

1983 BILL 111

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 111

DENTAL PROFESSION ACT

HON. MR. KING

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 111

1983

DENTAL PROFESSION ACT

(Assented to , 1983)

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

Definitions

1 In this Act,

- (a) "Association" means The Alberta Dental Association;
- (b) "Board" means the Board of the Association established pursuant to section 6;
- (c) "deductible amount" means
 - (i) with reference to the Fund, the amount, if any, prescribed by the by-laws as the amount to be deducted from any claim paid from the Fund, and
 - (ii) with reference to a group contract, the amount, if any, specified in the contract as the amount that the insurer is

entitled to deduct from the amount of any claim for which the insurer is liable under the contract;

(d) “dentist” includes dental surgeon;

(e) “dentistry” means any professional service usually performed by a dentist and includes

(i) the diagnosis or treatment of and the prescribing, treating or operating for the prevention, alleviation or correction of any injury, disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, to, in or from any human tooth or jaw or associated structure or tissue;

(ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause (i) or the replacement, improvement or supplementing of a human tooth or jaw or associated structure or tissue or the prevention, alleviation, correction or improvement of a condition on or in connection with a human tooth or jaw or associated structure or tissue, or in connection with the treatment of any condition thereof;

(iii) the taking or making, or the giving of advice or assistance or providing of facilities for the taking or making, of an impression, bite, cast or design preparatory to, for the purpose of or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any prosthetic denture, bridge, appliance or thing;

(iv) the evaluation, approval or disapproval, with or without conditions, of a dental treatment plan submitted by a licensed member, registered practitioner or professional corporation for approval in accordance with an agreement under which proposed dental treatment must be approved by or on behalf of an insurer before the patient will be entitled to reimbursement under the plan;

(f) “Discipline Committee” means the Discipline Committee established under this Act;

(g) “Fund” means the Professional Liability Claims Fund;

(h) “group contract” means a group insurance contract entered into pursuant to section 77;

(i) “licensed member” means a person who holds a certificate of registration and an annual licence to engage in the practice of dentistry, but does not include a registered practitioner or a professional corporation;

(j) “Minister” means the member of the Executive Council charged with the administration of this Act;

(k) “permit” means a permit issued pursuant to section 33;

(l) “professional corporation” means a corporation that is the holder of a subsisting permit;

(m) “professional liability claim” means a claim against a licensed member, registered practitioner or professional corporation for an amount of money that the licensed member, registered practitioner or professional corporation is legally obligated to pay as damages, which claim arises out of the performance of professional services in the practice of dentistry for a person by the licensed member, registered practitioner or professional corporation, or by another person for whose acts the licensed member, registered practitioner or professional corporation is legally liable;

(n) “registered practitioner” means a person registered in a register referred to in section 17(b) that entitles the person so registered to practise dentistry subject to conditions or restrictions, but does not include a licensed member or a professional corporation;

(o) “Registrar” means the Registrar of the Association appointed under section 7.

PART 1

PRACTICE OF DENTISTRY

Exclusive scope
of practice and
use of name

2(1) Except as otherwise provided in this Act, no person except

- (a) a licensed member,
- (b) a registered practitioner in accordance with the terms of his registration, or
- (c) a professional corporation

shall engage in the practice of dentistry.

(2) A person may perform duties of a dental nature

- (a) as a dental hygienist or dental assistant, or
- (b) in the course of practising a dental occupation that is a designated dental occupation under section 15

in accordance with regulations under section 90(4) or 15, as the case may be.

(3) No person except a licensed member, a registered practitioner or a professional corporation shall use the name “dentist” or “dental surgeon” or any title, description, abbreviation, letter or symbol representing those names alone or in combination with any other name, title, description, abbreviation, letter or symbol that represents expressly or by implication that he is entitled to practise dentistry.

(4) No person shall advertise himself or hold himself out to the public as a specialist or as being specially qualified in any branch of any class or system of dentistry unless he is a licensed member and has received from the Universities Co-ordinating Council a specialist’s certificate in that specialty and a specialist licence to practise that specialty issued by the Registrar.

(5) Unless otherwise permitted under this Act, no licensed member, registered practitioner or professional corporation shall engage in the

practice of dentistry directly or indirectly with a person whose licence, registration or permit is cancelled or is under suspension.

Application
of Act

3(1) Nothing in this Act prevents a person who is not entitled to practise dentistry from giving necessary dental aid in an isolated case of urgent need or vital necessity if the aid is given without hire, gain or hope of reward.

(2) Nothing in this Act applies to or affects the practice of any profession or occupation by any person practising the same under the authority of any other Act.

Injunction

4 The Court of Queen's Bench, on application by the Board by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes section 2, notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

PART 2

ALBERTA DENTAL ASSOCIATION

Alberta Dental
Association
continued

5(1) The Alberta Dental Association is continued as a corporation.

(2) The Association has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) A licensed member is a member of the Association.

Board

6(1) There is hereby established a governing body of the Association called the Board.

(2) The Board shall manage and conduct the business and affairs of the Association and exercise the rights, powers and privileges of the Association in the name and on behalf of the Association and shall control and direct the licensing, registration, recording and discipline of licensed members, registered practitioners and professional corporations.

(3) The Board shall submit to the Minister an annual report in a form satisfactory to him on those matters of the business and affairs of the Association that the Minister requires.

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly if it is then sitting and, if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

Registrar

7(1) The Board shall appoint an individual as Registrar for the purposes of this Act.

(2) In addition to the powers, duties and functions of the Registrar under the Act, the Registrar has any additional powers, duties and functions prescribed in the regulations and the by-laws.

Board
membership and
election of
officers

8(1) The Board shall consist of

(a) at least 9 licensed members or a greater number that may be prescribed by the by-laws, each of whom shall be elected by and

from among licensed members at the time, in the manner and for the period provided by the by-laws,

(b) 1 member of the association of each dental occupation that has been designated under section 15, appointed by the governing body of that association,

(c) ex officio members, if any, appointed by the Board, and

(d) when the number of members under clauses (a), (b) and (c) does not exceed 10, 1 member of the public or, when the number of members under clauses (a), (b) and (c) is more than 10, 2 members of the public, who shall be appointed by the Minister after consultation with the Association for a 2 year term of office.

(2) The members of the Board under subsection (1) shall elect from among themselves the officers of the Association specified in the by-laws in the manner and for the term prescribed in the by-laws.

(3) A member of the Board appointed under subsection (1)(d) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(4) The Minister may, after consultation with the Board, revoke the appointment of a member of the Board appointed under subsection (1)(d).

(5) The Minister may, in the absence of any payment by the Association to the member for that purpose, pay to a member of the Board appointed under subsection (1)(d) travelling and living expenses incurred by that member for his attendance at any meeting of the Board while away from his usual place of residence and fees in an amount prescribed by the Minister.

(6) The powers, duties and operations of the Board are not affected by

(a) the fact that no one is appointed as a member of the Board under subsection (1)(b) or (d),

(b) the revocation, under subsection (4), of the appointment of a member of the Board, or

(c) the resignation from the Board of a member appointed under subsection (1)(b) or (d).

(7) Subject to the by-laws prescribing a quorum of the Board, the failure of a member appointed under subsection (1)(b) or (d) to attend a meeting of the Board shall not be construed as affecting or restricting the Board from exercising any powers or performing any duties at that meeting.

Confidentiality of
information

9(1) Unless otherwise provided for by law, all matters coming before the Peer Review Committee, the Discipline Committee or the Board in respect of any person's entitlement to practise dentistry or of any individual patient or other person shall be treated by the members of the Peer Review Committee, Discipline Committee or the Board, as the case may be, as private and confidential information and, subject to this Act, that information shall not be published, released or disclosed in any manner that might be detrimental to the personal

interests, reputation or privacy of the person to whom the information relates without his consent.

(2) Subsection (1) shall not be construed to restrict the publication of the results of proceedings before the Peer Review Committee, the Discipline Committee or the Board.

PART 3

PEER REVIEW COMMITTEE

Peer Review
Committee
established

10(1) There is hereby established the Peer Review Committee consisting of

(a) not fewer than 3 licensed members appointed by the Board, and

(b) 1 person appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Board.

(2) If the Board fails, within a reasonable period of time after being requested to do so by the Minister, to make the nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Peer Review Committee without the Board's nomination.

(3) A member of the Peer Review Committee appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(4) The Minister may, in the absence of any payment by the Association to the member for that purpose, pay to the member of the Peer Review Committee appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence and fees in an amount prescribed by the Minister.

(5) The Minister may, after consultation with the Board, revoke the appointment of the member of the Peer Review Committee appointed under subsection (1)(b).

(6) The powers, duties and operations of the Peer Review Committee are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee under subsection (1)(b),

(b) the revocation under subsection (5) of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(7) Subject to the by-laws prescribing a quorum of the Peer Review Committee, the failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Committee shall not be construed as affecting or restricting the Committee from exercising any powers or performing any duties at that meeting.

Inquiries by
Peer Review
Committee

11(1) The Peer Review Committee

(a) shall, at the request of the Board, inquire into and report to and advise the Board in respect of

(i) the assessment and development of educational standards and experience requirements that are conditions precedent to continuing as a licensed member or a registered practitioner,

(ii) the evaluation of desirable standards of competence of licensed members and registered practitioners generally,

(iii) any other matter that the Committee from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of dentistry, and

(iv) the practice of dentistry generally,

and

(b) may conduct a review of the practice of a licensed member, registered practitioner or professional corporation.

