

1990 BILL 44

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Second Session, 22nd Legislature, 39 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 44**

## **DENTAL DISCIPLINES ACT**

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MRS. MIROSH

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 44*  
*Mrs. Mirosh*

## **BILL 44**

1990

### **DENTAL DISCIPLINES ACT**

*(Assented to , 1990)*

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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) “approved dental program” means a dental program referred to in section 14(3) or designated as an approved dental program under section 14(1)(a);

(b) “Association” means

(i) an association established or continued under section 7,  
or

(ii) an association established under section 5(2)(a);

(c) “by-laws” means by-laws of an Association made under section 76;

(d) “Council” means the Council of an Association;

(e) “dental discipline” means

(i) dental hygiene,

(ii) dental technology,

(iii) dental assisting, or

(iv) a discipline that is designated by the Lieutenant Governor in Council as a designated dental discipline under section 5(1);

(f) “dental hygienist” means a person who is registered as a member of the Alberta Dental Hygienists’ Association;

(g) “dental technician” means a person who is registered as a member of the Alberta Society of Registered Dental Technicians;

(h) “dentist” means a licensed member as defined in the *Dental Profession Act*;

(i) “Discipline Committee” means a Discipline Committee established under this Act;

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

(k) "Practice Review Board" means a Practice Review Board established under this Act;

(l) "registered dental assistant" means a person who is registered as a member of the Alberta Dental Assistants Association;

(m) "Registrar" means a Registrar appointed under section 10;

(n) "regulations", except where the context indicates otherwise, means regulations of a Council made under section 75;

(o) "Universities Co-ordinating Council" means the Universities Co-ordinating Council established under the *Universities Act*.

## **PART 1**

### **DENTAL DISCIPLINES**

Dental hygienist **2(1)** No person except a dental hygienist shall

(a) use the title "dental hygienist" or "registered dental hygienist" or any other title or an abbreviation of those words alone or in combination with any other word, or

(b) use the initials "D.H." or "R.D.H." or any other initials either alone or in combination with any other word, letter, symbol, initial or abbreviation, except when designating a diploma or other qualification,

to represent expressly or by implication that the person is a dental hygienist, or use any title, name, description, abbreviation, letter or symbol representing the title "dental hygienist" or "registered dental hygienist" or the initials "D.H." or "R.D.H.".

(2) No person except a dental hygienist shall represent or hold out expressly or by implication that he is a dental hygienist.

(3) A dental hygienist may, under the supervision of a dentist, engage in the practice of dental hygiene as defined in the regulations.

Dental  
technician

**3(1)** No person except a dental technician shall

(a) use the title "dental technician" or "registered dental technician" or any other title or an abbreviation of those words alone or in combination with any other word, or

(b) use the initials "D.T." or "R.D.T." or any other initials either alone or in combination with any other word, letter, symbol, initial or abbreviation, except when designating a diploma or other qualification,

to represent expressly or by implication that the person is a dental technician, or use any title, name, description, abbreviation, letter or symbol representing the title "dental technician" or "registered dental technician" or the initials "D.T." or "R.D.T.".

(2) No person except a dental technician shall represent or hold out expressly or by implication that he is a dental technician.

(3) Subject to subsection (4), a dental technician may engage in the practice of dental technology as defined in the regulations.

(4) The services provided by a dental technician, except the repair of removable dental appliances, may be provided only pursuant to a prescription.

Registered  
dental assistant

4(1) No person except a registered dental assistant shall

(a) use the title "registered dental assistant" or any other title or an abbreviation of those words alone or in combination with any other word, or

(b) use the initials "R.D.A." or any other initials either alone or in combination with any other word, letter, symbol, initial or abbreviation, except when designating a diploma or other qualification,

to represent expressly or by implication that the person is a registered dental assistant, or use any title, name, description, abbreviation, letter or symbol representing the title "registered dental assistant" or the initials "R.D.A.".

(2) No person except a registered dental assistant shall represent or hold out expressly or by implication that he is a registered dental assistant.

(3) A registered dental assistant may, under the supervision of a dentist, engage in the practice of dental assisting as defined in the regulations.

Designated  
dental discipline

5(1) The Lieutenant Governor in Council may, by regulation, designate a discipline as a designated dental discipline.

(2) If a designation is made under subsection (1), the Lieutenant Governor in Council shall, by regulation,

(a) establish an Association for the designated dental discipline and specify the name of the Association, and

(b) specify a title and initials that may be used only by members of the Association established under clause (a).

(3) An Association established under subsection (2)(a) is a corporation consisting of the persons who are entitled to practise the designated dental discipline.

(4) No person except a member of an Association established under subsection (2)(a) shall use the title and initials specified under subsection (2)(b), either alone or in combination with any other word, letter, symbol, initial or abbreviation, to represent expressly or by implication that the person is a member of the Association.

(5) A member of an Association established under subsection (2)(a) may engage in the practice of the designated dental discipline as defined in the regulations under section 75.

Injunction

**6** The Court of Queen's Bench, on application by a Council by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes this Part, notwithstanding any penalty that may be provided by this Act in respect of that contravention.

## **PART 2**

### **ASSOCIATIONS**

Associations

**7(1)** There is hereby established a corporation to be called the "Alberta Dental Hygienists' Association".

(2) There is hereby established a corporation to be called the "Alberta Association of Dental Technicians".

(3) The Alberta Dental Assistants Association is hereby continued as a corporation.

(4) The Lieutenant Governor in Council may, by order, change the name of an Association after consultation with the Association.

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

Council

**8(1)** There is hereby established for each Association a governing body called the Council.



(2) A Council shall manage and conduct the business and affairs of the Association and exercise the rights, powers and privileges of the Association in the name of and on behalf of the Association.

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

(4) The Minister shall, on receipt of the annual report of an 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.

