

No. 98

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1st Session, 15th Legislature, Alberta  
12 Elizabeth II

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## **BILL 98**

A Bill to amend The Dental Association Act

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HON. DR. ROSS

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## **Explanatory Note**

**1.** The Dental Association Act, c. 82 in the Revised Statutes, amended.

**2.** Additional powers of the Association.

**3.** The Association will be empowered to engage in dental services plans.

# BILL

No. 98 of 1964

An Act to amend The Dental Association Act

(Assented to \_\_\_\_\_, 1964)

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

1. *The Dental Association Act* is hereby amended.

2. Section 4 is amended by adding the following subsections:

(2) For the purpose of encouraging training and research in the field of dentistry, the Association may give assistance to persons, whether members of the Association or not, by loans, grants or other means.

(3) The Association may obtain group insurance coverage for its members and may exercise such powers as are necessary to obtain such coverage.

(4) The Association has power to do all things necessary to carry out the objects of the Association, including the promotion of the interests of and improvement of the standards of the dental profession and dental service in the Province.

3. The following section is added after section 4:

4a. (1) The Association has power to engage in one or more dental services plans to enable individuals through their own or group participation to obtain for themselves and their families adequate dental care on a prepayment or other basis in such a manner as may best serve the interests of those receiving and those giving the services.

(2) The Association may engage in any dental services plan directly or through a non-profit corporation controlled by it and may provide financial and administrative assistance as required.

(3) The Association has the power to engage in and enter into agreements with the Crown in right of Alberta or of Canada or a municipal or school corporation providing for dental services plans and for any class or classes of persons.

(4) Notwithstanding anything contained in *The Alberta Insurance Act*, the Association or a non-profit corporation

4. Section 6 presently consists of 15 subsections setting out a detailed procedure for the election of directors of the Association. The new subsection (1) will allow the Association's directors to provide for their own election procedures. The new subsections (2) and (3) are the present subsections (6) and (7).

By-laws of the Association are subject to approval of the Lieutenant Governor in Council.

5. Section 7 reads:

"7. The secretary of the Association shall publish the names of those persons who have been elected members of the board of directors in the issue of The Alberta Gazette appearing next after the election has been held, or so soon thereafter as he can reasonably cause the same to be published."

6. Section 15 pertains to the registration of members who are qualified by reason of holding a certificate of qualification of the Dental Council of Canada. This body has been succeeded by the National Dental Examining Board and the references in the section are changed accordingly. The new subsection (3a) permits certificates of the Dental Council of Canada and its predecessor the Dominion Dental Council to be dealt with in the same way as those of the National Dental Examining Board.

7. Section 20, subsection (1), clause (d) and subsections (2) and (3) presently read:

"20. (1) The following persons, in addition to those designated by clause (a) of section 3, shall be entered on the register as members of the Association and receive a certificate of registration, namely, a person who

.....  
(d) is a Canadian citizen, or, if not, has filed a declaration of intention under the Canadian Citizenship Act, and  
.....

(2) If a person who has filed a declaration of intention under the Canadian Citizenship Act does not produce to the registrar within six years after his name has been entered on the register a certificate of citizenship issued to him under that Act, the registrar shall remove such person's name from the register.

(3) Any such person on becoming a Canadian citizen may reapply to have his name entered on the register."

controlled by it shall not be deemed to be undertaking insurance or carrying on the business of insurance by reason of engaging in any dental services plan.

**4.** Section 6 is struck out and the following is substituted:

**6.** (1) The board of directors may make by-laws governing

- (a) the time and place of the annual election of directors of the Association,
- (b) the nomination of candidates for the election,
- (c) the appointment of a presiding officer for the election,
- (d) the form of ballot to be used, and
- (e) the procedure for the holding of the election and determining the directors elected.

(2) The persons qualified to vote at an election of directors are those members of the Association who are not in arrears in respect of any fees payable under this Act and who have been resident in the Province during the four months immediately preceding the date fixed for the election.

(3) At all elections of directors there shall be used a form of ballot paper with a place for the signature of the member voting on a detachable slip that can be inspected and removed by the scrutineer without opening the ballot paper.

