

No. 59

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

2nd REPRINTED BILL

BILL 59

A Bill respecting Certified Dental Mechanics

MR. C. JOHNSTON

Explanatory Note

2nd REPRINTED BILL

BILL

No. 59 of 1961

An Act respecting Certified Dental Mechanics

(Assented to _____, 1961)

WHEREAS Edward J. Wallington and Wilburt E. Preamble
Burton, Edwin Thompson, Warren Wright and Jack
S. Katz, all of Edmonton, have by their petition represented
that they are desirous of being incorporated under the
name: "The Alberta Public Denturists Society" for the pur-
pose of increasing the knowledge, skill, proficiency and
efficiency of the members of the Society in all things,
relating to dental prosthetics, business organization, ad-
ministration and ethics and of encouraging, promoting and
extending the science of dental prosthetics and maintain-
ing, disseminating, and advancing ethical concepts and
standards of knowledge in the science, and promoting and
safeguarding the oral health of the public and generally
for the carrying out of the objects of the corporation:

AND WHEREAS the petitioners have prayed that an
Act may be passed for those purposes;

AND WHEREAS it is expedient to grant the prayer of
the said petition with certain amendments;

THEREFORE 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 Certified Dental Me-* Short title
chanics Act".

2. In this Act,

- (a) "active member" means a member of the Society Interpreta-
tion
"active
member"
who has fully paid all dues and levies set by the
Society;
- (b) "Board" means the Board appointed under section "Board"
18;
- (c) "certificate of proficiency" means a certificate is- "certificate
of pro-
ficiency"
sued under this Act stating that the holder is quali-
fied to practise as a certified dental mechanic in
the Province;
- (d) "certificate of oral health" means a written cer- "certificate
of oral
health"
tificate attesting to the healthy condition of any
human oral cavity and the associated structure and
tissue thereof from a dentist or duly qualified med-
ical practitioner;

"certificate of membership"	(e) "certificate of membership" means the certificate issued by the Society to each of its members;
"certified dental mechanic"	(f) "certified dental mechanic" means a person who holds a subsisting certificate of proficiency;
"corporation"	(g) "corporation" means The Alberta Certified Dental Mechanics Society incorporated under section 3;
"council"	(h) "council" means the council of management of the Society for which provision is made in section 10;
"denture construction"	(i) "denture construction" means (i) the making and repairing of any complete upper or complete lower denture, or (ii) taking of impressions, bite registrations, try-ins and insertions for the making, producing, constructing and furnishing of any complete upper or lower denture for the intended wearer thereof;
"dentist"	(j) "dentist" means a person who holds a valid and subsisting licence to practise dentistry under <i>The Dental Association Act</i> ;
"member"	(k) "member" means a member of the Society;
"Minister"	(l) "Minister" means the member of the Executive Council charged with the administration of this Act.
"non-participating member"	(m) "non-participating member" means a registered member of the Society who has not paid the dues or levies set by the Society for active members;
"registrar"	(n) "registrar" means the registrar of the Society.

Incorporation

3. The following persons, that is to say, Edward J. Wallington, Wilburt E. Burton, Edwin Thompson, Warren Wright and Jack S. Katz, all of Edmonton, and such other persons as are from time to time members of the Society are hereby constituted and created a corporation under the name of "The Alberta Certified Dental Mechanics Society".

Classes of members

4. (1) Any person, who is registered as a member of the Society shall, according to his choice, be classified as either an active member or a non-participating member of the Society.

(2) Active membership entitles the member to all rights, privileges and benefits of the Society.

(3) Non-participating membership shall be the status bestowed upon a certified dental mechanic who may become registered as members, and who have not applied for and obtained active membership in the Society.

Non-participating members

5. Non-participating members are governed by this Act and all regulations made hereunder and affecting the members of the Society, but they shall not have a vote at any meeting of the Society and are not entitled to any benefits of the Society.

6. The Society may acquire and hold real and personal property or its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, or any part thereof, as occasion may require. ^{Real property}

7. (1) The officers of the Society shall be ^{Officers}

- (a) a president and vice-president chosen by the members from their own number, and
- (b) a secretary, a treasurer and a registrar.

(2) The offices of secretary, treasurer and registrar, or any two of them, may be filled by the same person.