**Composition of  
Council**

**9(1)** The Council of an Association shall consist of

(a) not fewer than 7 members of that Association elected in accordance with the by-laws of that Association,

(b) ex officio members elected in accordance with the by-laws of that Association, and

(c) when the number of elected members of the Council does not exceed 10, not fewer than 2 members of the public, or when the number of elected members of the Council is more than 10, not fewer than 3 members of the public, who shall be appointed by the Minister after consultation with the elected members of the Council.

(2) A member of a Council appointed under subsection (1)(c) may hold office for not more than 6 consecutive years.

(3) The Minister shall pay to a member of a Council appointed under subsection (1)(c) fees, and travelling and living expenses incurred by that member for attendance at a meeting of the Council while away from his usual place of residence at rates set by the Minister.

(4) The Minister may revoke the appointment of a member of a Council appointed under subsection (1)(c).

(5) The powers, duties and operations of a Council are not affected by

(a) the fact that no member is appointed under subsection (1)(c),

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

(c) the resignation from the Council of a member of the public.

(6) The failure of a member of a Council appointed under subsection (1)(c) to attend a meeting of the Council shall not be construed as affecting or restricting the Council in exercising any powers or performing any duties at that meeting.

(7) The elected members of a Council shall elect from among themselves the officers specified in the by-laws of that Association in the manner and for the term prescribed by the by-laws.

(8) An ex officio member of a Council does not have voting rights on the Council.

### **PART 3**

#### **REGISTRATION**

**Registrar**      **10** The Council of an Association shall appoint a Registrar for the purposes of this Act.

**Register**      **11** The Council of an Association shall establish a register of members of the Association.

**Duties of Registrar**      **12(1)** The Registrar of an Association shall maintain, subject to the direction of the Council of the Association, a register of members of the Association.

(2) A Registrar shall, during regular office hours, permit any person to inspect the register described in subsection (1).

**Application for registration in Association**      **13(1)** The Registrar of an Association shall consider an application for registration as a member of the Association, and shall

(a) approve the registration if the applicant meets the requirements set out in section 16,

(b) refuse to approve the registration, or

(c) defer the approval of registration until the applicant has obtained further experience of a kind and for a period set by the Registrar in accordance with the regulations.

(2) The Registrar shall, within 60 days of receiving an application for registration, send to the applicant a written notice of the decision made by him.

(3) If the decision of the Registrar is to refuse or defer registration of the applicant, the Registrar shall send to the applicant written reasons for the decision.

(4) An applicant whose application for registration is refused or deferred may, within 30 days of receiving a notice of refusal or deferral, request the Council to review the application by serving on the Registrar a written request for a review by the Council setting out the reasons why, in his opinion, his application for registration as a member of the Association should be approved.

(5) On receipt of a request for a review, the Council shall notify the applicant of the date, place and time at which the Council will review the application.

(6) A review of an application shall be commenced not later than 60 days after the Council receives the request for a review.

(7) An applicant is entitled to appear with counsel and make representations to the Council at the review of his application.

(8) On reviewing an application under this section, the Council may make any decision the Registrar could have made.

Authority of  
Universities  
Co-ordinating  
Council

**14(1) The Universities Co-ordinating Council**

(a) may grant to and withdraw from an academic institution the designation "approved dental program", and

(b) shall set the term of practical experience to be completed by applicants for registration in each Association, if any.

(2) A grant or withdrawal of a designation under subsection (1)(a) and a term of practical experience set under subsection (1)(b) are subject to the approval of the Lieutenant Governor in Council.

(3) For a period of 2 years after this Act comes into force, the dental programs that exist in Alberta on the date this Act comes into force for the training of persons who apply to become members of a dental discipline are deemed to be approved dental programs.

(4) The Universities Co-ordinating Council may

(a) set or administer a registration examination for each Association, or

(b) enter into an agreement with an Association to allow the Association to set or administer a registration examination for that Association.

Committee to  
include dentist

**15** A committee appointed under section 64(2) of the *Universities Act* to carry out a duty, power or function of the Universities Co-ordinating Council under this Act shall include one dentist.

Application for  
registration

**16(1)** An application for registration as a member of an Association shall be approved by the Registrar of the Association if the applicant

(a) produces documentation satisfactory to the Registrar that shows that

(i) the applicant is a graduate of an approved dental program, or

(ii) the Universities Co-ordinating Council is satisfied that the applicant's academic qualifications are substantially equivalent to the qualifications required for graduation from an approved dental program,

(b) has completed the term of practical experience required by the Universities Co-ordinating Council, if any,

(c) has passed the examination set or administered by the Universities Co-ordinating Council or the Association, if any, and

(d) meets the character and other requirements prescribed in the regulations of the Association.

(2) Notwithstanding subsection (1), the Registrar of an Association referred to in section 7(1) or (3) shall approve an application for registration as a member of the Association if the applicant

(a) produces documentation satisfactory to the Registrar that shows that the applicant was eligible for membership in the Association on September 1, 1990, and

(b) applies for registration as a member of the Association within 2 years after this Act comes into force.

(3) Notwithstanding subsection (1), the Registrar of the Alberta Association of Dental Technicians shall approve an application for registration as a member of the Association if the applicant

(a) is at the time this Act comes into force registered by the Dental Technicians Board as a dental technician, and

(b) applies for registration as a member of the Association within 2 years after this Act comes into force.

Registration

**17(1)** The Registrar of an Association shall enter in the register of members of the Association the name of a person

(a) whose application for registration as a member has been approved under this Act, and

(b) who has paid the fees prescribed in the by-laws of the Association.

(2) On entering the name of a person in the register of members, the Registrar shall issue a certificate of registration to him.

Annual  
certificate

**18(1)** A member of an Association shall pay the annual fee prescribed in the by-laws of the Association to the Registrar of the Association or to any person authorized by the Registrar to accept payment of the fee.

(2) The Registrar of an Association shall issue an annual certificate in the form prescribed in the by-laws of the Association to a member of the Association

(a) whose registration is not under suspension or cancelled,

(b) who meets any requirements or conditions for the issuance of an annual certificate prescribed in the regulations of the Association, and

(c) who has paid the fees prescribed in the by-laws of the Association.