(2) A person requested by the Peer Review Committee to appear at any inquiry or review under this section is entitled to be represented by counsel.

(3) The Peer Review Committee may retain counsel to represent it and the Board may instruct counsel to represent the Association at any inquiry or review conducted by the Committee.

Powers

12 Sections 54 to 58 apply, with all necessary modifications, to an inquiry or review by the Peer Review Committee as if that Committee were the Discipline Committee.

Duties on
conclusion of
inquiry or review

13(1) After each inquiry or review under section 11 the Peer Review Committee

(a) shall make a written report to the Board on the inquiry or review and, where appropriate, on its decision,

(b) may make recommendations to the Board regarding the matter inquired into or reviewed,

(c) may make recommendations to a licensed member, registered practitioner or professional corporation as to his or its conduct in the practice of dentistry, and

(d) if it is of the opinion that the conduct of a licensed member, registered practitioner or professional corporation constitutes or may constitute either unskilled practice of dentistry or professional misconduct within the meaning of section 43,

(i) shall forthwith refer the matter relating to that conduct to the Registrar for an inquiry under Part 7, and in such a case the Registrar shall deal with it as if it were a complaint, and

(ii) may, if it makes a referral under subclause (i), recommend to the president of the Association that the licence or registration or both of the member or practitioner or the per-

mit of the professional corporation be temporarily suspended pending the outcome of proceedings under Part 7.

(2) On receiving a recommendation under subsection (1)(d)(ii), the president may suspend the licence, registration or permit accordingly.

(3) The licensed member, registered practitioner or professional corporation may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman of the Peer Review Committee, apply for an order of the Court staying the decision of the president.

PART 4

DENTAL OCCUPATIONS COUNCIL

Dental
Occupations
Council
established

14(1) There is hereby established the Dental Occupations Council consisting of the following persons:

- (a) 2 licensed members appointed by the Board in accordance with the by-laws;
- (b) 2 members of the Alberta Dental Hygienists Association appointed by the governing body of that Association;
- (c) 2 members of the Alberta Dental Assistants Association appointed by the governing body of that Association;
- (d) 2 members of the association of any dental occupation other than one referred to in clause (b) or (c) that has been designated under section 15, appointed by the governing body of that association.

(2) The Council shall appoint or elect one of its members to be chairman and another to be deputy chairman.

(3) A member shall be appointed for a term of 2 years and is eligible for reappointment for additional terms.

(4) Where a vacancy occurs on the Council, the body that appointed the member whose position became vacant may appoint another person to serve the unexpired portion of the former member's term.

(5) A member of the Council continues to hold office after the expiry of his term of office until he is reappointed or until his successor is appointed.

(6) The chairman may at any time call a meeting that he considers necessary or desirable and shall call a meeting at the request of not fewer than 3 of the members of the Council.

(7) The Council may establish procedures governing the calling and conduct of its meetings and any other matters pertaining to the conduct of its business and affairs.

Designation
of dental
occupations

15(1) The Council may propose regulations to the Board

- (a) designating dental occupations,
- (b) governing the duties of a dental nature that may be performed by a person practising a designated dental occupation and

governing the circumstances under which and the conditions and limitations subject to which he may perform them;

(c) prescribing forms for the purposes of this Part;

(d) prescribing standards of conduct and competency of members of a designated dental occupation;

(e) respecting the use of a title, description, abbreviation, letter or symbol by a person entitled to practise a designated dental occupation and prohibiting persons who are not so entitled from using the title, description, abbreviation, letter or symbol;

(f) making any of the provisions of this Act respecting the review of practice or discipline of a licensed member, registered practitioner or professional corporation applicable to persons practising a designated dental occupation.

(2) The Council may act under subsection (1) only with the unanimous agreement of all of the members of the Council.

(3) Where the Council proposes a regulation under subsection (1), the Board shall pass the regulation.

(4) A regulation passed under subsection (3) does not come into force unless it has been approved by

(a) the Council,

(b) the majority of persons who are, as of the date the Council proposes the regulations to the Board, engaged in and entitled to perform the duties of a dental nature that the designated dental occupation comprises, where those persons are represented by an association, and

(c) the Lieutenant Governor in Council.

(5) The Universities Co-ordinating Council may make rules

(a) respecting academic qualifications and training programs for persons who wish to practise in a designated dental occupation, and

(b) respecting examinations to determine a person's eligibility to practise in a designated dental occupation.

(6) A rule made under subsection (5) does not come into force unless it is approved by the Lieutenant Governor in Council, and, after consultation with the Universities Co-ordinating Council, may be amended by the Lieutenant Governor in Council at the time it is approved.

PART 5

REGISTRATION

Definition

16(1) In this Part, "approved faculty of dentistry" means an academic institution designated by the Universities Co-ordinating Council under section 18(1).

(2) Until a designation is made under section 18(1), "approved faculty of dentistry" for the purposes of this Part means the Faculty of Dentistry at the University of Alberta.

Registers to
be maintained

17 The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Board, the following registers:

- (a) a register of licensed members;
- (b) the following registers of registered practitioners:
 - (i) an Education Register;
 - (ii) a Courtesy Register;
 - (iii) an Associates Register;
 - (iv) a Teaching and Research Register;
 - (v) a Restricted Register;
 - (vi) a register for each other class or category of registered practitioner established under the regulations.

Approved faculty
of dentistry

18(1) The Universities Co-ordinating Council may designate any academic institution in Alberta as an approved faculty of dentistry and may withdraw the designation from that academic institution.

(2) A designation made under subsection (1) does not come into force unless it is approved by the Lieutenant Governor in Council, and, after consultation with the Universities Co-ordinating Council, may be amended by the Lieutenant Governor in Council at the time it is approved.

Register of
licensed members

19(1) A person shall be entered on the register of licensed members and receive a certificate of registration and an annual licence if he

- (a) has satisfactory academic qualifications under subsection (3),
 - (b) produces to the Registrar evidence satisfactory to the Registrar
 - (i) of his reputation and good moral character, and
 - (ii) that none of the circumstances referred to in subsection (2) exist at the time of the application for registration,
 - (c) executes a solemn declaration
 - (i) declaring his willingness to uphold the honour and dignity of the profession of dentistry, and
 - (ii) undertaking to practise dentistry in a professional and becoming manner and in accordance with this Act, the regulations and the by-laws,
 - (d) pays the registration fee and the annual licence fee, and
 - (e) produces proof that he is at least 18 years old.
- (2) When an application for registration and licensure as a licensed member is made and it is found
- (a) that any registration or licence previously granted to the applicant to practise dentistry in any jurisdiction in Canada or elsewhere has been cancelled, has lapsed or is, at the time of the application, under suspension as a result of disciplinary action

against him for unbecoming, improper or criminal conduct, whether in the practice of his profession or otherwise, or

(b) that, at the time of the application, there is pending in any jurisdiction in Canada or elsewhere an investigation, review or proceedings conducted by the dental licensing body of that jurisdiction or by a court or other tribunal on appeal from that body, that could result in the cancellation or suspension of his registration or licence to practise dentistry in that jurisdiction,

then, notwithstanding anything in this Act, the applicant is not entitled to be registered unless the Board decides otherwise.

(3) A candidate has satisfactory academic qualifications for the purposes of subsection (1)

(a) if he holds the degree of doctor of dental surgery from an approved faculty of dentistry,

(b) if he

(i) satisfies the Universities Co-ordinating Council that his academic, pre-professional and professional qualifications at the time they were acquired were at least the equivalent of those required for registration in Alberta at that time and produces a certificate from the secretary of the Council so certifying, and

(ii) has passed the examinations or met the conditions prescribed by the Universities Co-ordinating Council and produces a certificate from the secretary of the Council so stating, or

(c) if he meets the requirements of section 20(2).

(4) An applicant who graduated in dentistry 5 or more years before the date of his application under this section is not eligible for registration unless he proves to the satisfaction of the Registrar that he has been active in the practice of dentistry throughout the major part of the 5 years immediately preceding the date of his application.

(5) An applicant who graduated in dentistry less than 5 years but more than 1 year before the date of his application under this section is not eligible for registration unless he proves to the satisfaction of the Registrar that he has been active in the practice of dentistry or engaged in post-graduate study thereof throughout the major part of the time between his graduation and his application.

(6) The Universities Co-ordinating Council may exempt an applicant from the requirements of subsection (4) or (5) or both of them if it is satisfied that the applicant is sufficiently qualified to practise dentistry.

Representation
on National
Dental
Examining Board

20(1) The Board may appoint 1 or more licensed members as representatives of the Association on the National Dental Examining Board.

(2) While the Board is represented on the National Dental Examining Board, a person who

(a) is the holder of a certificate of qualification of the National Dental Examining Board,

(b) satisfies the Universities Co-ordinating Council that the certificate referred to in clause (a) is based on qualifications that are at least equivalent to the qualifications required for a certificate referred to in section 19(3)(b)(i), and

(c) complies with the requirements of section 19(1), other than clause (a) of that subsection,

shall be entered in the register of licensed members and shall receive a certificate of registration and an annual licence.

(3) If the certificate of the National Dental Examining Board issued to a practitioner who has procured a certificate of registration and annual licence as a licensed member under this section is cancelled for any cause by the National Dental Examining Board, the certificate of registration and annual licence issued under this Act thereupon become void, and the Registrar shall remove the name of the licensed member from the register.