8. (1) The Society may pass by-laws not inconsistent with any Act or law in force in the Province providing *inter alia* for ^{By-laws}

- (a) the government and discipline of the members of the Society,
- (b) the management of the property of the Society,
- (c) the maintenance of the Society by levy of contributions or otherwise,
- (d) the working and management of the Society, and the advancement of the standards of certified dental mechanics, and
- (e) the payment of fees for registration as an active or non-participating member of the Society.

(2) The funds of the Society shall be deposited in a bank or a treasury branch for the credit of the Society and the expenses of the Society shall be paid therefrom.

9. A by-law referred to in section 8 ^{By-laws}

- (a) may only be passed by the Society at an annual general meeting or at a general meeting called for that purpose,
- (b) shall be filed with the Minister and published in *The Alberta Gazette*, and
- (c) comes into force upon the publication in *The Alberta Gazette* or upon such later date as the by-law may specify.

10. (1) There shall be a council of management of the Society consisting of such number of persons and including such officers as the Society enacts from time to time by by-law. ^{Council of management}

(2) The members of the council shall hold office for a term of one year.

(3) A quorum of the council shall not be fewer than one-half the members thereof.

(4) When a vacancy occurs in the council from any cause, the council shall appoint any member of the Society to fill the vacancy until the next annual meeting of the Society.

General meeting

11. (1) A general meeting of the members of the Society shall be held annually for the purpose of electing the council and for such other business as may be brought before the meeting.

(2) The general meeting of the Society shall be held at such time and place, upon such notice and otherwise as is provided in the by-laws of the Society.

Right to vote

12. Every active member of the Society in good standing is entitled to vote at an election of the members of the council.

Provisional council

13. The following persons, that is to say, Edward J. Wallington, and Wilburt E. Burton, Edwin Thompson, Warren Wright and Jack S. Katz, all of Edmonton, are hereby constituted as provisional council with power to call the first annual general meeting of the Society at such time and place, upon such notice and otherwise as to them appears advisable but the meeting shall be called within three months after the day upon which this Act comes into force.

Re-election

14. Retiring members of the council if otherwise qualified are eligible for re-election.

Disciplinary powers

15. The council in addition to the other powers conferred upon it by the Society may

(a) discipline the members of the Society, and

(b) suspend or expel the members of the Society, for ethical misconduct or for failure to comply with a by-law of the Society that imposes suspension or expulsion as a penalty for the breach thereof.

Disciplinary powers

16. (1) The council, by resolution or by order, may in its discretion suspend or expel from the Society any member they find guilty of improper conduct, or contravention of a by-law of the Society imposing suspension or expulsion as a penalty for the breach thereof, but the council shall not take action under this section until a complaint, verified by statutory declaration, has been filed with the registrar of the Society and a copy of the complaint forwarded to the accused member.

(2) No member of the Society shall be suspended or expelled without first being summoned to appear before the council in order to be heard in his own defence.

(3) The council shall not suspend or expel any member of the Society without having heard the evidence under oath

(a) in support of the complaint, and

(b) on behalf of the accused member, if the accused member wishes to be heard.

(4) The chairman of the council or the person conducting the hearing in his absence may administer the oath.

(5) Evidence offered by the complainant and the accused member shall be taken down in shorthand by a competent stenographer.

(6) A member suspended or expelled from the Society may appeal from the decision of the council to a judge of the Supreme Court of Alberta at any time within fourteen days from the date of the order or the resolution of suspension or expulsion, or within such further time as a judge of the Supreme Court of Alberta may order.

(7) On the request of the appellant a copy of the evidence taken at the hearing before the council shall be filed with the clerk of the court for the judicial district in which the appellant resides.

(8) The judge on appeal may make such order or direction on the merits of the case, and on the costs as the judge considers just.

17. (1) The registrar shall register as a member every candidate qualifying for membership in the Society Registration of members

(a) who produces satisfactory evidence that he is twenty-one years of age, that he is of good moral character and that his name is not erased from the register of any dental mechanics society,

(b) who holds a subsisting certificate of proficiency, and

(c) who pays the registration fee authorized under clause (e) of section 8,

and the registrar shall supply to each such member a certificate of membership.

(2) Certificates issued by the registrar shall be numbered consecutively and recorded in a register kept by the registrar for that purpose and the registrar shall on request provide the Minister with a roll of all members of the Society.

18. (1) The Lieutenant Governor in Council may appoint a board to be known as the Board of Examiners for Certified Dental Mechanics. Board of Examiners

(2) The Board shall be composed of not more than five persons who shall hold office during pleasure of the Lieutenant Governor in Council.

(3) Two members of the Board shall be members of the Society.

