 39.3 of the Act and sections 36 and 59, specify what notification and disclosure of the limits or conditions of the undertaking, consent, order or agreement may be given to others, including members of the public.
- (2) If an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act requires the respondent to take any corrective or remedial action, the inquiry committee may direct the registrar
- (a) to monitor the respondent's compliance with that requirement, and
  - (b) to report periodically to the chair or vice-chair of the inquiry committee regarding the respondent's compliance with that requirement.

### *Citation*

57. (1) Before the issuance of any citation under section 37 of the Act, on the direction of a panel of the inquiry committee, the registrar may join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as the panel considers appropriate in the circumstances.
- (2) After the issuance of a citation or citations under section 37 of the Act, on the direction of a panel of the discipline committee, the registrar may, as the panel considers appropriate in the circumstances,
- (a) join one or more complaints or other matters which are to be the subject of a discipline hearing,
  - (b) sever one or more complaints or other matters which are to be the subject of a discipline hearing, or
  - (c) amend a citation.

- (3) If a citation is amended before a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last address for the respondent recorded in the register referred to in section 21(2) of the Act not fewer than 14 days before the date of the hearing.
- (4) If a citation is amended before a discipline hearing and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

### ***Hearings of Discipline Committee***

58. (1) No member of the discipline committee may sit on a panel hearing a matter in which the discipline committee member
- (a) was involved as a member of the inquiry committee, or
  - (b) has had any other prior involvement.
- (2) Information about the date, time and subject matter of the hearing must be provided to any person on request.
  - (3) The discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) of the Act.
  - (4) All discipline hearings must be recorded and any person may obtain, at the person's own expense, a transcript of any part of the hearing which the person was entitled to attend.

### ***Notice of Disciplinary Action***

59. (1) In addition to any notification required under section 39.3 of the Act with respect to any of the actions referred to in section 39.3(1)(a) to (e) of the Act, the registrar
- (a) must notify all registrants,
  - (b) must notify the regulatory bodies governing the practice of dental hygiene in every other Canadian jurisdiction, and
  - (c) may notify any other governing body of a health profession inside or outside of Canada.
- (2) Notification provided to all registrants under subsection (1)(a)
    - (a) must include all information included in the public notification under section 39.3 of the Act, and
    - (b) unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, must exclude any information withheld from the public notification under section 39.3(3) or (4) of the Act.
  - (3) Unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, notification provided to other regulatory or governing bodies under subsection (1)(b) or (c) may include information that has been withheld from the public notification under section 39.3(3) or (4) of the Act.

### ***Effect of Suspension***

- 59.1 (1) During any period of suspension of registration, a registrant must
- (a) not engage in the practice of dental hygiene or hold himself or herself out as a registrant,
  - (b) not hold office in the college,
  - (c) not make appointments for patients or prospective patients,
  - (d) not contact or communicate with patients or prospective patients, except for the purpose of
    - (i) advising a patient or prospective patient of the fact and duration of the suspension,
    - (ii) advising a patient or prospective patient that another registrant will continue to act or provide services in the suspended registrant's place, or
    - (iii) referring a patient or prospective patient to another registrants in good standing,



- (e) remove the registrant's name and any sign relating to the registrant's practice from any premises where the registrant practised dental hygiene, and any building in which any such premises are located,
  - (f) prominently display, if required by an order under section 35, 37.1, 38, 39 or 39.1 of the Act, an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act, or other action taken under section 33(2) of the Act, a notice of suspension in a form and in an area approved by the registrar, which states the duration and reasons for the suspension, and
  - (g) pay any fee required by the college when due in order to remain a registrant, and any other outstanding fine, fee, debt or levy owed to the college.
- (2) No current or former registrant is entitled to any refund of any fine, fee, debt or levy paid to the college solely on the basis that it was paid during or in relation to a period of suspension.
  - (3) During the period of suspension, a suspended registrant may permit another registrant in good standing to practise dental hygiene within premises where the registrant practised dental hygiene, provided that the suspended registrant complies with subsection (1).
  - (4) Any communication under subsection (1)(d) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service, or other telephonic device specifically for that purpose.

### ***Fines***

59.2 The maximum amount of a fine that may be ordered by the discipline committee under section 39(2)(f) of the Act is \$50,000.

### ***Costs***

- 59.3
- (1) The tariff of costs set out in Schedule G, to partially indemnify the college for investigations under section 33 of the Act, is hereby established pursuant to section 19(1)(v.1) of the Act.
  - (2) The tariff of costs set out in Schedule H, to partially indemnify parties their expenses incurred in the preparation for and conduct of hearings under section 38 of the Act, is hereby established pursuant to section 19(1)(w.1) of the Act.
  - (3) Any costs awarded by the discipline committee under section 39(4) or (5) of the Act, or by the inquiry committee under section 33(7) of the Act or in accordance with a proposal under section 37.1 of the Act, must be assessed by the applicable committee in accordance with Schedules G and H and the applicable tariff of costs set out therein.