(4) 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.

(5) If a council or other body is established in substitution for or in succession to the National Dental Examining Board, the provisions of this section apply to that council or body.

Other licensed
members

21(1) The Registrar shall, on the direction of the Board, on having consulted with the Universities Co-ordinating Council and on payment of the prescribed registration fee and annual licence fee, enter in the register of licensed members and issue a certificate of registration and annual licence to a person who

(a) has given outstanding service to the dental profession, and

(b) in the opinion of the Board, has both academic and professional training and qualifications at least equivalent to those required by an approved faculty of dentistry for awarding the degree of doctor of dental surgery.

(2) The number of persons who may be entered in the register under subsection (1) shall be fixed by regulation.

Education
Register

22(1) The Board may establish and maintain a register to be known as the Education Register.

(2) The Registrar may register in the Education Register any undergraduate dental student who as part of his training and under the supervision of a licensed member is working

(a) under an approved faculty of dentistry,

(b) in a hospital approved for undergraduate training by an approved faculty of dentistry, or

(c) in a public health service.

(3) The Registrar may register in the Education 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 an approved faculty of dentistry and who in the opinion of the Board should be granted the privilege.

(4) A person entered in the Education Register may, notwithstanding anything in this Act, practise dentistry in connection with his duties under subsection (2) or (3), as the case may be.

Courtesy Register

23(1) The Board may establish and maintain a register to be known as the Courtesy Register.

(2) The Registrar may register in the Courtesy Register any person who is the holder of a degree in dentistry or dental surgery and is entitled to practise as a dental surgeon in a jurisdiction outside Alberta, and

- (a) desires registration solely for the purpose of
 - (i) presenting a graduate or undergraduate training course, or
 - (ii) conducting or engaging in a clinical presentation or research program,

at or under the sponsorship of an approved faculty of dentistry or under the sponsorship of a dental group recognized by the Association, or

(b) desires registration solely for the purpose of making his services available free of charge to a charitable, benevolent or service organization and the Board approves the application.

(3) The Registrar

(a) shall, in registering a person in the Courtesy Register, show the purpose for which that person is registered and the period of registration, and

(b) may from time to time, on application, extend the period of registration and amend the Courtesy Register accordingly.

(4) Notwithstanding subsection (3), the Registrar shall cancel the registration of a person in the Courtesy Register when directed to do so by the Board.

(5) A person entered in the Courtesy Register may, notwithstanding anything in this Act, practise dentistry to the extent referred to in subsection (2)(a) or (b).

Associates Register

24(1) The Board may establish and maintain a register to be known as the Associates Register.

(2) The Board may by resolution direct that a person be registered in the Associates Register if the Board is satisfied that the person

- (a) having been a member of the Association, resides outside Alberta at the time of application,

(b) having been lawfully engaged in the practice of dentistry in any province and having retired therefrom, is not actively engaged in the practice of dentistry,

(c) carries on the practice of dentistry in Alberta solely as an employee or member of the Canadian Forces or as an employee of the Government of Canada and is a member of the dental association of a province of Canada and is fully licensed to carry on the practice of dentistry in that province, or

(d) holds a degree in dentistry or dental surgery and confines his activities to an area of the basic sciences or dental research at an institution approved by the Board, but does not actively practise dentistry.

(3) The Board may at any time, for cause and on notice to the person so registered, direct the Registrar to strike the name of a person from the Associates Register.

(4) The Board may prescribe an annual fee on payment of which the Registrar shall issue an annual certificate to any person otherwise entitled to be registered stating that the person is registered as an Associate.

(5) A person entered in the Associates Register may, notwithstanding anything in this Act, practise dentistry to the extent referred to in subsection 2(c) or (d).

Teaching and
Research Register

25(1) The Board may establish and maintain a register to be known as the Teaching and Research Register.

(2) The Registrar may register in the Teaching and Research Register any person who

(a) pays the registration fee and the annual fee,

(b) is the holder of a degree in dentistry or dental surgery,

(c) is a member of the full-time teaching or research staff at an approved faculty of dentistry,

(d) provides approval by the Dean of that faculty of his application for registration, and

(e) desires registration solely for the purpose of performing professional services in the course of his teaching or research duties at that faculty.

(3) The Registrar

(a) shall, in registering a person in the Teaching and Research Register, show the purpose for which that person is registered and the period, which shall not exceed 1 year, of the registration,

(b) may from time to time, on receiving payment of the annual fee and on application approved by the Dean, extend the period of that person's registration for a further period not exceeding 1 year and enter the extension in the Teaching and Research Register, and

(c) shall cancel the registration of a person in the Teaching and Research Register when that person ceases to be on the full-time teaching or research staff of the faculty.

(4) The Board may by resolution give directions to the Registrar as to the exercise of his discretion under this section.

(5) A person entered in the Teaching and Research Register may, notwithstanding anything in this Act, practise dentistry to the extent referred to in subsection (2)(e).

26(1) The Board may establish and maintain a register to be known as the Restricted Register.

(2) The Registrar may register in the Restricted Register a person who

- (a) holds a certificate of approval issued under subsection (3),
- (b) restricts his practice of dentistry to those physical locations that are under the jurisdiction of an approved faculty of dentistry, and
- (c) pays the same registration and annual fee as a licensed member.

(3) The Professional Examination Board in Dentistry of the Universities Co-ordinating Council may recommend that the Secretary of the Universities Co-ordinating Council issue a certificate of approval to an applicant who

- (a) is a graduate in dentistry from a school, college or university outside of Alberta listed with the World Health Organization whose degree in dentistry or dental surgery is, in the opinion of the Professional Examination Board in Dentistry or a committee of it, equivalent to a degree of doctor of dental surgery from an approved faculty of dentistry,
- (b) holds a current unrestricted authorization to practise dentistry in another jurisdiction and has not at any time had his authorization cancelled or suspended,
- (c) has a full-time appointment at an approved faculty of dentistry,
- (d) is a Canadian citizen or is not prohibited by the application of the *Immigration Act, 1976* (Canada) from working as a practising professional dentist in Alberta, and
- (e) has, in the opinion of the Professional Examination Board in Dentistry or a committee of it, a proficiency in clinical dentistry at least equivalent to that of the average general practitioner in professional dentistry in Alberta,

and the Secretary of the Universities Co-ordinating Council shall issue a certificate of approval to such an applicant.

(4) A person entered in the Restricted Register may, notwithstanding anything in this Act, practise dentistry to the extent referred to in subsection (2)(b).

(5) The Registrar shall cancel the registration of a person in the Restricted Register if he ceases to have a full-time appointment at an approved faculty of dentistry.

Appeal from
refusal

27(1) An applicant whose application for registration is refused may, within 30 days of receiving a notice of refusal and the reasons for the refusal, request the Board to review the refusal by serving on the Registrar a written request for review by the Board setting out the reasons why, in his opinion, his application for registration should be approved.

(2) The Board shall, after receipt of a request for review under subsection (1), review the request so received.

(3) An applicant who requests a review pursuant to subsection (1)

(a) shall be notified in writing by the Board of the date, place and time that it will consider the matter requested to be reviewed, and

(b) is entitled to appear with counsel and make representations to the Board when it considers the matter under review

and the Board, after reviewing the matter, may confirm or reverse the decision of the Registrar.

Registration
of degree or
qualification

28(1) No degree or qualification shall be entered in a register either on the first registration or by way of addition to the registered name unless the Registrar is satisfied by proper evidence that the applicant is entitled to it.

(2) An appeal from the decision of the Registrar may be made to the Board in writing and the Board may confirm, reverse or vary the Registrar's decision.

(3) If it is at any time established to the satisfaction of the Board that there is entered in a register the name of a person who is not entitled under this Act to be so registered, the Board shall order the name to be removed from the register.

Annual fee
and licence

29(1) A licensed member and a registered practitioner shall pay an annual fee prescribed by by-law to the Association, or to any person authorized to accept payment of that fee.

(2) A licensed member or registered practitioner who fails to pay the annual fee on or before January 1 in each year shall, as of that date, stand suspended and the Registrar shall remove his name from the register.

(3) A licensed member or a registered practitioner suspended under subsection (2) shall be reinstated in good standing in the register in respect of that suspension on payment to the Registrar of the annual fee for that year and any other fee required to be paid for the reinstatement.

(4) A person may make written application to the Registrar to have his name removed from the register and the Registrar may remove the name accordingly.

(5) The Registrar shall issue an annual licence in accordance with the by-laws to a licensed member

(a) whose registration or licence has not been cancelled or suspended, and

(b) who has paid the annual fee.

(6) An annual licence entitles the licensed member to engage in the practice of dentistry during the year for which the annual licence is issued.

(7) An annual licence expires on December 31 of the year for which it is issued.

Suspension and
cancellation

30(1) The licence or registration of a licensed member, the registration of a registered practitioner and the permit of a professional corporation are suspended when a decision to suspend the licence, registration or permit is made in accordance with this Act.

(2) The Registrar shall, after a decision to suspend a licence, registration or permit has been made, enter a memorandum of the suspension of the licence, registration or permit in the appropriate register or record, indicating

(a) the period of the suspension, and

(b) the reason for the suspension.