(3) Subject to this Act, an annual certificate entitles the holder to practise the dental discipline referred to on the annual certificate during the year for which the annual certificate is issued.

## **PART 4**

### **SUSPENSION AND CANCELLATION**

Suspension and  
cancellation

**19(1)** The certificate of registration or annual certificate of a member of an Association is suspended when a decision to suspend the certificate of registration or annual certificate is made in accordance with this Act.

(2) A Registrar shall, after a decision to suspend a certificate of registration or an annual certificate has been made, enter a memorandum of the suspension in the register, indicating

(a) the period of the suspension, and

(b) the reason for the suspension.

(3) The certificate of registration or annual certificate of a member of an Association is cancelled when a decision to cancel the

certificate of registration or annual certificate is made in accordance with this Act.

(4) A Registrar shall, after a decision to cancel a certificate of registration or an annual certificate has been made, enter a memorandum of the cancellation in the register, indicating

- (a) the date of the cancellation, and
- (b) the reason for the cancellation.

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

Cancellation by  
request

**20(1)** The Registrar of an Association shall not cancel the registration of a member of the Association at the request of the member unless the request for the cancellation has been approved by the Council of the Association.

(2) When a request for the cancellation of a registration is approved by the Council, the Registrar shall cancel that registration and enter a memorandum to that effect in the register.

Cancellation

**21(1)** The Council of an Association may direct the Registrar of the Association to cancel, in accordance with subsection (2), the certificate of registration or annual certificate of a member of the Association who defaults in the payment of any fee, penalty, cost, dues or levy payable under this Act, the regulations or the by-laws.

(2) The Registrar may cancel a certificate of registration or annual certificate if the default referred to in subsection (1) continues for more than 30 days after the service on the member of a notice in accordance with subsection (3).

(3) The notice under subsection (2) shall state that the Registrar may cancel a certificate of registration or an annual certificate unless the fee, penalty, cost, dues or levy is paid as indicated in the notice.

(4) A Council may direct the Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Council may prescribe,

- (a) to reinstate in the register a registration that was cancelled under subsection (1), and
- (b) to re-issue a certificate of registration or an annual certificate, as the case may be.

(5) The Council of an Association may direct the Registrar of the Association to cancel a registration made in error.

Return of  
certificate and  
suspension of  
use of title

**22(1)** If the certificate of registration or annual certificate of a member of an Association has been cancelled under this Act, the member shall surrender to the Registrar of the Association the certificate of registration or annual certificate, as the case may be.

(2) If the certificate of registration or annual certificate of a member of an Association has been suspended under this Act, the member shall not during the period of the suspension use the titles or initials that are referred to in Part 1.

Duty of  
Registrar

**23** If the registration of a member of an Association has been suspended or cancelled or if the practice of a member of an Association has been limited by a Practice Review Board, Discipline Committee, Council or Court of Appeal, the Registrar of the Association shall notify the employer of the member of the suspension, cancellation or limitation.

Notice to  
Minister

**24** The Registrar of an Association shall notify the Minister in writing forthwith on

(a) the cancellation or suspension of the certificate of registration or annual certificate of a member of the Association, and

(b) the reinstatement or other termination of suspension of a cancelled or suspended certificate of registration or annual certificate.

Falsely obtained  
registration

**25(1)** If a Council is satisfied, after a hearing on the matter, that a registration in a register established under this Act was obtained by means of any false or fraudulent representation or declaration, either oral or written, the Council may order that the registration be cancelled, and the certificate of registration or annual certificate, as the case may be, shall be surrendered to the Registrar.

(2) Part 6 applies to a hearing held by a Council under subsection (1).

Misrepresent-  
ation of status

**26** The conduct of a member of an Association who is or was registered under this Act and who represents or holds out that he is registered and in good standing while his registration is suspended or cancelled constitutes professional misconduct.

## **PART 5**

### **PRACTICE REVIEW**

<b>Practice Review Board</b>	<b>27</b> The Minister may by order in writing establish for each Association a Practice Review Board consisting of not fewer than 4 members of the Association appointed by the Council of the Association in accordance with the by-laws of the Association.
<b>Duties of the Board</b>	<p><b>28(1)</b> If the Minister establishes a Practice Review Board for an Association, the Minister shall, in writing, assign either or both of the following duties to that Practice Review Board:</p> <ul style="list-style-type: none"><li>(a) the duty to, on its own initiative and at the request of the Council of the Association, inquire into and report to and advise the Council in respect of<ul style="list-style-type: none"><li>(i) the assessment and development of educational standards and experience requirements that are conditions precedent to continuing registration under this Act in that Association,</li><li>(ii) the evaluation of desirable standards of competence of members of that Association generally,</li><li>(iii) any other matter that the Practice Review Board 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 the dental discipline practised by members of that Association under this Act and the regulations, and</li><li>(iv) the practice generally of the dental discipline practised by the members of the Association;</li></ul></li><li>(b) the duty to conduct, in accordance with this Act and the regulations, a review of the practice of a member of that Association.</li></ul> <p><b>(2)</b> Sections 43 to 47 apply to any matter referred to or initiated by a Practice Review Board as if that Board were the Discipline Committee of that Association.</p>
<b>Duties on conclusion of inquiry or review</b>	<p><b>29(1)</b> After each inquiry or review under section 28, the Practice Review Board of an Association</p> <ul style="list-style-type: none"><li>(a) shall make a written report to the Council of the Association respecting the inquiry or review and, where appropriate, its decision,</li></ul>



(b) may make recommendations to the Council of the Association respecting the matter inquired into or reviewed, with reasons for the recommendations,

(c) may make recommendations to a member of the Association as to his conduct in the practice of the dental discipline, and

(d) if it is of the opinion that the conduct of a member of the Association constitutes or may constitute either unskilled practice of the dental discipline practised by members of the Association or professional misconduct within the meaning of section 32,

(i) shall forthwith refer the conduct to the Registrar of the Association for an inquiry under Part 6, and in such a case the Registrar shall deal with the referral 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 certificate of registration or annual certificate, or both, of the member of the Association be temporarily suspended pending the outcome of proceedings under Part 6.