**5.** Section 7 is repealed.

**6.** Section 15 is amended

- (a) by striking out the words "Dental Council of Canada" wherever they occur and by substituting the words "National Dental Examining Board",
- (b) by adding the following subsection after subsection (3):

(3a) For the purposes of subsections (2) and (3) a certificate of qualification of the Dominion Dental Council or the Dental Council of Canada is deemed to be included in a reference to a certificate of qualification of the National Dental Examining Board.

**7.** Section 20 is amended

- (a) as to subsection (1) by striking out clause (d);
- (b) by striking out subsections (2) and (3).

**8.** Section 23a established an Educational Register for undergraduates. The new section permits registration of persons doing post-graduate work but restricts their practice to the Faculty of Dentistry or hospital, as the case may be, where they are carrying out their work.

**9.** Section 26, subsection (2) presently reads:

"(2) The annual roll shall contain the name and the place of residence of each member of the Association who has paid his annual fee for the current year and has had issued to him an annual certificate."

**10.** Section 28, subsection (1), clause (a) contains the prohibition against anyone practising dentistry without being a member of the Association and section 24 requires a member actually engaged in practice to pay the annual fee. The effect of the new subsection (3) is to require graduate dentists holding public or other positions, by virtue of their qualifications as graduate dentists, to be members of the Association and liable to pay the annual fee.

The new subsection (4) will make it clear that undergraduate students and graduate dentists undertaking internship or a study program are not contravening the Act.

**11.** Section 31 presently reads:

"31. No member of the Association in the practice of the profession of dentistry and dental surgery shall use a trade name, designation, corporation name or any distinguishing name for any premises in which he carries on the practice of his profession, but every such member for all purposes in connection with his profession shall use his own proper name."

**8.** The following section is added after section 23a;

**23b.** The registrar may register in the Educational Register any person who is the holder of a degree in dentistry or dental surgery and who

- (a) is serving a period of internship in an Alberta hospital, or
- (b) desires registration solely for the purpose of undertaking a graduate training program in an Alberta hospital or at the Faculty of Dentistry of the University of Alberta and who in the opinion of the board should be granted such privileges.

**9.** Section 26, subsection (2) is amended by striking out the words "place of residence" and by substituting the words "address of location of practice".

**10.** Section 28 is amended by adding the following subsections:

(3) For the purposes of clause (a) of subsection (1) and of section 24, a person employed in a position by virtue of being the holder of a degree in dentistry or dental surgery shall be deemed to be a person actually engaged in the practice of the profession of dentistry or dental surgery.

(4) Subsection (1) does not apply to, and no contravention of this Act is committed by,

- (a) an undergraduate dental student who performs dentistry under the supervision of a member of the Association and as part of his training in
    - (i) a dental clinic operated by the Faculty of Dentistry of the University of Alberta,
    - (ii) in a hospital approved for undergraduate training by the Faculty of Dentistry of the University of Alberta, or
    - (iii) in a public health service,
- or

(b) a person registered in the Educational Register pursuant to section 23b and who performs dentistry solely in a dental clinic operated by the Faculty of Dentistry of the University of Alberta or the hospital, as the case may be, where his internship or training program is undertaken.

**11.** Section 31 is struck out and the following is substituted:

**31.** No member of the Association shall

- (a) in the practice of his profession use or advertise himself or his practice by a name other than his own proper name or such designation as may be permitted by the by-laws, or

**12. Section 36 reads:**

"36. Section 34 shall not be construed as affecting in any way the provisions of section 42 of The Public Health Act or of the regulations made pursuant to section 7 of that Act, and where there is a conflict between any of the provisions of this Act and section 42 of The Public Health Act or the said regulations, the provisions of The Public Health Act and the regulations thereunder prevail."

The section is now meaningless due to the repeal of section 42 of The Public Health Act in 1962.

**13. Section 41 presently reads:**

"41. In section 40 "dental hygienist" means a person who is certified by the General Faculty Council of the University of Alberta

- (a) to be a graduate in dental hygiene of the Faculty of Dentistry of the University of Toronto, or
- (b) to be a graduate of a school of dental hygiene at which the standards required for graduation are at least equal to the standards required by the Faculty of Dentistry of the University of Toronto."