(3) The licence or registration of a licensed member, the registration of a registered practitioner and the permit of a professional corporation are cancelled when a decision to cancel the licence, registration or permit is made in accordance with this Act.

(4) The Registrar shall, after a decision to cancel a licence, registration or permit has been made, enter a memorandum of the cancellation of the licence, registration or permit in the appropriate register or record.

(5) If the Registrar is satisfied that a person registered under this Act has died, he shall enter a memorandum to that effect in the register.

(6) The Registrar shall not remove from the registers or records any memorandum made by him under subsection (2) or (4), except in accordance with the by-laws.

(7) The Registrar shall, during regular office hours, permit any person to inspect the registers or the record of professional corporations of the Association.

Honorary
members and
life members

31(1) The Board by resolution may appoint any person as an honorary member of the Association.

(2) The Board may by resolution appoint as a life member of the Association any person who, in the opinion of the Board, deserves recognition for his long and outstanding service in the profession and is, at the time of the appointment, a licensed member who is practising.

PART 6

PROFESSIONAL CORPORATIONS

Definition

32 In this Part, except section 33(1), "licensed member" includes a registered practitioner registered in the Restricted Register.

Permit for
professional
corporation

33(1) No corporation shall be registered as a licensed member or registered practitioner.

- (2) The Registrar shall issue a permit to any corporation that
- (a) files an application in the form prescribed by the Board,
 - (b) pays all the fees prescribed by the by-laws,
 - (c) satisfies the Registrar that it is a company limited by shares that is in good standing with the Registrar of Companies under the *Companies Act* or that it is a corporation in good standing with the Registrar as defined in the *Business Corporations Act*, as the case may be,
 - (d) satisfies the Registrar that the corporation, by law or by virtue of its incorporating documents, has the capacity to carry on the business and exercise the powers set out in the by-laws under this Act,
 - (e) satisfies the Registrar that the name of the corporation is in accordance with the regulations of the Board and contains the words "Professional Corporation",
 - (f) satisfies the Registrar that the legal and beneficial ownership of all the issued shares of the corporation is vested in one or more licensed members and that all of the directors of the corporation are licensed members, and
 - (g) satisfies the Registrar that the persons who will carry on the practice of dentistry on behalf of the corporation are licensed members.
- (3) A permit issued under subsection (2) expires on December 31 of the year for which it was issued.
- (4) A permit issued under subsection (2) may be cancelled or its renewal withheld by the Registrar where any of the conditions specified in subsection (2) cease to be fulfilled.
- (5) For the purpose of subsection (2)(g), the practice of a licensed member shall be deemed not to be carried on by clerks, secretaries, bookkeepers, dental hygienists, dental assistants or other assistants employed by the corporation to perform services that are not usually and ordinarily considered by law, custom and practice to be services that may be performed only by a licensed member.
- (6) When the Registrar issues a permit to a corporation under this section, he shall enter the name of the corporation in the record of professional corporations.
- (7) Where a professional corporation ceases to fulfil any condition specified in subsection (2) by reason only of
- (a) the death of a licensed member,
 - (b) the striking off or other removal from the register of the name of a licensed member, or
 - (c) the suspension of a licensed member under this Act or a predecessor of this Act,
- who is a shareholder of the corporation, the professional corporation has a period of 90 days from the date of death, striking off or other

removal or suspension, as the case may be, in which to fulfil the condition, failing which the permit is automatically terminated effective on the expiration of the 90-day period without the necessity of an order of the Board.

Liability of
shareholders and
employees

34(1) Notwithstanding any provision to the contrary in the *Companies Act* or the *Business Corporations Act*, every person who is a shareholder of a corporation during the time that it is the holder of a permit or of a corporation during the time that it acts in contravention of this Act or a predecessor of this Act is liable to the same extent and in the same manner as if the shareholders of the corporation were, during that time, carrying on the business of the corporation as a partnership or, where there is only one shareholder, as an individual practising dentistry.

(2) The liability of any person in carrying on the practice of dentistry is not affected by the fact that the practice of dentistry is carried on by that person as an employee and on behalf of a professional corporation.

Voting agreement
with non-
members
prohibited

35 No shareholder of a professional corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a licensed member the authority to exercise the voting rights attached to any or all of his shares.

Application
of Act

36(1) All the provisions of this Act, the regulations and by-laws that are applicable to licensed members apply with all necessary modifications to a professional corporation under this Part unless otherwise expressly provided in this Part.

(2) The relationship of a licensed member to a professional corporation, whether as shareholder, director, officer or employee, does not affect, modify or diminish the application to him of this Act, the regulations and the by-laws.

Dentist-patient
relationship

37(1) Nothing contained in this Part affects, modifies or limits any law applicable to the confidential or ethical relationships between a licensed member and a person receiving the professional services of a licensed member.

(2) The relationship between a professional corporation carrying on the practice of dentistry and a person receiving the professional services of the corporation is subject to all applicable laws relating to the confidential and ethical relationships between a licensed member and his patient.

(3) All rights and obligations pertaining to communications made to or information received by a licensed member apply to the shareholders, directors, officers and employees of a professional corporation.

Use of title

38 No person or persons shall trade or carry on business within Alberta under any name or title containing the words "Professional Corporation" or the abbreviation "P. C." unless that person or those persons are duly incorporated and the corporation holds a subsisting permit, or is otherwise expressly authorized by statute, and every person so trading or carrying on business is guilty of an offence and

liable to a fine not exceeding \$100 for every day on which that name or title is used.

Action for fees **39** A professional corporation may sue for fees for services performed on its behalf and in its name by a person in his capacity as a licensed member at any time after the services are performed, if the services were performed during the time that the corporation was the holder of a subsisting permit.

Transitional **40** *In any provision of an Act or any regulation, rule, order or by-law made under an Act enacted or made before, at or after the commencement of this section, a reference to a person authorized to carry on the practice of dentistry, whether referred to as a licensed member, registered practitioner, dentist or dental surgeon or any like words or expressions implying legal recognition of a person as being entitled to practise dentistry, shall be read as including a professional corporation unless otherwise expressly provided.*

PART 7

DISCIPLINE

Definitions **41** In this Part,

 (a) "chairman" means the chairman of the Discipline Committee and includes a vice-chairman;

 (b) "conduct" includes any act or omission;

 (c) "investigated person" means a licensed member, registered practitioner or professional corporation with respect to whose conduct an investigation or hearing is held under this Part.

Discipline Committee **42(1)** There is hereby established a committee called the Discipline Committee composed of not fewer than 4 persons as follows:

 (a) at least 3 licensed members appointed by the Board in accordance with the by-laws, and

 (b) 1 person who is appointed by the Minister from a list of no fewer than 3 members of the public nominated by the Board.

 (2) If the Board fails, within a reasonable period of time after being requested to do so by the Minister, to make the nominations for the purposes of subsection (1)(b), the Minister may appoint a member of the public to the Discipline Committee without the Board's nomination.

 (3) A member of the Discipline Committee appointed under subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

 (4) The Minister may, in the absence of any payment by the Association to the member for that purpose, pay to the member of the Discipline Committee appointed under subsection (1)(b) travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence and fees in an amount prescribed by the Minister.

(5) The Minister may, after consultation with the Board, revoke the appointment of the member of the Discipline Committee appointed under subsection (1)(b).

(6) The powers, duties and operations of the Discipline Committee are not affected by

(a) the fact that no member of the public is appointed as a member of the Committee under subsection (1)(b),

(b) the revocation under subsection (5) of the appointment of a member of the public, or

(c) the resignation as a member of the Committee of a member of the public.

(7) Subject to the by-laws prescribing a quorum of the Discipline Committee, the failure of a member of the public appointed under subsection (1)(b) to attend a meeting of the Committee shall not be construed as affecting or restricting the Committee from exercising any powers or performing any duties at that meeting.

Unskilled
practice of
dentistry or
professional
misconduct

43(1) Any conduct of a licensed member, registered practitioner or professional corporation that, in the opinion of the Discipline Committee,

(a) is detrimental to the best interests of the public,

(b) contravenes this Act or the regulations,

(c) harms or tends to harm the standing of the profession of dentistry generally, or

(d) displays a lack of knowledge of or lack of skill or judgment in the practice of dentistry,

constitutes either unskilled practice of dentistry or professional misconduct, whichever the Discipline Committee finds.

(2) If an investigated person contravenes this Act, the regulations or the by-laws, and the contravention is, in the opinion of the Discipline Committee, of a serious nature, the contravention may be found by the Discipline Committee to be professional misconduct whether or not it would be so found under subsection (1).

Complaints

44(1) A person may make a complaint to the Registrar about the conduct of a licensed member, registered practitioner or professional corporation, and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint respecting the conduct of a licensed member, registered practitioner or professional corporation whose licence, registration or permit was cancelled or suspended pursuant to this Act or any predecessor of this Act may, notwithstanding the cancellation or suspension, be dealt with within 5 years following the date of cancellation or suspension as if the cancellation or suspension had not occurred.

Preliminary
investigation

45 The Registrar

(a) shall, in a case where a complaint in writing is made to him under section 44, forthwith on receipt of the complaint, or

(b) may, in a case where he believes the conduct of a licensed member, registered practitioner or professional corporation constitutes or may constitute unskilled practice of dentistry or professional misconduct,

commence or appoint a person to commence a preliminary investigation into the conduct of the licensed member, registered practitioner or professional corporation.