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

(3) The member of the Association affected by a suspension under subsection (2) may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman of the Practice Review Board of the Association, apply for an order of the Court staying the decision of the president.

## **PART 6**

### **DISCIPLINE**

**Interpretation** 30(1) In this Part,

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

(b) "complaint" means a complaint made in writing about conduct or alleged conduct, signed by the person making it;

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

(d) "investigated person" means

(i) a member of an Association, or

(ii) in a case to which section 33(3) applies, a former member of an Association,

with respect to whose conduct an investigation or hearing is held under this Part.

(2) The Registrar, Council and Discipline Committee of an Association and the Association may exercise their powers and duties under this Part only in respect of a member of that Association and not in respect of a member of any other Association.

Discipline  
Committee

**31(1)** There is hereby established for each Association a Discipline Committee consisting of

(a) not fewer than 4 members of the Association appointed by the Council of the Association in accordance with the by-laws of the Association, and

(b) not fewer than one member of the public appointed by the Minister.

(2) A member of a Discipline Committee appointed under subsection (1)(b) may hold office for not more than 6 consecutive years.

(3) The Minister shall pay to the member of a Discipline Committee appointed under subsection (1)(b) fees and travelling and living expenses incurred by that member for attendance at a hearing of the Committee away from his usual place of residence at rates set by the Minister.

(4) The Minister may revoke the appointment of the member of a Discipline Committee appointed under subsection (1)(b).

(5) The powers, duties and operations of a Discipline Committee are not affected by

(a) the fact that no member is appointed under subsection (1)(b),

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

(c) the resignation from a Discipline Committee of a member of the public.

(6) The failure of the member of a Discipline Committee appointed under subsection (1)(b) to attend a meeting of the

Committee shall not be construed as affecting or restricting the Committee in exercising any powers or performing any duties at that meeting.

Unskilled  
practice or  
professional  
misconduct

**32(1)** Any conduct of a member of an Association 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 dental discipline practised by members of the Association generally, or
- (d) displays a lack of knowledge of or lack of skill or judgment in the practice of the dental discipline practised by members of the Association,

whether or not that conduct is disgraceful or dishonourable, may constitute either unskilled practice of the dental discipline or professional misconduct, whichever the Discipline Committee finds.

(2) If an investigated person contravenes this Act or the regulations or by-laws of the Association of which he is a member 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).

Complaint

**33(1)** A person may make a complaint to the Registrar of an Association about the conduct of a member of the Association and the complaint shall be dealt with in accordance with this Part and the regulations.

(2) A complaint under subsection (1) shall be accompanied by an address for service for the complainant.

(3) A complaint respecting the conduct of a member of an Association whose certificate of registration or annual certificate, as the case may be, has been cancelled or suspended pursuant to 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

**34** The Registrar of an Association

- (a) shall, in a case where a complaint is made to him under section 33, forthwith on receipt of the complaint, or

(b) may, in a case where he believes the conduct of a member of the Association constitutes or may constitute unskilled practice of the dental discipline practised by members of the Association or professional misconduct,

commence or appoint a person or persons to commence a preliminary investigation into the conduct of the member, and shall notify the member that a preliminary investigation into his conduct will be conducted, giving reasonable particulars of the matter to be investigated.

Report of  
preliminary  
investigation

**35(1)** A person conducting a preliminary investigation may

(a) request any person to answer any questions and to produce to him any models, charts, documents, papers, notes, records, radiographs 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 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.

(3) If a member of an Association 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 of the Association, and the failure or refusal to co-operate may be held by the Discipline Committee to be professional misconduct.

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

(a) the Registrar of the appropriate Association, if the Registrar is not conducting the preliminary investigation, or

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

Referral to  
Discipline  
Committee

**36** The Registrar or the member of the Discipline Committee to whom a report is provided under section 35(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 a dental discipline or professional misconduct,

or

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

Notice

**37** The Registrar or the 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.

Complainant's  
appeal to  
Discipline  
Committee

**38(1)** A complainant who is served with a notice under section 37 that no further action will be taken may, within 30 days of the receipt of the notice, by notice in writing to the Registrar, request a review of that direction by the Discipline Committee.

(2) On receipt of a request under subsection (1), the Discipline Committee shall determine whether

(a) the complaint is frivolous or vexatious, or

(b) there is sufficient evidence of unskilled practice or professional misconduct to warrant the matter under investigation being the subject of a hearing,

and shall notify the complainant and the investigated person in writing of its decision.

(3) Before coming to a decision under subsection (2), the Discipline Committee shall invite the complainant and the investigated person to attend before the Committee and make representations to it.

Suspension  
pending  
decision

**39(1)** Notwithstanding anything in this Act, the chairman may recommend to the president of the Association that the certificate of registration or annual certificate, or both, of the investigated person be temporarily suspended pending the outcome of proceedings under this Part, and the president may suspend the certificate of registration or annual certificate accordingly.

(2) An investigated person who is affected by a suspension under subsection (1) may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the chairman, apply for an order staying the decision of the president.

Rights of  
investigated  
person

**40(1)** The Association and the investigated person may appear and be represented by counsel at a hearing before the Discipline Committee.

(2) The Discipline Committee may be represented by counsel at a hearing before the Committee.

(3) A hearing before the Discipline Committee shall be open to the public unless

(a) the complainant requests that the hearing be held in private because of the confidential nature of the matters to be heard, or

(b) in the opinion of the Discipline Committee, the interests of any person other than the investigated person would be detrimentally affected if the hearing were not held in private.

