

No. 83

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 83

A Bill respecting Dental Auxiliaries

HON. DR. ROSS

Explanatory Note

General. This Bill enacts a new Act to be called **The Dental Auxiliaries Act**. It will authorize the setting up of a dental auxiliary school and the use of the services of dental auxiliaries in Alberta in designated areas and under supervision, for the purposes of local authorities in the Province.

2. Definitions.

3. Establishment of school for the training of dental auxiliaries.

BILL

No. 83 of 1960

An Act respecting Dental Auxiliaries

(Assented to _____, 1960)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Dental Auxiliaries Act*".

Interpretation

2. In this Act,

- (a) "committee" means the Dental Auxiliary Committee constituted pursuant to this Act;
- (b) "dental auxiliary" means a person other than a dentist who is trained to perform the dental services specified in the regulations as being services that a licensed dental auxiliary may perform in the Province;
- (c) "dentist" means a person entitled under *The Dental Association Act* to practise the profession of dentistry and dental surgery in the Province;
- (d) "licensed dental auxiliary" means a dental auxiliary who is licensed under this Act;
- (e) "local health authority" means the board of a health unit established under *The Health Unit Act*, the Provincial Board of Health when acting as a local board of health under *The Public Health Act*, the Minister of Municipal Affairs in respect of a special area under *The Special Areas Act*, and the board of health of a city;
- (f) "Minister" means that member of the Executive Council charged with the administration of this Act.

Dental Auxiliary Schools

3. (1) The Minister may establish schools for the training of dental auxiliaries by
 - (a) providing a program of dental auxiliary training to be carried out at the University of Alberta by agreement between the Minister and the Board of Governors of the University of Alberta, or
 - (b) establishing, maintaining and operating schools for the training of dental auxiliaries.
- (2) The Minister may by regulations prescribe

4. Appointment of a dental auxiliary committee.

5. Qualifications for licence: register to be kept.

- (a) the qualification to be required for admission to a school for the training of dental auxiliaries established pursuant to this Act,
- (b) the courses required to be taken by persons training to be dental auxiliaries,
- (c) the fees to be charged for dental auxiliary training in a school established under this Act, and prescribe the text books or other educational aids to be used therein,
- (d) the practical experience to be obtained as part of the training of dental auxiliaries and the means of obtaining that practical experience, and
- (e) the qualifications, both professional and academic, to be required for the teaching staff in any schools established for the training of dental auxiliaries other than a school established by the University of Alberta under an agreement with the Minister, and the salary or fees to be paid teachers therein.

Dental Auxiliary Committee

4. (1) The Minister shall appoint a dental auxiliary committee to advise him on matters relating to dental auxiliary training programs and procedures, the qualifications for admission to training schools, the training required for graduation from dental auxiliary schools, and upon any other matter affecting the training and qualification and practice of dental auxiliaries, and to perform such other duties and functions as may be imposed upon the committee by this Act or the regulations.

- (2) The committee shall be composed of
 - (a) the Director of Dental Health Services of the Department of Public Health, who shall be chairman of the advisory committee,
 - (b) a representative of the Alberta Dental Association, who shall be nominated by the board of directors of the Alberta Dental Association, and
 - (c) three other members selected by the Minister, one of whom shall be a member of the General Faculty Council of the University of Alberta.

- 5. (1)** Where in the opinion of the committee a person
 - (a) has graduated from a school or program for the training of dental auxiliaries established under this Act, and is otherwise qualified and of good moral character and repute, or
 - (b) has graduated from a school, other than one established under this Act, as a trained dental auxiliary, and has an education and practical training at least the equivalent of that required for graduation from a school established under this Act, and is otherwise qualified and of good moral character and repute,
 the committee may issue him a licence to practise as a dental auxiliary in Alberta.

6. Issue of dental auxiliary licence.

7. Specifications of licence.

8. Suspension of licence or removal of name from register.

9. Inquiry into complaints by committee.

(2) The committee shall maintain a dental auxiliary register in which shall be recorded the name of every person who holds a subsisting licence to practise as a dental auxiliary.

Dental Auxiliary Licence

6. (1) A licence to practise as a dental auxiliary expires, subject to subsection (2), on the thirty-first day of December next following its date of issue, and the committee shall annually issue a new licence to practise as a dental auxiliary unless the former licensee has been suspended from the register in accordance with this Act or has had his name struck off the register, or has ceased to practise as a dental auxiliary.