Report of
preliminary
investigation

46(1) A person conducting a preliminary investigation may

(a) request any person to answer any questions and to produce to him any models, radiographs, charts, documents, papers, notes, records and other materials and things relevant to the investigation, and

(b) copy and keep copies of any of the things that are produced to him under clause (a).

(2) A person conducting a preliminary investigation shall conduct the investigation in a manner considered by him to be most suitable in all the circumstances.

(3) A person conducting a preliminary investigation may investigate any other matter related to the professional conduct or skill in practice of the investigated person that arises in the course of the investigation.

(4) A person conducting a preliminary investigation shall, forthwith on concluding the preliminary investigation, report his findings to

(a) the Registrar, if the person conducting the preliminary investigation is a person other than the Registrar, or

(b) a member of the Discipline Committee, if the person conducting the preliminary investigation is the Registrar.

(5) If a licensed member, registered practitioner or professional corporation does not co-operate with a person conducting a preliminary investigation, the person conducting the preliminary investigation may make a complaint in writing to the Discipline Committee and the failure or refusal to co-operate may be held by the Discipline Committee to be professional misconduct.

Referral to the
Discipline
Committee

47 The Registrar or the member of the Discipline Committee to whom a report is provided under section 46(4) shall forthwith

(a) direct that no further action be taken, if he is of the opinion that

(i) the complaint is frivolous or vexatious, or

(ii) there is insufficient evidence of unskilled practice of dentistry or professional misconduct,

or

(b) refer the matter under investigation in writing to the Discipline Committee.

Notice

48 The Registrar or member of the Discipline Committee shall serve on the investigated person and on the complainant, if any, a

	notice that no further action will be taken or that the matter has been referred to the Discipline Committee, as the case may be.
Appeal by complainant to the Discipline Committee	<p>49(1) A complainant who is served with a notice under section 48 that no further action will be taken may, within 30 days of receipt of the notice and by notice in writing to the Registrar, appeal that direction to the Discipline Committee.</p> <p>(2) On an appeal under subsection (1), the Discipline Committee shall determine whether</p> <p>(a) the complaint is frivolous or vexatious, or</p> <p>(b) there is sufficient evidence of unskilled practice or professional misconduct, and the matter under investigation should be the subject of a hearing,</p> <p>and shall notify the complainant in writing of its decision.</p>
Suspension pending decision	<p>50(1) Notwithstanding anything in this Act, the chairman may recommend to the president of the Association that the licence or registration, or both, of the licensed member, the registration of the registered practitioner or the permit of the professional corporation be temporarily suspended pending the outcome of proceedings under this Part, and the president may suspend the licence, registration or permit accordingly.</p> <p>(2) The investigated person may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman, apply for an order of the Court staying the decision of the president.</p>
Rights of investigated person	<p>51(1) The Association and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.</p> <p>(2) The Discipline Committee may be represented by counsel at a hearing before the Committee.</p> <p>(3) Proceedings before the Discipline Committee or the Board shall be held in camera.</p>
Notice of hearing	<p>52(1) On referral to it of a matter under section 47(b) or on determining under section 49(2)(b) that a hearing should be held, the Discipline Committee shall hold a hearing.</p> <p>(2) The hearing referred to in subsection (1) shall be scheduled for a date not more than 90 days after the date on which the matter is referred to the Discipline Committee or the determination is made, or within such other period as may be prescribed by the Board for the matter.</p> <p>(3) The Registrar shall cause to be served on the investigated person at least 15 days before the hearing date a notice of hearing stating the date, time and place that the Discipline Committee will hold a hearing and giving reasonable particulars of the complaint or matter in respect of which the hearing will be held.</p>
Further investigation	<p>53 The Discipline Committee may investigate and hear any other matter related to the professional conduct or skill in practice of the</p>

investigated person that arises in the course of an investigation or hearing, but in that event the Discipline Committee shall give that person at least 15 days' notice before the hearing of the matter of its intention to do so.

Evidence before
Committee

54(1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, the Registrar, a person appointed by him under section 45 or any member of the Board, the Discipline Committee or the Peer Review Committee is conferred with the power of a commissioner for oaths under the *Commissioners for Oaths Act*.

Witness

55(1) The investigated person and any other person who, in the opinion of the Discipline Committee, has knowledge of the complaint or matter being investigated is a compellable witness in any proceeding under this Part.

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might tend to

(a) incriminate him,

(b) subject him to punishment under this Act, or

(c) establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application made ex parte by the Association may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Rules of Court.

Attendance of
witness and
production of
documents

56(1) The attendance of witnesses before the Discipline Committee and the production of models, radiographs, charts, documents, papers, notes, records and other materials and things may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the models, radiographs, charts, documents, papers, notes, records and other materials and things, if any, he is required to produce.

(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall without charge issue and deliver to

that person or his counsel or agent any notices that he requires for the attendance of witnesses or notices for production under subsection (1).

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for production under subsection (1) or (2) is entitled to be paid the same fees in the same manner as are payable to a witness in an action in the Court of Queen's Bench.

Failure to attend
or give evidence

57(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before the Discipline Committee in compliance with a notice to attend, or

(ii) to produce any models, radiographs, charts, documents, papers, notes, records and other materials or things in compliance with a notice to produce them,

or

(b) who refuses to be sworn or to answer any question he is directed to answer by the Discipline Committee.

(2) If the witness referred to in subsection (1) is the investigated person, his failure or refusal may be held to be professional misconduct.

Hearing in
absence of
investigated
person

58 The Discipline Committee, on proof of service on the investigated person of the notice of hearing, may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act, decide or report on the matter being heard in the same way as though the investigated person were in attendance.

Findings of
Committee

59(1) The Discipline Committee may find that the conduct of an investigated person constitutes neither unskilled practice of dentistry nor professional misconduct.

(2) The Discipline Committee may find that the conduct of an investigated person constitutes unskilled practice of dentistry or professional misconduct or both and shall deal with the investigated person in accordance with this Part.

Orders of
Committee

60(1) If the Discipline Committee finds that the conduct of an investigated person constitutes unskilled practice of dentistry or professional misconduct or both, the Committee may make any 1 or more of the following orders:

(a) reprimand the investigated person;

(b) suspend the licence or registration or both of an investigated person either generally or from any field of the practice of dentistry for a stated period;

(c) suspend the licence or registration or both of an investigated person either generally or from any field of practice until

- (i) he has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;
 - (d) accept in place of a suspension the investigated person's undertaking to limit his practice;
 - (e) impose conditions on the investigated person's ability to engage in the practice of dentistry generally or in any field of the practice, including the conditions that he
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the Committee, or
 - (iv) report to the Committee or Board on specific matters;
 - (f) direct the investigated person to pass a particular course of study or satisfy the Committee or Board as to his practical competence generally or in a field of practice;
 - (g) direct the investigated person to satisfy the Committee or Peer Review Committee that a disability or addiction can be or has been overcome, and suspend the person's licence or registration or both until the Committee or Peer Review Committee is so satisfied;
 - (h) require the investigated person to take counselling that in the opinion of the Committee or Peer Review Committee is appropriate;
 - (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Committee, were not rendered or were improperly rendered;
 - (j) cancel the licence or registration or both of the investigated person;
 - (k) cancel or suspend, subject to any terms the Committee considers appropriate, the permit where the investigated person is a professional corporation.
- (2) The Discipline Committee may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1) or may make any other order that it considers appropriate in the circumstances including that
- (a) a further or new investigation be held into any matter,
 - (b) the Discipline Committee be convened to hear a complaint without a preliminary investigation,
 - (c) a matter be referred to the Peer Review Committee, or
 - (d) a complaint or conduct be referred to any other entity having jurisdiction to review complaints.

(3) Where the Discipline Committee is satisfied that an investigated person has contravened an order under subsection (1) it may, without the necessity of a further hearing, cancel or suspend his licence, registration or permit, as the case may be, subject to any terms it considers appropriate.

Payment of costs
and fine

61(1) The Discipline Committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 60, order that the investigated person pay

(a) all or part of the costs of the hearing or appeal determined in accordance with the by-laws,

(b) a fine, not exceeding \$10 000 for each finding of unskilled practice or professional misconduct and \$50 000 in the aggregate for all of such findings arising out of the hearing, to the Association, or

(c) both the costs under clause (a) and the fine under clause (b) within the time set by the order.

(2) If the person ordered to pay a fine, costs or both under subsection (1) fails to pay the fine or costs within the time ordered, the Board may suspend the licence, registration or permit of that person until he or it has paid the fine or costs.

(3) The Discipline Committee, if it finds that a complaint is frivolous or vexatious, may order the complainant to pay the costs of the preliminary investigation and the hearing before the Discipline Committee determined in accordance with the regulations.

(4) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

Written decision

62 The Discipline Committee shall, within a reasonable time after the conclusion of a hearing before it, make a written decision on the matter, in which it shall

(a) describe each finding made by it,

(b) state the reasons for each finding made by it, and

(c) state any order made under this Part.

Service of
decision and
record of hearing

63(1) The Discipline Committee shall forward to the Registrar

(a) the decision, and

(b) the record of the hearing, consisting of all evidence presented before it, including

(i) all exhibits,

(ii) all documents, and

(iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.