### ***Retention of Inquiry Committee and Discipline Committee Records***

60. Records of the inquiry committee must be retained for not less than 6 years following the conclusion of an investigation and records of the discipline committee must be retained for not less than 6 years following the date a decision is rendered.

## **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.

## PART VI: DENTAL HYGIENE CORPORATIONS

### *Authority of Registrar*

60.1 The registrar is authorized to act for the board under section 43 of the Act.

### *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.

### *Application for Dental Hygiene Corporation Permit*

61. (1) A corporation may be issued a permit to operate as a dental hygiene corporation if, having satisfied the requirements of section 43 of the Act and section 60.2, the corporation delivers to the registrar
- (a) a completed dental hygiene corporation permit application in a form approved by the registrar,
  - (b) a true copy of the certificate of incorporation, filed transition application, certificate of amalgamation, or certificate of continuation, as the case may be, any certificate of change of name, and any certificate of restoration, issued to or filed by the corporation under the *Business Corporations Act*,
  - (c) the permit fee set out in Schedule D,
  - (d) any other outstanding fee, fine, debt or levy owed to the college,
  - (e) an acknowledgement, in a form approved by the registrar, executed by each registrant who is a voting shareholder of the corporation or a holding company that directly or indirectly owns a legal or beneficial interest in any voting share of the corporation, confirming that the registrant has read section 14.1 of the Act, and that the registrant understands that
    - (i) the registrant's liability for professional negligence will not be affected by the fact that the registrant practises dental hygiene through or on behalf of the corporation, and
    - (ii) the application of the Act, the Regulation and these bylaws to the registrant will not be affected, modified or diminished as a result of the dental hygienist's relationship with the corporation, and
  - (f) a certificate of solicitor in a form approved by the registrar.
- (2) A permit issued to a corporation under section 43 of the Act is valid until
- (a) the last day of the following February,
  - (b) the registrar receives from the corporation a written request for cancellation of the permit,
  - (c) the permit is revoked under section 44 of the Act, or
  - (d) the corporation is dissolved or otherwise ceases to be a company in good standing under the *Business Corporations Act*.

### **Professional Liability Insurance**

62. The board or the registrar may require, as a condition of a dental hygiene corporation permit, that the dental hygiene corporation insure its employees against liability arising from an error, omission or negligent act in the provision of services that constitute the designated health profession of dental hygiene under the Regulation in an amount of at least \$1 million per occurrence in a form that is satisfactory to the college.

### **Renewal of Dental Hygiene Corporation Permit**

63. (1) A dental hygiene corporation which intends to continue to provide dental hygiene services to the public must, before its permit expires, apply for a renewal of its permit by delivering to the registrar
- (a) a completed permit renewal application in a form approved by the registrar, and
  - (b) the permit renewal fee set out in Schedule D.
- (2) Subject to section 61(2), a renewal permit is valid until the last day of the following February.
- (3) A dental hygiene corporation applying for or granted a renewal of a permit under subsection (1) must promptly inform the registrar in writing of any change to the information provided to complete its permit application or its most recent permit renewal application.

### **Dental Hygiene Corporation Names**

64. (1) The name of a dental hygiene corporation
- (a) must contain the words “Dental Hygiene” together with and immediately preceding the word or abbreviation “Corporation”, “Corp.”, “Incorporation” or “Inc.”,
  - (b) must not be identical to, or so closely resemble, the name of another dental hygiene corporation holding a valid permit issued under section 43 of the Act that it is likely to confuse or mislead the public, and
  - (c) must not contravene section 69.
- (2) The registrar must approve the name of a corporation that complies with subsection (1) on receipt of
- (a) an application for dental hygiene corporation name approval in a form approved by the registrar, and
  - (b) any applicable application fee set out in Schedule D.

### **Notification of Changes**

65. (1) A dental hygiene corporation
- (a) must not change its name unless the new name has been approved by the registrar under section 64, and
  - (b) must deliver to the registrar a true copy of any certificate of change of name issued to the dental hygiene corporation under the *Business Corporations Act*.
- (2) A dental hygiene corporation must
- (a) immediately notify the registrar of any other changes to the information provided to complete its permit application or its most recent permit renewal application, and
  - (b) must deliver to the registrar another certificate of solicitor if required by the registrar.

### **Dental Hygiene Corporation Advertising**

66. A dental hygiene corporation which carries on the business of providing the services of dental hygiene to the public

- (a) must disclose on all letterhead and business cards, and in all other advertisements, that the services of dental hygiene are being provided by a dental hygiene corporation, and
- (b) must comply with the requirements of section 69 as if it were a registrant, to the extent those requirements may be applicable to a corporation.