(2) Where a person has had his name struck off the register within a period for which he was licensed, his licence immediately expires and the holder thereof shall forthwith, upon notification in writing from the committee of the removal of his name from the register, return the licence to the committee.

7. (1) A licence shall specify that the licensee is qualified to render services as a dental auxiliary and shall clearly show on its face the year for which it is issued.

(2) Notwithstanding anything to the contrary in *The Dental Association Act*, a dental auxiliary who has a subsisting licence under this Act to practise as a dental auxiliary may for reward or otherwise render any or all of the dental services for which he has been trained pursuant to this Act, but the services shall only be rendered under the supervision of a dentist or at his direction and while he is employed by a local health authority or when his services are retained by a local health authority or by the Faculty of Dentistry of the University of Alberta.

Discipline

8. The committee may remove from the register the name of any dental auxiliary or may suspend the licence of any dental auxiliary who

- (a) has been convicted of an indictable offence,
- (b) has been convicted for a contravention of any provision of this Act or *The Dental Association Act*, or of a regulation made under this Act, or
- (c) has in the opinion of the committee been guilty of malpractice or unbecoming, improper or criminal conduct whether in the practice as a dental auxiliary or otherwise.

9. (1) The committee shall inquire into and ascertain the facts of any matter of complaint against a licensed dental auxiliary that may be referred to the committee by the Minister or by a local health authority or by the Alberta Dental Association or brought directly to the attention of the committee.

10. Notice of inquiry.

11. Conducting of inquiry.

12. Powers of committee for purposes of inquiry.

13. Order made by committee and payment of costs.

(2) Unless otherwise instructed by the Minister, all meetings of the committee to inquire into complaints shall be held at the city of Edmonton.

(3) Subject to this Act and the regulations, the committee may regulate

- (a) the convening, notice, place, conduct and adjournment of its meetings to inquire into complaints,
- (b) the mode of deciding questions thereat, and
- (c) generally, the procedure and conduct of its inquiries.

10. (1) At least ten days' notice of the date, time and place of the meeting of the committee for taking evidence or otherwise ascertaining the facts shall be served on the dental auxiliary whose conduct is the subject of inquiry.

(2) The notice shall contain a statement of the matter that forms the subject of the inquiry.

(3) If the dental auxiliary whose conduct is the subject of inquiry does not attend, though duly notified, the committee may proceed in his absence.

11. (1) The dental auxiliary whose conduct is the subject of inquiry may be represented by counsel.

(2) The evidence of the witnesses shall be taken under oath.

(3) There shall be full right to cross-examine all witnesses called and to adduce evidence in defence and in reply.

12. For the purpose of an inquiry into the matter of a complaint against a dental auxiliary, the committee has all the powers of commissioners under *The Public Inquiries Act*.

13. (1) The committee may after inquiry make such order as it deems advisable and a copy of the order shall be served upon the dental auxiliary whose conduct was the subject of inquiry and a further copy filed with the Minister.

(2) When the committee orders that the name of a dental auxiliary be removed from the register or that he be suspended from practice, it may direct that the costs of and incidental to the inquiry be paid by the dental auxiliary, and the costs shall be taxed and allowed in like manner and so far as practicable in like amounts as in an action in the Supreme Court of Alberta.

(3) After taxation of the costs by the taxing officer of the Supreme Court at Edmonton, execution may issue out of the Supreme Court for the recovery of the taxed costs in like manner as upon a judgment in an action in that Court.

(4) Where, after inquiry, a complaint is found to be frivolous or vexatious, the committee may pay such costs

14. Appeal from order to judge of Supreme Court.

15. Hearing of appeal.

16. Service of notice, order or other document.

17. Restoration of name to register by committee.

as it considers just to the dental auxiliary whose conduct has been the subject of inquiry and any such costs shall be accountable as an administrative expense of the committee.

14. (1) A person whose name has been removed from the register or who has been suspended from practice by order of the committee may appeal from the order to a judge of the Supreme Court at any time within two months after the date of the service of the order of the committee upon him.

(2) Notice of appeal shall be filed in the office of the Supreme Court at Edmonton within the required time and a copy thereof served upon the committee.