Hearing

**41(1)** On referral to it of a matter under section 36(b) or on determining under section 38(2)(b) that a hearing should be held, the Discipline Committee shall hold a hearing.

(2) A hearing under subsection (1) shall be commenced within 90 days after the date on which the matter is referred to the Discipline Committee or the date that the determination that a hearing should be held is made, or within such other period as may be prescribed by the Council.

(3) The Registrar shall serve on the investigated person at least 15 days before the date set for the hearing a notice of the hearing stating the date, time and place at which the Discipline Committee will hold a hearing and giving reasonable particulars of the matter in respect of which the hearing will be held.

Further  
investigation

**42** If any other matter concerning the conduct of the investigated person arises in the course of a preliminary investigation or hearing, the Discipline Committee may investigate and hear the matter, but in that event the Discipline Committee shall declare its intention to hear the further matter and shall permit the investigated person reasonable opportunity to prepare his answer to the further matter.

Evidence before  
Discipline  
Committee

**43(1)** Evidence may be given before the Discipline Committee in any manner that the Discipline Committee considers appropriate, and the Discipline 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 34 and the members of the Council, the Discipline Committee and the

Practice Review Board are conferred with the powers of a commissioner for oaths under the *Commissioners for Oaths Act*.

**Witnesses**

**44(1)** The investigated person and any other person who, in the opinion of the Discipline Committee, has knowledge of the matter being heard are compellable witnesses 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, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(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 to obtain the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.

**Attendance of witnesses and production of documents**

**45(1)** The attendance of witnesses before the Discipline Committee and the production of models, charts, documents, papers, notes, records, radiographs 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, charts, documents, papers, notes, records, radiographs and other materials and things, if any, that the witness 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 the

person requires for the attendance of witnesses or for production of any item 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 as are payable to a witness in an action in the Court of Queen's Bench.

Failure to  
attend or give  
evidence

**46(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, charts, documents, papers, notes, records, radiographs 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) The chairman of the Discipline Committee may make a complaint with respect to the failure or refusal under subsection (1) of a witness who is a member of an Association, and the failure or refusal may be held to be unprofessional conduct.

Hearing in  
absence of  
investigated  
person

**47** The Discipline Committee, on proof of service of the notice of hearing on the investigated person in accordance with this Act may

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

(b) act and decide on the matter being heard in the same way as if the investigated person were in attendance.

Findings of  
Discipline  
Committee

**48** The Discipline Committee may find that the conduct of an investigated person constitutes or does not constitute unskilled practice of a dental discipline or professional misconduct, or both.

Orders of  
Discipline  
Committee

**49(1)** If the Discipline Committee finds that the conduct of an investigated person constitutes unskilled practice of a dental discipline or professional misconduct, or both, the Discipline Committee may make one or more of the following orders:

(a) reprimand the investigated person;



- (b) suspend the certificate of registration or annual certificate, or both, of the investigated person either generally or with respect to any field of the practice of the dental discipline for a stated period;
  - (c) suspend the certificate of registration or annual certificate, or both, of the investigated person either generally or with respect to any field of the practice of the dental discipline until
    - (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or
    - (ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in that 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 entitlement to engage in the practice of the dental discipline generally or in any field of the practice;
  - (f) direct the investigated person to pass a particular course of studies or satisfy the Discipline Committee or the Council as to his professional competence generally or in any field of the practice;
  - (g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the investigated person's certificate of registration or annual certificate until the Discipline Committee is so satisfied;
  - (h) require the investigated person to take counselling that in the opinion of the Discipline Committee is appropriate;
  - (i) require the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;
  - (j) cancel the certificate of registration or annual certificate, or both, of the investigated person;
  - (k) make any further or other order that it considers appropriate.
- (2) If 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

certificate of registration or annual certificate, as the case may be, subject to any terms it considers appropriate and shall serve the investigated person with notice of the cancellation or suspension.

Payment of  
costs and fine

**50(1)** The Discipline Committee may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 49, order that the investigated person pay

(a) all or part of the costs of the hearing or appeal, as determined in accordance with the regulations,

(b) a fine not exceeding \$5000 for each finding of unskilled practice or professional misconduct and \$10 000 in the aggregate for all such findings arising out of the hearing, or

(c) the costs under clause (a) and the fine under clause (b)

to the Association within the time set by the order.

(2) If a person ordered to pay a fine, costs or both under subsection (1) fails to pay the fine or costs within the time ordered, the Council may suspend the certificate of registration or annual certificate of the person until he has paid the fine and costs and shall serve the person with notice of the suspension.

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

Written  
decision

**51** The Discipline Committee shall, within a reasonable time after the conclusion of a hearing, 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 by it.

Service of  
decision and  
record of  
hearing

**52(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

(a) a copy of the decision on the investigated person and on the Council, and

(b) a notice of the decision on the complainant, if any.

**Examination of record** **53** The investigated person may examine the record or any part of the record of the hearing before the Discipline Committee and hear any recording or examine any mechanical or handwritten record of evidence given before the Discipline Committee.

**Rehearing** **54** If there is new evidence available that was not available or for good reason was not presented at the hearing before the Discipline Committee, the Discipline Committee may, with the consent of the investigated person, rehear any matter already heard by it under section 41 and, for that purpose, has 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.

**Stay pending appeal** **55(1)** A decision of the Discipline Committee remains in effect until the Council makes a decision on an appeal.

(2) An investigated person may apply to the Council for an order staying the decision of the Discipline Committee pending the outcome of the appeal to the Council.

**Appeal to Council** **56(1)** An investigated person or the Association may, by notice in writing to the Registrar, appeal to the Council a finding or an order, or both, of the Discipline Committee.

(2) A notice of appeal under subsection (1) shall

(a) describe the finding or order, or both, being appealed, and

(b) state the reasons for the appeal.

(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

(a) on the investigated person, if he is appealing the decision, or

(b) on the Council, if the Association is appealing the decision.