(2) The Registrar shall, on receiving the decision of the Discipline Committee and the record of the hearing referred to in subsection (1), serve

	<p>(a) a copy of the decision on the investigated person and the Executive Director, and</p> <p>(b) a notice of the nature of the decision on the complainant, if any.</p>
Examination of record	64 The investigated person may examine the record or any part of the record of the proceedings before the Discipline Committee and hear any recording or examine any mechanical or handwritten form of record of any testimony given before the Committee.
Rehearing	<p>65 The Discipline Committee may</p> <p>(a) if there is new evidence available which was not available or for good reason was not presented at the hearing under section 52, and</p> <p>(b) with the consent of the investigated person,</p> <p>rehear any matter already heard by it under section 52 and, for that purpose, has all the same power and authority and is subject to the same duties as it had and was subject to in connection with the first hearing.</p>
Stay pending appeal	<p>66(1) The decision of the Discipline Committee remains in effect pending an appeal to the Board unless the Board on application stays the decision pending the appeal.</p> <p>(2) The decision of the Board remains in effect pending an appeal to the Court of Appeal unless the Court on application stays the decision pending the appeal.</p>
Appeal to Board	<p>67(1) An investigated person or the Association may appeal to the Board a finding or an order of the Discipline Committee.</p> <p>(2) An appeal under subsection (1) shall be commenced by a written notice of appeal, which shall</p> <p>(a) describe the finding or order appealed, and</p> <p>(b) state the reasons for the appeal.</p> <p>(3) A notice of appeal under this section shall be served on the Registrar within 30 days after the date on which the decision of the Discipline Committee is served on the investigated person, if he is appealing the decision, or on the Executive Director, if the Association is appealing the decision.</p> <p>(4) The Registrar shall, on receiving a notice of appeal under subsection (3), give to each member of the Board a copy of the notice of appeal and make the record of the hearing available to each member of the Board.</p>
Notice and hearing of appeal	<p>68(1) The Registrar shall, on receiving a notice of appeal under section 67, cause to be served on the investigated person a notice of hearing of an appeal stating the date, time and place when the Board will hear the matters appealed.</p> <p>(2) The Board shall</p>

(a) if the licence, registration or permit of the investigated person has been suspended under section 13 or 50 pending the outcome of proceedings under this Part, hear the appeal within 30 days after the date of service of the notice of appeal, and

(b) if the licence, registration or permit of the investigated person has not been so suspended, hear the appeal within 90 days after the date of service of the notice of appeal.

(3) The Board may, on the written request of the investigated person or the Association, extend the periods referred to in subsection (2) for one or more additional periods but,

(a) in a case to which subsection (2)(a) applies, no such extension may be granted without the consent of that person, and

(b) in a case to which subsection (2)(b) applies, no such extension may be for a period of more than 90 days.

Board's powers
on appeal

69(1) The Association and the investigated person may appear and be represented by counsel at the hearing of an appeal before the Board.

(2) A member of the Discipline Committee who is also a member of the Board may participate in an appeal before the Board but shall not vote in a decision of the Board on the appeal.

(3) The appeal to the Board shall be founded on a copy of the record of the proceedings before the Discipline Committee and the decision and order of the Committee.

(4) Sections 54 to 58 apply to proceedings before the Board.

(5) The Board on an appeal may

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Board,

(b) on granting special leave for that purpose, receive further evidence, and

(c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the Discipline Committee.

(6) The Board shall, within 90 days from the date of the conclusion of all proceedings before it, do all or any of the following:

(a) make any finding that in its opinion ought to have been made by the Discipline Committee,

(b) quash, vary or confirm the finding or order of the Committee or substitute or make a finding or order of its own, or

(c) refer the matter back to the Committee for further consideration in accordance with any direction that the Board may make.

(7) The Board may make any award as to costs, whether before it or the Discipline Committee, that it considers appropriate.

Appeal to Court	<p>70(1) An investigated person or the Association may appeal to the Court of Appeal any finding or order made by the Board under section 69.</p> <p>(2) An appeal under this section shall be commenced</p> <ul style="list-style-type: none"> (a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and (b) by serving a copy of the notice of appeal <ul style="list-style-type: none"> (i) on the Executive Director where the investigated person is the appellant, or (ii) on the investigated person where the Association is the appellant, <p>both within 30 days from the date on which the decision of the Board is served on the appellant.</p>
Appeal on the record	<p>71(1) The appeal to the Court of Appeal shall be founded on a copy of the record of the Discipline Committee and its decision and a copy of the finding and order of the Board and any further evidence received by the Board, all of which shall be certified by the Registrar.</p> <p>(2) The procedure in an appeal shall be the same, with the necessary changes, as that provided in the Rules of Court for appeals from a judgment of a judge of the Court of Queen's Bench to the Court of Appeal.</p>
Power of Court on appeal	<p>72(1) The Court of Appeal on hearing the appeal may</p> <ul style="list-style-type: none"> (a) make any finding that in its opinion ought to have been made, (b) quash, confirm or vary the order or decision of the Board or any part of it, (c) refer the matter back to the Board for further consideration in accordance with any direction of the Court, or (d) direct that a new trial of any mixed questions of law and fact relating to a finding or order or both a finding and an order of the Board under section 69 be held before the Court of Queen's Bench. <p>(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.</p>
Cancellation of falsely obtained registration	<p>73(1) If the Board is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Board shall order that his registration be cancelled.</p> <p>(2) The provisions of this Part respecting the procedures of the Discipline Committee apply with all necessary modifications to a hearing held by the Board under subsection (1).</p>
Surrender of certificates	<p>74(1) If the licence or registration of a licensed member, the registration of a registered practitioner or the permit of a professional corporation has been cancelled or suspended, the certificate of registra-</p>

tion and the annual certificate, licence or permit of that licensed member, registered practitioner or professional corporation shall be surrendered to the Registrar when requested.

(2) If the licence or registration of a licensed member, the registration of a registered practitioner or the permit of a professional corporation has been cancelled, the licence, registration or permit shall not be reinstated except by order of the Board or by a court of competent jurisdiction and on payment of the fees prescribed in the by-laws.

(3) No order shall be made under subsection (2) within one year after

(a) the date on which the licence, registration or permit was cancelled, or

(b) the date on which the court made its order confirming the punishment, if an order was granted staying the imposition of a punishment imposed by the Board, and the punishment was later confirmed by a court of competent jurisdiction.

(4) A member of the Board who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of a licence, registration or permit may participate in or vote at any proceedings of the Board under this section, and the Association's solicitor may participate in those proceedings.

Misrepresentation of status

75 The conduct of a licensed member, registered practitioner or professional corporation who is or was licensed, registered or the holder of a permit under this Act, as the case may be, and who represents or holds out that he or it is licensed, registered or has a permit and is in good standing while his or its licence, registration or permit is suspended or cancelled constitutes professional misconduct.

PART 8

PROFESSIONAL LIABILITY CLAIMS FUND

Professional Liability Claims Fund

76(1) The Board may by resolution create and maintain a fund to be known as the Professional Liability Claims Fund.

(2) Subject to and in accordance with the by-laws, the Fund may be used for any 1 or more of the following purposes:

(a) the indemnification by the Association in whole or in part, in the discretion of the Board, of persons liable to pay assessments under the by-laws in respect of professional liability claims made against them;

(b) the payment in whole or in part of deductible amounts pursuant to section 78(1);

(c) the payment of premiums payable by the Association under a group contract;

(d) the payment of premiums or other costs payable by the Association under a contract entered into pursuant to subsection (3);

(e) the payment of expenses incurred in connection with audits, investigations of claims against the Fund and hearings pertaining to those claims.

(3) The Association may, in any manner and on any terms and conditions that the Board considers advisable, enter into contracts with insurers or other persons whereby the Fund may be protected in whole or in part against any claim or loss to the Fund.

(4) The Fund shall be kept separate and apart from any other funds of the Association and

(a) may be invested by the Board in any manner it determines, and the Board is not subject to the provisions of the *Trustee Act* governing the investment of trust funds,

(b) shall be administered by the Board in any manner that it considers proper, and

(c) is not subject to any trust.

Group insurance
contracts

77(1) The Board may enter into a group insurance contract providing for the indemnification by the insurer under that contract in whole or in part of licensed members, registered practitioners and professional corporations liable to pay assessments in respect of professional liability claims against them, on any terms and conditions that may be agreed on.

(2) The Association may enter into a group contract with an insurer either alone or jointly with one or more dental associations or governing bodies of the dental profession in other provinces of Canada that are incorporated for purposes comparable to those of the Association.

Payment of
claims

78(1) Where an amount is paid or is intended to be paid from the Fund or by the insurer under a group contract as indemnification in respect of a professional liability claim, or where the amount of a professional liability claim is equal to or less than the deductible amount, the Association may, on a resolution of the Board and in accordance with the by-laws,

(a) pay the whole or part of the deductible amount to the claimant from the Fund in the event of the inability or failure of the licensed member, registered practitioner or professional corporation concerned or any other person to pay the whole or part of the deductible amount, or

(b) pay the whole or part of the deductible amount to the claimant with the consent of and on behalf of the person concerned, on any terms respecting repayment by the person to the Association that the Board may prescribe.

(2) Where any payment is made by the Association pursuant to subsection (1)(a), the Association is subrogated to the rights, remedies and securities to which the claimant was entitled as against the person concerned or against the person's trustee, assignee, estate or personal representative, and those rights, remedies and securities may be enforced or realized, as the case may be, in the name of the Association.