### ***Disposition of Shares***

67. (1) The legal or beneficial interest in a voting or non-voting share of a dental hygiene corporation or holding company must not be transferred, pledged, or assigned to any person who is not entitled to hold that legal or beneficial interest in accordance with the requirements of section 43 of the Act and section 60.2(1)(a) or (2)(a).
- (2) If the legal or beneficial interest in any voting share of a dental hygiene corporation or a holding company that directly or indirectly owns a legal or beneficial interest in any voting share of the corporation is transferred or issued to a registrant or holding company who is entitled to hold that legal or beneficial interest under section 43 of the Act and section 60.2(1)(a), and who is not already a voting shareholder, the dental hygiene corporation must
- (a) notify the registrar of the transfer or issuance,
  - (b) deliver to the registrar an acknowledgement in compliance with section 61(1)(e) executed by
    - (i) the transferee or new shareholder to be issued such shares, if the transferee or new shareholder is a registrant, or
    - (ii) each registrant who is a voting shareholder of the transferee or of the new shareholder to be issued such shares, or of another holding company that directly or indirectly owns a legal or beneficial interest in any voting share of the transferee or new shareholder, if the transferee or new shareholder is a holding company, unless an acknowledgement executed by that registrant has previously been delivered to the registrar, and
  - (c) deliver to the registrar another certificate of solicitor if required by the registrar.

### ***Permit Revocation Hearings***

68. (1) The powers and duties of the board under section 44 of the Act are delegated to the discipline committee.
- (2) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the Act if there are common matters in issue in both hearings, and the discipline committee considers consolidation to be appropriate in the circumstances.
- (3) The discipline committee may conduct an oral hearing or a hearing by written submission to determine if a dental hygiene corporation permit should be revoked.
- (4) The discipline committee may conduct a hearing upon receipt of a written complaint or on its own motion.
- (5) The registrar must provide notice of a permit revocation hearing by personal service or by registered mail to the registered office of the dental hygiene corporation not less than 30 days before the date of the hearing.
- (6) The notice of permit revocation hearing must
- (a) name the dental hygiene corporation as respondent,
  - (b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
  - (c) if the hearing is to be an oral hearing,
    - (i) specify the date, time and place of the hearing,
    - (ii) notify the respondent that the discipline committee is entitled to proceed with the hearing in the absence of a representative of the dental hygiene corporation, and

- (iii) notify the respondent that the respondent and the college may appear as parties and with legal counsel at the hearing, and
- (d) if the hearing will be conducted by written submission, notify the respondent that he or she is entitled to submit a written submission within 30 days of receiving the notice.
- (7) At an oral permit revocation hearing of the discipline committee,
  - (a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee, and
  - (b) the respondent and the college have the right to cross examine witnesses and to call evidence in defence and reply.
- (8) If the respondent does not attend, the discipline committee may
  - (a) proceed with the hearing in the respondent's absence on proof of receipt of the notice of permit revocation hearing by the respondent, and
  - (b) without further notice to the respondent, take any action that it is authorized to take under the Act.
- (9) After a permit revocation hearing, the discipline committee must notify the respondent in writing of its decision under section 44(1) or (2) of the Act.

## PART VII: GENERAL

### *Liability Insurance*

68.1 All registrants, other than non-practising registrants, must be insured against liability arising from an error, omission or negligent act in the provision of services that constitute the designated health profession of dental hygiene under the Regulation in an amount of at least \$1 million per occurrence in a form that is satisfactory to the college.

### *Marketing*

69. (1) In this section:
- “advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser;
  - “marketing” includes
    - (a) an advertisement,
    - (b) any publication or communication in any medium with any client, prospective client or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
    - (c) contact with a prospective client initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
- (a) false,
  - (b) inaccurate,
  - (c) reasonably expected to mislead the public,
  - (d) unverifiable, or
  - (e) contrary to the public interest in the practice of the profession.
- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
  - (c) implies that the registrant can obtain results

- (i) not achievable by other registrants,
    - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient,
    - (iii) by any other improper means, or
  - (d) compares the quality of services provided with those provided by
    - (i) another registrant,
    - (ii) a person authorized to provide health care services under another enactment, or
    - (iii) another health profession.
- (4) A registrant must not
  - (a) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to state the official position of the college, or
  - (b) endorse or lend himself or herself as a dental hygienist to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
  - (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the client, and
  - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorized by the Act, the regulations, these bylaws, or the board, a registrant
  - (a) must not use the title "specialist" or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and
  - (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
  - (a) a copy of any such publication,
  - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, and
  - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in his or her marketing.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

#### ***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.

## **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.