(3) The committee, after the service of notice of appeal and upon request, shall furnish to the appellant a copy of all documents required for the consideration of the judge.

15. (1) The judge shall consider

- (a) the proceedings before the committee and the evidence taken,
- (b) the findings of the committee, and
- (c) the order of the committee as certified by the chairman.

(2) The judge in his discretion may receive further evidence either by oral examination or by affidavit.

(3) The judge on the hearing of the appeal may

- (a) confirm the order of the committee,
- (b) restore the name of the appellant to the register,
- (c) cancel, reduce or lengthen the appellant's suspension from practice, or
- (d) make such other order as to the judge seems just, but no award of the costs of the appeal shall be made against the committee.

16. (1) Service of a notice, order or other document required to be served by this Act may be made by double registered mail.

(2) Every such document shall be deemed to be served if the post office receipt for the registered mail purporting to be signed by the person required to be served is received and produced.

(3) Every such document shall be deemed to be served on the day of the date of the receipt purporting to be signed by the person required to be served.

17. (1) The committee may at any time

- (a) order the restoration to the register of the name of a person whose name has been removed, or
- (b) cancel or reduce the period of suspension of a dental auxiliary from practice,

upon such terms and conditions as the committee deems just.

18. Employment of licensed dental auxiliary.

19. Permissible dental services.

20. Offences.

21. Penalties.

(2) This section does not apply where an appeal has been heard and determined by a judge.

General

18. A local health authority may employ a licensed dental auxiliary only in those areas of the Province that are designated by regulations as dental auxiliary areas.

19. (1) The dental services that may be rendered by licensed dental auxiliaries are those dental services set out in the regulations and for which he has been trained during his course of formal training.

(2) Subject to subsection (3), no person other than a dentist shall render any such dental auxiliary services unless he is licensed under this Act.

(3) The inclusion in the regulations of any service or treatment related to dentistry and capable of being lawfully performed or given by

- (a) a dental assistant or a dental nurse in a dental office under the direct and immediate supervision of a dentist,
- (b) a dental technician as that trade is understood in the dental profession,
- (c) dental mechanics as that trade is described by the rules and regulations made under section 42 of *The Public Health Act*, or
- (d) a dental hygienist under the terms of *The Dental Association Act*,

shall not be construed to require any of the practitioners of the trades enumerated in clauses (a) to (d) to be licensed under this Act in order to practise those trades.

20. A person is guilty of an offence under this Act

- (a) who contravenes any provision of the Act or the regulations,
- (b) who, not being a licensed dental auxiliary, holds himself out as a licensed dental auxiliary,
- (c) who being a licensed dental auxiliary renders service as a dental auxiliary, other than services that might be performed lawfully by a dental assistant, dental nurse, dental technician or dental mechanic, at any time when the dental auxiliary is not employed or retained by a local health authority, or
- (d) who renders services of a dental auxiliary at any time while his licence under this Act is suspended or while his name remains struck off the dental auxiliary register maintained by the committee.

21. A person who is guilty of an offence under this Act is liable on summary conviction

22. Regulations.

23. Commencement of Act.

- (a) for a first offence to a fine of not more than fifty dollars and in default of payment thereof to imprisonment for not more than thirty days,
- (b) for a second offence, to a fine of not more than one hundred dollars and in default of payment thereof to imprisonment for not more than sixty days, and
- (c) for a third or subsequent offence to imprisonment for not more than six months.

22. The Lieutenant Governor in Council may make regulations

- (a) designating the areas of the Province in which the services of dental auxiliaries may be utilized,
- (b) specifying the dental services or treatments or related services that licensed dental auxiliaries may prescribe, give or perform in the Province,
- (c) prescribing rules for the procedure at meetings of the Dental Auxiliary Committee, the constitution of a quorum, the duties of the chairman, the appointment of a secretary and such other matters of administration as may be found necessary for the efficient carrying out of the duties and powers of the committee,
- (d) prescribing forms for use under this Act and fixing licence and other fees for services given by the committee,
- (e) governing such other matters, not being inconsistent with the intent of this Act, as may be thought necessary to further the purposes and objects of the Act.

23. This Act comes into force on the day upon which it is assented to.

No. 83

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act respecting Dental Auxiliaries

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