Suspension for non-payment of assessment

79(1) Where a licensed member, registered practitioner or professional corporation has not paid his or its assessment to the Fund for any year on or before January 1 of that year, that person is suspended from practice as of January 2 of that year.

(2) Where a person is suspended from practice under this section, his or its suspension terminates on the payment of the assessment to the Fund and a penalty in an amount prescribed in the by-laws.

Association not an insurer

80 Notwithstanding anything contained in the *Insurance Act*, the Association shall not be considered to be undertaking insurance or carrying on the business of insurance by reason of exercising its powers under this Act.

Professional liability insurance

81 A licensed member, a registered practitioner and a professional corporation shall maintain professional liability insurance in the coverage and amounts set out in the by-laws.

PART 9 GENERAL

Service of documents

82 When this Act, the regulations or the by-laws require that a document or notice be given to or served on any person, the document or notice is sufficiently given or served if it is served personally on that person or sent to him by registered mail at his address last shown on the register or record of the Registrar or, if personal service or service by mail is not reasonably possible, then by publishing the document at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person on the Registrar's register or record.

Notice of cancellation or suspension

83 The Registrar shall notify the Minister of Hospitals and Medical Care in writing forthwith on

(a) the cancellation or suspension of the registration or licence of a licensed member, the registration of a registered practitioner or the permit of a professional corporation, and

(b) the reinstatement or other termination of suspension of a cancelled or suspended registration, licence or permit referred to in clause (a).

Certificate of Registrar

84 A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

(a) a licensed member, a registered practitioner or a professional corporation, or

(b) an officer of the Association or a member of the Board, the Dental Occupations Council, the Discipline Committee, the Peer Review Committee or any committee or board established under the regulations or the by-laws

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

Protection from liability

85(1) No action lies against

(a) any person conducting a preliminary investigation, a member of the Discipline Committee, the Board or the Peer Review Committee, the Registrar, the Association or any person acting on the instructions of any of them, or

(b) any member, officer or employee of the Association

for anything done by him in good faith and in purporting to act under

(c) this Act,

(d) the regulations, or

(e) a by-law that relates to or is incidental to a professional matter or a matter of public interest that is or may be the subject of a regulation under section 90.

(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a licensed member, registered practitioner or professional corporation if the communication is published to or by

(a) the Association,

(b) a member of the Board, the Discipline Committee or the Peer Review Committee,

(c) a person conducting a preliminary investigation,

(d) an officer or employee of the Association, or

(e) a person acting on the instructions of any person or entity referred to in clauses (a) to (d),

in good faith in the course of investigating the conduct or in the course of any proceeding under this Act relating to the conduct.

Dental services
plans

86(1) The Association may enter into an agreement with any person, government or other authority in respect of a plan to provide dental services.

(2) The Association may enter into an agreement under subsection (1) directly or through a non-profit corporation controlled by it and may provide financial and administrative assistance as required.

(3) Where the Association enters into an agreement under subsection (1) it may require a licensed member, registered practitioner or professional corporation to comply with and perform any or all of the terms of the agreement.

(4) Notwithstanding anything in the *Insurance Act*, the Association or a non-profit corporation controlled by it shall not be considered to be undertaking insurance or carrying on the business of insurance by reason of entering into an agreement under subsection (1).

PART 10

PROHIBITIONS AND PENALTIES

Practice
prohibitions

87 A person whose licence, registration or permit is cancelled or suspended under this Act or any predecessor of this Act shall not, without the consent of the Board, engage in the practice of dentistry or directly or indirectly associate himself in the practice of dentistry

	with a person permitted under this Act to engage in the practice of dentistry.
Penalties	<p>88(1) Every person and every officer, employee or agent of a corporation who contravenes this Act is guilty of an offence and liable</p> <ul style="list-style-type: none"> (a) for a 1st offence, to a fine of not more than \$2000, (b) for a 2nd offence, to a fine of not more than \$4000, and (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment. <p>(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.</p>
Onus of proof	89 In a prosecution under this Act, the burden of proving that a person is a licensed member, a registered practitioner or a professional corporation is on the accused.

PART 11

REGULATIONS AND BY-LAWS

Regulations	<p>90(1) The Board may make regulations</p> <ul style="list-style-type: none"> (a) establishing and providing for the publishing of a code of ethics respecting the practice of dentistry, the maintenance of the dignity and honour of the profession of dentistry and the protection of the public interest; (b) establishing conditions respecting the registration of an applicant for registration as a licensed member or registered practitioner, including residence, age and character requirements, and following registration, requiring that the registrant supply a current photograph of himself; (c) respecting the promotion of the interests and the improvement of the standards of the dental profession and dental service in Alberta by the Association; (d) prescribing standards for the practice of dentistry; (e) prescribing restrictions, conditions or limitations on the practice of dentistry by registered practitioners or any category of registered practitioner; (f) establishing classes or categories of registered practitioners in addition to those referred to in section 17(b); (g) fixing the number of persons who may be entered in the register of licensed members under section 21; (h) governing the names under which licensed members, registered practitioners or professional corporations may engage in the practice of dentistry; (i) respecting the procedures for hearings, preliminary investigations, inquiries and reviews by the Discipline Committee, the Peer Review Committee and the Board in matters relating to the
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conduct or practice of licensed members, registered practitioners or professional corporations, whether or not a complaint has been made;

(j) respecting the manner of determining the amount and payment of costs for the purposes of section 61(3);

(k) respecting reviews of the practice of any licensed member, registered practitioner or professional corporation by the Peer Review Committee or a person authorized by the Peer Review Committee;

(l) respecting registration, licences, permits and certificates, the review of complaints, the practice of dentistry, including employment practices of dentists, and the review of the practice of dentistry generally;

(m) respecting the establishment and operation by the Board, or a committee or board established or designated by the Board, of a compulsory continuing education program for licensed members and registered practitioners;

(n) governing the publication of a notice of the suspension or cancellation of the licence or registration of a licensed member, the registration of a registered practitioner or the permit of a professional corporation in a form and manner prescribed by the Board;

(o) governing the nature or content of advertising, if any, which may be permitted;

(p) respecting committees of inquiry for reinstatement under Part 7.

(2) Not less than 10% of the licensed members may at any time petition the Board to make, amend or repeal a regulation under subsection (1).

(3) The Board shall give the petitioners an opportunity to make oral or written representations concerning the subject matter of the petition to the Board, either through legal counsel or through some other representative.

(4) The Board may make regulations governing the educational standards a person must possess before he can practise as a dental hygienist or dental assistant and the duties of a dental nature that may be performed by a person practising as a dental hygienist or a dental assistant and the circumstances under which and the conditions and limitations subject to which he may perform them.

(5) The Board may not act under subsection (4) more than 60 days after this section comes into force.

(6) A regulation under subsection (1) or (4) does not come into force unless it has been approved by the Lieutenant Governor in Council.

By-laws

91(1) The Board may make by-laws

(a) for the government of the Association and the management and conduct of its affairs;

- (a.1) determining the location of the head office of the Association;
- (b) respecting the calling of and conduct of meetings of the Association and the Board;
 - (b.1) defining what constitutes a meeting of the Board for the purposes of the Act, regulations and by-laws;
- (c) respecting the nomination, election, number and term of office of Board members and officers of the Association, the filling of vacancies on the Board and any committee or board established by the Board, the appointment of individuals as ex officio members of the Board and of any committee or board established by the Board, and prescribing the powers, duties and functions of those members, officers and ex officio members, but no by-law shall delegate to any person other than the Board the power to amend, repeal or suspend any by-law of the Board;
 - (c.1) providing for the appointment of acting members of the Board and procedures for the election of licensed members and the nomination of members of the public for appointment by the Minister;
- (d) providing for the appointment of licensed members to the Dental Occupations Council;
 - (d.1) governing, subject to this Act, the appointment and procedure of the Discipline Committee and the Peer Review Committee, the nomination of members of the public for appointment to either Committee by the Minister, the designation of chairmen and vice-chairmen, the appointment of acting members and the procedures for filling vacancies on either Committee and the appointment of ex officio members of either Committee, and prescribing the powers, duties and functions of persons so designated or appointed;
- (e) respecting the manner of determining the amount and payment of costs for the purposes of section 61(1);
 - (e.1) providing for the division of the Province into dental electoral districts and prescribing the number of Board members to be elected from each district;
- (f) establishing classes of honorary members and life members for the purposes of section 31 and prescribing the privileges and obligations of honorary members and life members;
 - (f.1) prescribing the privileges and obligations of licensed members and registered practitioners;
- (g) providing for the tenure of the Registrar and his additional duties, powers and functions, and the appointment of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
 - (g.1) establishing the offices of Executive Director, Secretary and Treasurer and providing for the appointment of persons to those offices and their powers, duties and responsibilities;

(h) prescribing the number of members of the Association, the Board, the Discipline Committee and the Peer Review Committee that constitutes a quorum at meetings of the Association, the Board or either Committee;

(h.1) providing for the delegation of any powers or duties of the Board under the Act, regulations or by-laws with or without conditions to a committee established by the Board;

(i) prescribing fees and expenses payable to members of the Board and of committees and boards established under the Act, regulations or by-laws for attending to the business of the Association;

(i.1) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Board considers appropriate;

(j) respecting fees, dues and levies payable to the Association by licensed members, registered practitioners and professional corporations;

(j.1) respecting the establishment, content and maintenance of registers and records to be kept by the Registrar;