(4) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman of the Board, and may also appoint one of the members of the Board as secretary of the Board.

Regulations

19. Subject to the approval of the Lieutenant Governor in Council the Board may make regulations

- (a) prescribing standards of proficiency for persons engaged in denture construction,
- (b) prescribing the fees for examination and the issuance of certificates of proficiency,
- (c) providing for maintaining a register of certified dental mechanics and providing for the annual renewal of registration and prescribing the fees payable thereon not exceeding twenty-five dollars annually for each person registered,
- (d) prescribing the discipline and control of certified dental mechanics, including the adoption and enforcement of any reasonable rules of conduct,
- (e) providing for the investigation of any complaint that a certified dental mechanic has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his certificate of proficiency should be cancelled or suspended,
- (f) providing for the cancellation or suspension of the certificate of proficiency of any person found by the Board to be guilty of misconduct or to have been incompetent,
- (g) defining "misconduct" for the purpose of this section and the regulations,
- (h) providing for the payment of reasonable fees and disbursements to members of the Board in respect of the discharge of duties of the Board,
- (i) prescribing rules for the procedure at meetings of the Board, the constitution of a quorum, the duties of the chairman and of the secretary and such other matters of administration as may be found necessary for the efficient carrying out of the duties and powers of the Board,
- (j) prescribing forms for use under this Act and fixing fees for services given by the Board, and
- (k) 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.

20. The Board shall

- (a) prescribe a program of studies and training for student dental mechanics,
- (b) evaluate the credentials of candidates for admission to practise,
- (c) exempt from examination a candidate who in the opinion of the Board
 - (i) qualifies by reason of his training and experience, and
 - (ii) possesses the qualifications required under this Act,

- (d) set examinations or tests for and conduct the examination of all persons who have not been granted exemption from examination by the Board, and
- (e) recommend to the Minister the issuance of certificates of proficiency to successful candidates.

21. (1) A candidate for certification shall present his credentials to the Board together with supporting documents verifying training and experience for inspection and evaluation. Qualification

(2) If in the opinion of the Board the qualifications of the candidate are in all respects at least equivalent to the prescribed standards set, the Board shall

- (a) exempt the candidate from examination, and
- (b) upon the candidate paying the fee prescribed under this Act, recommend to the Minister that he be granted a certificate of proficiency.

(3) The Board may require candidates presenting themselves for certification who do not qualify under subsection (2) to take such examinations as may be fixed by the Board.

(4) The candidate is entitled to a certificate of proficiency

- (a) upon successfully completing the examination set pursuant to this Act, and
- (b) upon payment of the fee prescribed under this Act.

22. A certified dental mechanic shall display his current certificate of proficiency in a conspicuous place in his office or other place, wherein he usually practises. Display of certificate

23. A certified dental mechanic may demand from a person by whom he is consulted or employed and recover as a debt in a court of competent jurisdiction, the proper charges for the consultation and employment or either of them. Fees for services

24. (1) Except as otherwise provided by law, no person who is not a certified dental mechanic shall engage in denture construction. Prohibition

(2) Nothing in this Act prohibits

- (a) a dentist,
- (b) a duly qualified medical practitioner,
- (c) a hospital dispensary or a university or municipal clinic acting upon the certificate or order of a dentist or duly qualified medical practitioner, or
- (d) a student dental mechanic working under the direct supervision of a certified dental mechanic,

from performing work or services ordinarily performed by a certified dental mechanic.

(3) Nothing in *The Dental Association Act* shall be construed as prohibiting a certified dental mechanic from engaging in denture construction.

Certificate
of oral
health

25. No certified dental mechanic shall make, produce, construct, furnish, supply or fit any complete upper or lower denture directly for the intended wearer thereof unless the intended wear first obtains and delivers to the certified dental mechanic a certificate of oral health.

Offence
and penalty

26. (1) No certified dental mechanic shall hold himself out or advertise himself under any name or designation other than "dental mechanic" or "certified dental mechanic".

(2) No person who is not a certified dental mechanic shall carry on business or hold himself out as carrying on business as a certified dental mechanic or advertise himself under any name or designation signifying that he is qualified to carry on business as a certified dental mechanic.

(3) A person who contravenes this section is guilty of an offence and liable on summary conviction

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

2nd REPRINTED BILL

No. 59

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act respecting Certified Dental
Mechanics

Received and read the

First time.....

Second time.....

Third time.....

MR. C. JOHNSTON