(4) The Registrar shall, on receiving a notice of appeal under subsection (3), give to each member of the Council a copy of the notice of appeal and make available to each member of the Council the decision of the Discipline Committee and the record of the hearing.

Notice and  
hearing of  
appeal

**57(1)** The Registrar shall, on receiving a notice of appeal under section 56, serve on the investigated person a notice of hearing of an appeal stating the date, time and place at which the Council will hear the appeal.

(2) The Council shall,

(a) if the certificate of registration or annual certificate of the investigated person has been cancelled or suspended, hear the appeal within 30 days after the date of service of the notice of appeal, and

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

(3) The Council 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 extension may be granted without the consent of the investigated person, and

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

Council's  
powers on  
appeal

**58(1)** The Association and the investigated person may appear and be represented by counsel at the hearing of an appeal before the Council.

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

(3) The appeal to the Council shall be founded on the record of the hearing before the Discipline Committee and the decision of the Discipline Committee.

(4) Sections 43 to 47 apply to proceedings before the Council.

- (5) The Council 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 Council,
  - (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) A hearing before the Council shall be open to the public unless, in the opinion of the Council, the interests of any person other than the investigated person would be detrimentally affected if the hearing were not held in private.
- (7) The Council shall, within 90 days after the conclusion of all proceedings before it,
- (a) make any finding or order that in its opinion ought to have been made by the Discipline Committee,
  - (b) quash, confirm or vary the decision of the Discipline Committee or substitute or make a finding or order of its own, or
  - (c) refer the matter back to the Discipline Committee for further consideration in accordance with any direction that the Council may make.
- (8) The Council may make any award as to the costs of an appeal to it that it considers appropriate.
- (9) The Council shall, within a reasonable time after the conclusion of the proceedings before it, make a written decision on the matter and shall forward the decision to the Registrar.
- (10) The Registrar shall serve
- (a) a copy of the decision on the investigated person and the Association, and
  - (b) a notice of the decision on the complainant, if any.
- (11) The decision of the Council remains in effect until the Court of Appeal makes a decision or an appeal.
- (12) An investigated person may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the

Registrar, apply for an order staying the decision of the Council pending the outcome of the appeal to the Court of Appeal.

**Appeal to Court** **59(1)** An investigated person or the Association may appeal to the Court of Appeal any decision made by the Council.

(2) An appeal under this section shall be commenced

(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

(i) on the Council, where the investigated person is the appellant, or

(ii) on the investigated person, where the Association is the appellant,

within 30 days from the date on which the decision of the Council is served on the appellant.

**Appeal on the record** **60** The appeal to the Court of Appeal shall be founded on the record of the proceedings before the Council and the decision of the Council.

**Power of Court on appeal** **61(1)** The Court of Appeal on hearing the appeal may

(a) make any finding or order that in its opinion ought to have been made,

(b) quash, confirm or vary the decision of the Council or any part of it,

(c) refer the matter back to the Council for further consideration in accordance with any direction of the Court, or

(d) direct that a trial of any mixed questions of law and fact related to a finding or order, or both, of the Council under section 59 be held before the Court of Queen's Bench.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

## **PART 7**

### **DENTAL DISCIPLINE GOVERNING BOARDS AND THE DENTAL DISCIPLINES ADVISORY COMMITTEE**

#### **Definitions**

**62** In this Part,

- (a) “Board” means a Dental Discipline Governing Board;
- (b) “Committee” means the Dental Disciplines Advisory Committee.

#### **Boards established**

**63(1)** The Minister may by order in writing establish a Dental Discipline Governing Board for an Association if the Minister is satisfied that the Association is not carrying out in an appropriate manner the powers and duties conferred or imposed on it by this Act or the regulations.

(2) The Council of an Association may make representations to the Minister before a Board is established for the Association under subsection (1).

(3) A Board shall consist of not more than 5 members appointed by the Minister as follows:

- (a) not more than 3 members of the Association for which the Board is established, and
- (b) not fewer than 2 members of the public.

(4) The Minister shall designate one of the members appointed under subsection (3)(b) to act as the chairman of the Board.

(5) The failure of a member of a Board appointed under subsection (3)(b) to attend a meeting of the Board does not affect or restrict the Board in exercising any powers or performing its duties.

(6) A member of a Board may hold office for not more than 6 consecutive years.

(7) The Minister shall pay to a member of a Board who is appointed under subsection (3)(b) and who is not an employee of the Government remuneration for his services and an allowance for the expenses necessarily incurred in the performance of his duties under this Act at the rates set by the Minister.

#### **Authority of a Board**

**64(1)** The Minister shall by order in writing specify

- (a) the powers and duties to be carried out by a Board, and
- (b) the Association on behalf of which a Board is to carry out the powers and duties specified under clause (a).

(2) While carrying out a power or duty of a person or body referred to in this Act,

- (a) a Board has all of the authority of that person or body, and
- (b) the authority of that person or body to carry out the power or duty is suspended until a direction is given under section 66(1).

Termination  
and  
re-establishment  
of a Board

**65(1)** The Minister may by order in writing direct a Board to cease carrying out any power or duty on behalf of an Association if the Minister is satisfied that the Association is able to carry out the power or duty in an appropriate manner.

(2) The Minister may at any time by order in writing

- (a) terminate a Board, and
- (b) in accordance with section 63(1), re-establish a Board.

Dental  
Disciplines  
Advisory  
Committee  
established

**66(1)** There is hereby established the Dental Disciplines Advisory Committee consisting of

(a) one member of each of the following Associations, appointed by the Minister from a list of nominees prepared by each respective Association:

- (i) the Alberta Dental Hygienists' Association;
- (ii) the Alberta Association of Dental Technicians;
- (iii) the Alberta Dental Assistants Association;
- (iv) any Association established under section 5(2)(a),

(b) one dentist appointed by the Minister from a list of nominees prepared by the Alberta Dental Association, and

(c) not fewer than 3 members of the public appointed by the Minister.