(k) respecting the removal from the registers and records of any memorandum or entry made in them under this Act, the regulations or the by-laws;

(k.1) governing the publication of the names of applicants for registration as licensed members or registered practitioners approved by the Registrar;

(l) requiring registered practitioners to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;

(l.1) authorizing the Board to prescribe the form of a certificate of registration, a licence, a permit, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations or the by-laws;

(m) prescribing the manner of proof as to matters required by this Act to be proven by applicants;

(m.1) providing that the permit of a professional corporation is suspended without notice or investigation on contravention of any by-law that requires the corporation to pay a fee or assessment, file a document or do any other act by a specified or ascertainable date, and providing for the reinstatement of a permit so suspended;

(n) providing for the reinstatement or re-issuance of any permit suspended or cancelled pursuant to an order of the Board under this Act, the regulations or by-laws and prescribing the terms and conditions on which reinstatement or re-issuance of a permit may be granted;

- (n.1) providing for the recording of current professional corporations and requiring the filing of periodic returns by those corporations and the content of those returns;
- (o) providing for the annual renewal of permits and prescribing the terms and conditions on which renewals may be granted;
- (o.1) setting out the business that may be carried on and the powers that may be exercised by a professional corporation practising dentistry under this Act;
- (p) respecting the holding of votes by mail in respect of any matter relating to the Association;
- (p.1) specifying the purposes for which the Fund may be used;
- (q) respecting the administration of the Fund;
- (q.1) providing for the levying on licensed members, registered practitioners and professional corporations of an annual assessment of any amount that may be fixed by the Board generally or with respect to different types of practitioner from time to time for the purpose of maintaining and augmenting the Fund;
- (r) providing for the exemption of persons registered or recorded under this Act from the payment of annual assessments referred to in clause (q.1), and from entitlement to indemnification from the Fund or under a group contract, as the case may be, and the conditions on which the exemptions may be made;
- (r.1) providing for any matter or procedure in connection with the filing, settlement, administration and payment of claims made against the insurer under a group contract and not otherwise provided for in the group contract;
- (s) respecting the notice required to be given by a person governed by this Act of a claim or possible claim against him for which the insurer may be liable for indemnification under a group contract;
- (t) governing the payment and recovery of the whole or part of any deductible amounts pursuant to section 78;
- (u) prescribing the deductible amount and the maximum amount that may be paid from the Fund in respect of any professional liability claim;
- (v) prescribing the conditions to be met before any claim may be paid from the Fund;
- (w) prescribing classes of professional liability claims in respect of which no payment or only partial payment may be made from the Fund;
- (x) providing for any matter or procedure in connection with the filing, settling, administration and payment of claims made against the Fund;
- (y) prescribing the coverage and amounts of professional liability insurance for the purposes of section 81;

(z) providing for the establishment of suggested schedules of fees for goods provided or services performed by a licensed member, registered practitioner or professional corporation in the practice of dentistry.

(2) Not less than 10% of the licensed members may at any time petition the Board to make, amend or repeal a by-law under subsection (1).

(3) The Board shall give the petitioners an opportunity to make oral or written representations concerning the subject matter of the petition to the Board, either through legal counsel or through some other representative.

(4) The *Regulations Act* does not apply to by-laws of the Association.

PART 12

TRANSITIONAL AND CONSEQUENTIAL

Registration
continued

92(1) *In this section and in sections 93 to 95, "former Act" means the Dental Association Act, chapter D-7 of the Revised Statutes of Alberta 1980.*

(2) An individual who holds a subsisting certificate of annual licence to practise under the former Act is deemed to be a licensed member under this Act.

(3) A corporation that holds a permit under section 75 of the former Act is deemed to be a professional corporation under this Act.

(4) A person who is registered in the Courtesy Register under section 27 of the former Act is deemed to be registered in the Courtesy Register under this Act.

(5) A person who is registered in the Educational Register under section 26 of the former Act is deemed to be registered in the Education Register under this Act, for the purpose and period shown in the Educational Register under the former Act.

(6) A person who is registered in the Associate Members' Register under section 28 of the former Act is deemed to be registered in the Associates Register under this Act for the period, in the manner, to the extent and subject to the conditions, limitations and restrictions shown in the Associate Members' Register under the former Act.

(7) A person who is registered in the Teaching and Research Register under section 29 of the former Act is deemed to be registered in the Teaching and Research Register under this Act for the period, in the manner, to the extent and subject to the conditions, limitations and restrictions shown in the Teaching and Research Register under the former Act.

Board continued

93 *The members of the board elected under the former Act are deemed to be members of the Board under this Act, elected for the same period and holding the same offices.*

Application for
registration
continued

94 *An application for registration or for a permit made but not concluded before the coming into force of this Act shall be dealt with under the former Act as though this Act had not come into force.*

Discipline
proceedings
continued

95(1) *Any complaint made or discipline proceedings that were commenced but not concluded before the coming into force of this Act shall be dealt with under the former Act as though this Act had not come into force.*

(2) Any complaint made or discipline proceedings commenced after the coming into force of this Act when the complaint or proceedings relates to conduct occurring all or partly before the coming into force of this Act shall be dealt with under this Act.

RSA 1980 cA-24

96(1) *The Alberta Health Care Insurance Act is amended by this section.*

(2) Section 13(8)(b) is repealed and the following is substituted:

(b) the Board or the Discipline Committee under the Dental Profession Act,

SA 1981 cB-15

97(1) *The Business Corporations Act is amended by this section.*

(2) Section 12(11) is amended by striking out "Dental Association Act" and substituting "Dental Profession Act".

RSA 1980 cC-20

98(1) *The Companies Act is amended by this section.*

(2) Section 15(4) is amended by repealing clause (b) and by striking out "Dental Association Act,".

(3) Section 16 is amended

(a) in subsections (2) and (3) by striking out "Dental Association Act" and substituting "Dental Profession Act";

(b) in subsection (5) by striking out "Dental Association Act," and "section 77(1) of the Dental Association Act,".

RSA 1980 cD-9

99(1) *The Dental Mechanics Act is amended by this section.*

(2) Section 1(g) is repealed and the following is substituted:

(g) "dentist" means a licensed member, registered practitioner or professional corporation authorized by the Dental Profession Act to engage in the practice of dentistry;

(3) Section 22(3) is amended by striking out "Dental Association Act" and substituting "Dental Profession Act".

(4) Section 23 is amended by adding the following after subsection (2):

(2.1) Except as otherwise permitted by the Board, no certified dental mechanic shall engage in denture construction under the control or for the reward, profit or other advantage of any person who is not a certified dental mechanic.

(2.2) Subsection (1) is effective only for the period ending June 30, 1985.

RSA 1980 cD-10

100(1) *The Dental Technicians Act is amended by this section.*

(2) Section (1)(c) is repealed and the following is substituted:

(c) “dentist” means a licensed member, registered practitioner or professional corporation authorized by the *Dental Profession Act* to engage in the practice of dentistry;

(3) *Section 5 is amended by adding “or” at the end of clause (c) and by repealing clauses (d) and (e) and substituting the following:*

(d) a person, other than a dentist, who is authorized under the *Dental Profession Act* to perform duties of a dental nature,

(4) *Section 6 is amended by striking out “Dental Association Act” and substituting “Dental Profession Act”.*

(5) *Section 8 is amended by striking out “Dental Association Act” and substituting “Dental Profession Act”.*

RSA 1980 cH-5.1 **101(1)** *The Health Occupations Act is amended by this section.*

(2) *Section 3(1)(a) is repealed and the following is substituted:*

(a) 2 persons who are members of the College of Physicians and Surgeons of Alberta and 1 person who is a member of The Alberta Dental Association;

RSA 1980 cH-11 **102(1)** *The Hospitals Act is amended by this section.*

(2) *Section 40(6) is amended by adding the following after clause (c):*

(c.1) the board of an approved hospital may divulge any records of diagnostic or treatment services provided in respect of a patient to a person conducting a preliminary investigation, the Discipline Committee or the Board under the *Dental Profession Act* if

(i) an officer of The Alberta Dental Association makes a written request for it and the disclosure is consented to by the patient or his legal representative, or

(ii) the disclosure is made by a member of the board in compliance with a notice under section 56 of the *Dental Profession Act* to attend as a witness or produce documents;

RSA 1980 cL-13 **103(1)** *The Licensing of Trades and Businesses Act is amended by this section.*

(2) *Section 2(b) is amended by striking out “Dental Association Act” and substituting “Dental Profession Act”.*

RSA 1980 cM-13 **104(1)** *The Mental Health Act is amended by this section.*

(2) *Section 37(6) is amended by striking out “or” at the end of clause (l) and adding the following after clause (l):*

(l.1) to a person conducting a preliminary investigation, the Discipline Committee or the Board under the *Dental Profession Act* if

(i) an officer of The Alberta Dental Association makes a written request for the diagnosis, record or information and the disclosure is consented to by the person to whom the diag-

nosis, record or information relates or his legal representative, or

(ii) the disclosure is made in compliance with a notice under section 56 of the *Dental Profession Act* to attend as a witness or produce documents, or

RSA 1980 cD-7 **105** *The Dental Association Act is repealed on Proclamation.*

RSA 1980 cD-8 **106** *The Dental Auxiliaries Act is repealed on Proclamation.*

Coming into
force **107** *This Act comes into force on Proclamation.*