**14. Publication of notice or removal of a member's name from the register or a suspension.**

**15. The present provisions regarding discipline require every complaint to be dealt with by a formal hearing. The new section allows the board to make by-laws for investigation of complaints without disciplinary action.**

**16. As the discipline committee usually holds hearings in Calgary or Edmonton, the new subsection (3a) would obviate the necessity of notifying members, in Southern Alberta, say, for a hearing in Edmonton where a quorum would be available.**

**17. The new subsection will enable the committee to deal with all matters of complaint arising out of the same facts in the one inquiry, where new matters of complaint arise during the inquiry.**



- (b) use or permit the use as the name of any building in which he carries on his practice a name which
  - (i) includes or suggests his own surname or any firm name, trade name or other designation, and
  - (ii) refers to or suggests that the profession of dentistry is being practised in that building.

**12.** Section 36 is repealed.

**13.** Section 41 is amended by striking out the words "University of Toronto" wherever they occur and by substituting the words "University of Alberta".

**14.** Section 48 is amended by adding the following subsection:

(4) Where the board has ordered the removal of a person's name from the register or the suspension of a member from practice, the board may publish a notice of the removal or suspension in the *Gazette* and may give such further publicity of the removal or suspension as it considers necessary.

**15.** The following section is added after section 48:

**48a.** The board may make by-laws governing the summary investigation of complaints against members of the Association but the by-laws shall not authorize any person or persons conducting the investigation to take any disciplinary action against a member whose conduct is under investigation.

**16.** Section 49 is amended by adding the following subsection after subsection (3):

(3a) An inquiry may be convened if notice is given to at least three of the members and a quorum is present.

**17.** Section 52 is amended by adding the following subsection:

(5) If in the course of the inquiry, evidence is submitted or given which appears to raise new matters of complaint not shown in the statement contained in the notice, the committee may include the new matters in the inquiry if

- (a) it declares its intention to do so to the member whose conduct is the subject of the inquiry,
- (b) it adjourns the inquiry for a period sufficient in its opinion to permit the member to prepare his defence to the new matters, and
- (c) it prepares and delivers to the members a statement of the new matters of complaint.

**18.** The present section 56 is revised to include reference to persons conducting investigations pursuant to the by-laws (see note to clause 15).

**19.** Section 57, subsection (1) presently reads:

“57. (1) A person whose name has been removed from the register or who has been suspended from practice by order of the board 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 board upon him.”.

The amendment will make it clear that an appeal from the board will be heard in the first instance by a judge in chambers, rather than having it set down in the same manner as for a trial.

**20.** Section 58(2) revised to include the new clause (b).

**21.** Section 60 presently reads:

“60. (1) The board at any time may

- (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 person from practice,

upon such terms and conditions as the board deems just.

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

**22.** Commencement of Act.

**18.** Section 56 is struck out and the following is substituted:

**56.** No action lies against the board, the committee or any member of either body or against any person or persons conducting an investigation pursuant to this Act or the by-laws for any act or thing done in good faith in their proceedings or for any recommendations made or orders made or enforced under the provisions of the by-laws or this Act relating to discipline.

**19.** Section 57, subsection (1) is amended by adding after the words "Supreme Court" the words "in chambers".

**20.** Section 58 is amended by striking out subsection (2) and by substituting the following:

- (2) The judge may
  - (a) receive further evidence by oral examination or by affidavit, or
  - (b) direct a trial to determine all or any of the matters in issue.

**21.** Section 60 is amended

- (a) as to subsection (1) by striking out the words "The board at any time may" and by substituting the words "Except during the period that an appeal is pending, the board may",
- (b) by striking out subsection (2).

**22.** This Act comes into force on the first day of July, 1964.

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FIRST SESSION  
FIFTEENTH LEGISLATURE  
12 ELIZABETH II  
1964

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**BILL**

An Act to amend The Dental  
Association Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. DR. ROSS

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