(2) The Minister shall designate one of the members appointed under subsection (1)(c) to act as the chairman of the Committee



and shall appoint an employee of the Government to act as the secretary of the Committee.

(3) The failure of a member of the Committee appointed under subsection (1)(c) to attend a meeting of the Committee does not affect or restrict the Committee in exercising any powers or performing its duties.

(4) A member of the Committee may hold office for not more than 6 consecutive years.

(5) The Minister shall pay to a member of the Committee who is not an employee of the Government remuneration for his services and an allowance for the expenses necessarily incurred in the performance of his duties under this Act at the rates set by the Minister.

**Authority of  
Committee**

**67(1)** The Committee shall

(a) provide advice to the Minister respecting any regulation proposed by a Council under section 75, and

(b) examine and make recommendations to the Minister relating to any matter concerning dental health that is referred to it by the Minister.

(2) The Committee may examine and make recommendations to the Minister relating to any matter suggested by a member of the Committee if a majority of the members of the Committee agree that the matter should be examined.

**Meetings**

**68(1)** The Committee shall meet at least twice in each year.

(2) An employee of the Department of Health, designated by the Minister of Health, may receive notice of and attend meetings of the Committee.

**Supplies and  
services**

**69** The Minister may provide to the Committee at no cost to it any supplies and the services of employees of the Government under his administration to carry out any work that in the opinion of the Minister may reasonably be required by the Committee to enable it to perform its functions under this Act.

**Annual report**

**70(1)** As soon as possible after the end of each year,

(a) a Board shall prepare and submit to the Minister a report summarizing the activities of the Board in that year, and

(b) the Committee shall prepare and submit to the Minister a report summarizing the activities of the Committee in that year.

(2) A Board shall forward to the Association on behalf of which it carries out its authority a copy of the report referred to in subsection (1)(a).

## **PART 8**

### **GENERAL**

Recognition of order, direction or decision	<p><b>71</b> No employer or other person shall knowingly require a member of an Association to perform a service or undertake any work that would result in the member's contravening an order, direction or decision of the Discipline Committee, the Council or a court of competent jurisdiction.</p>
Service of documents	<p><b>72</b> 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 or sent to him by single registered mail at the address last shown for that person on the register or records of the Association or provided under section 33.</p>
Certificate of Registrar	<p><b>73</b> 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,</p> <ul style="list-style-type: none"><li>(a) a member of an Association, or</li><li>(b) an officer of an Association, a member of a Council or a member of a board or committee established by this Act, the regulations or the by-laws,</li></ul> <p>shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.</p>
Protection from liability	<p><b>74(1)</b> No action lies against</p> <ul style="list-style-type: none"><li>(a) a person conducting a preliminary investigation, a member of the Council or of a committee or board established by this Act, the Registrar or the Association, or any person acting on the instructions of any of them, or</li><li>(b) a member, officer or employee of an Association,</li></ul> <p>for anything done by him in good faith and in purporting to act under this Act, the regulations or the by-laws.</p> <p>(2) No action for defamation may be founded on a communication that consists of or pertains to the conduct of a member of an Association if the communication is published to or by</p>

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

(b) the Registrar of the Association or a member of the Council, the Practice Review Board or the Discipline Committee of the Association,

(c) a person conducting a preliminary investigation for the Association, or

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

in good faith in the course of an investigation or proceeding conducted under this Act in relation to the conduct.

## **PART 9**

### **REGULATIONS AND BY-LAWS**

#### **Regulations**

**75(1)** The Council of an Association may make regulations

(a) defining

(i) the practice of dental hygiene,

(ii) the practice of dental technology,

(iii) the practice of dental assisting, and

(iv) the practice of any discipline designated as a designated dental discipline under section 5(1);

(b) establishing classes or categories within any of the practices referred to in clause (a), establishing a register for each class or category and prescribing the titles and initials that may be used exclusively by persons who are registered in each class or category;

(c) prescribing conditions or limitations on the practice of a dental discipline;

(d) prescribing standards of conduct and competency of members of an Association;

(e) prescribing the matters to be entered by the Registrar in the register referred to in section 11;

(f) respecting the establishment, maintenance and content of a student register in accordance with requirements set by the Universities Co-ordinating Council;

- (g) respecting the establishment, maintenance and content of additional registers;
  - (h) prescribing the conditions for renewal of registration to be met by members of an Association;
  - (i) respecting the temporary registration of a person who is entitled to practise a dental discipline;
  - (j) respecting the limitations and restrictions on the practice of a dental discipline by a person described in clause (i);
  - (k) prescribing the information that members of an Association are required to provide to the Association.
- (2) A regulation under subsection (1) does not come into force unless it is approved
- (a) by a majority of the members of the Association present and voting at a general meeting of the Association or in a vote conducted by mail in accordance with the regulations of the Association, and
  - (b) by the Lieutenant Governor in Council.
- (3) Before an approval is given by the Lieutenant Governor in Council, the Minister shall consult with
- (a) the Dental Disciplines Advisory Committee established under Part 7,
  - (b) the Alberta Dental Hygienists' Association,
  - (c) the Alberta Association of Dental Technicians,
  - (d) the Alberta Dental Assistants Association,
  - (e) any Association established under section 5(2)(a), and
  - (f) the Alberta Dental Association.
- (4) The Committee and Associations referred to in subsection (3) shall provide to the Minister their comments, if any, respecting a proposed regulation not later than 60 days after the date the Minister commences a consultation with the Committee or an Association.
- (5) The Minister may request a Council to amend or strike out a proposed regulation and if the Council neglects or refuses to comply with the request within 60 days of the date of the request,

the Lieutenant Governor in Council may amend or strike out the regulation as requested.

(6) The Lieutenant Governor in Council may, with respect to a regulation referred to in subsection (1),

- (a) approve the regulation,
- (b) amend or strike out the regulation in accordance with subsection (5) and approve the regulation as amended, or
- (c) refuse to approve the regulation.

**By-laws**

**76(1)** A Council may make by-laws

- (a) for the government of an Association and the management and conduct of its affairs;
- (b) determining the location of the head office of an Association;
- (c) respecting the calling of and conduct of meetings of an Association and a Council;
- (d) respecting the nomination, election, number and term of office of Council members, other than members appointed under section 9(1)(c), and officers of the Council and the Association;
- (e) providing for the appointment of acting members of a Council and prescribing their powers, duties and functions;
- (f) governing, subject to this Act, the appointment and term of office of members of a Discipline Committee and a Practice Review Board, the designation of chairmen and vice-chairmen, the appointment of acting members and the procedures for filling vacancies on a Discipline Committee or a Practice Review Board;
- (g) governing the establishment, operation and proceedings of committees, the appointment of members and of acting members and procedures for filling vacancies on committees;
- (h) establishing honorary or other categories of membership in an Association and prescribing the privileges and obligations of the members of the categories;
- (i) providing for the tenure of a Registrar and his additional duties, powers and functions, and the appointment of an Acting Registrar who has all of the powers and performs all of the duties of a 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;

(j) prescribing the number of members that constitutes a quorum at meetings of an Association, a Council, a Practice Review Board or a Discipline Committee;

(k) providing for the delegation, with or without conditions, of any power or duty of a Council under this Act, the regulations or the by-laws, except the power to make or amend regulations or by-laws;

(l) prescribing fees and expenses payable to members of a Council and of committees established under this Act, the regulations or the by-laws for attending to the business of an Association;

(m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit program that an Association considers appropriate;

(n) respecting the fees, dues and levies payable to an Association by members of the Association;

(o) respecting the removal by a Registrar from a register of a memorandum or entry made in it under this Act, the regulations or the by-laws;

(p) governing the publication by a Registrar of the names of successful applicants for registration;

(q) requiring members of an Association to inform the Registrar of the Association in writing of their address and of any change in that address forthwith after the change occurs;

(r) prescribing the form of a certificate of registration, 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;

(s) prescribing the date on which an annual certificate expires;

(t) respecting the holding of votes by mail on any matter relating to the Association;

(u) respecting the establishment and operation by the Council of a compulsory continuing education program.

2) A by-law under subsection (1) does not come into force unless it is approved by a majority of the members of the Association

- (a) present and voting at a general meeting of the Association,  
or
  - (b) voting in a vote conducted by mail in accordance with the  
by-laws of the Association.
- (3) The *Regulations Act* does not apply to by-laws of the  
Association.

## PART 10

### PENALTIES

- Penalties**      **77(1)** Every person who contravenes this Act is guilty of an  
offence and liable
- (a) for a first 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 a fine and imprisonment.
- (2) A prosecution under this section may be commenced within 2  
years after the commission of the alleged offence, but not  
afterwards.

## PART 11

### TRANSITIONAL, REPEAL AND COMMENCEMENT

- Registration of  
dental  
technician  
continued**      **78(1)** *In this section, "former Act" means the Dental Technicians  
Act, chapter D-10 of the Revised Statutes of Alberta 1980.*
- (2) *An individual who was registered as a dental technician under  
the former Act is deemed to be registered as a dental technician  
under this Act and, subject to section 81, may continue to provide  
the services that a dental technician was authorized to provide  
under the former Act.*
- Registration of  
dental hygienist  
continued**      **79** *An individual who was authorized under the Dental  
Profession Regulation (Alta. Reg. 328/84) to practise dental  
hygiene is deemed to be registered as a dental hygienist under this  
Act and, subject to section 81, may continue to provide the services  
that a dental hygienist was authorized to provide under that  
Regulation.*

Registration of certified intra oral dental assistant continued	<b>80</b> <i>An individual who was authorized under the Dental Profession Regulation (Alta. Reg. 328/84) to practise as a certified intra oral dental assistant is deemed to be registered as a registered dental assistant under this Act and, subject to section 81, may continue to provide the services that a certified intra oral dental assistant was authorized to provide under that Regulation.</i>
Services continued	<b>81</b> <i>An individual referred to in sections 78 to 80 may provide services in accordance with those sections only until a regulation is made under section 75(1)(a) defining the practice that the individual is authorized to engage in.</i>
Officers continued	<b>82</b> <i>The members of the Council, Board or other governing body of an Association referred to in section 7 at the time this Act comes into force are deemed to be members of the Council of that Association under this Act and shall continue in office until their successors are elected or appointed under this Act.</i>
Application continued	<b>83</b> <i>An application for registration as a member of an Association that has not been concluded before the coming into force of this Act shall be dealt with as an application for registration under this Act.</i>
Complaint or proceedings continued	<b>84(1)</b> <i>Any complaint made or discipline proceedings commenced but not concluded before the coming into force of this Act shall be concluded as though this Act had not come into force.</i>  <i>(2) Any complaint made or discipline proceedings commenced after the coming into force of this Act when the complaint or proceedings relate to conduct occurring all or partly before the coming into force of this Act shall be dealt with under this Act.</i>
Consequential	<b>85</b> <i>The Dental Profession Act is amended</i>  <i>(a) by repealing section 2(2);</i>  <i>(b) by repealing Part 4;</i>  <i>(c) in section 90</i>  <i>(i) by repealing subsections (4) and (5);</i>  <i>(ii) in subsection (6) by striking out “or (4)”;</i>  <i>(d) by repealing section 91(1)(d).</i>
Consequential	<b>86</b> <i>The Radiological Technicians Act is amended in section 11(g) by striking out “dental auxiliary” and substituting “registered dental assistant”.</i>



- |                              |           |   |
|------------------------------|-----------|---|
| <b>Repeal</b>                | <b>87</b> | <i>The Dental Technicians Act is repealed.</i>    |
| <b>Coming into<br/>force</b> | <b>88</b> | <i>This Act comes into force on Proclamation.</i> |