

Bill No. 92 of 1939.

AN ACT TO AMEND AND CONSOLIDATE THE
DENTAL ASSOCIATION ACT.

NOTE.

This Bill is in substitution of *The Alberta Dental Association Act*, chapter 204 of the Revised Statutes of Alberta, 1922.

Section 2 continues the Association of Dental Surgeons in and for the Province of Alberta as a College of Dental Surgeons.

Section 2 prescribes for the membership in the College of the present dental practitioners in the Province.

Sections 4 to 7 set forth the mechanics, the election of Council and the method of holding elections.

Sections 8 to 11 provide for the appointment of officers, the holding of annual meetings, the passing of rules, regulations and by-laws.

Section 12 provides for annual fees.

Sections 13 to 23 provide for academic standing, registration of future members, the keeping of the Register and the Certificate of Annual License and effect of registration.

Sections 24 to 34 set forth the prohibitions and penalties for practising dentistry contrary to the provisions of this Bill.

Section 35 definition of dentistry.

Section 36 provides the mode of disciplining members of the College.

Sections 37 and 38 provide the means of disciplining members for malpractice.

Sections 39 and 40 provide for the disposition of the funds of the College.

Section 41 exempts physicians and surgeons from the prohibitions and penalties under this Bill.

Section 46 defines a dental mechanic.

Sections 47 to 52 set forth who may be dental mechanics, what they may do, establish a Board of Dental Mechanic Examiners, the licensing of such mechanics and the penalties for anyone acting as a dental mechanic without being so licensed.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 92 of 1939.

An Act to Amend and Consolidate The Dental Association Act.

(Assented to _____, 1939)

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

PART I.

1. This Act may be cited as *The Dentistry Act*."

2.—(1) The Association of Dental Surgeons as heretofore established and instituted under the name of the Alberta Dental Association is hereby continued in and for the Province of Alberta as a College of Dental Surgeons, hereinafter called the "College".

(2) The membership of the College shall be composed of all persons who are by law authorized to practise the profession of dentistry or dental surgery in the Province under the provisions of *The Dental Association Act*, being chapter 204 of the Revised Statutes of Alberta, 1922, and amendments thereto, and all such persons shall be registered as members of the College without any application or other proceedings, or the payment of any registration fee; and also of all other persons who may become and be registered members of the College under and by virtue of this Act.

3. The members of the College shall be a body corporate under the name of "The College of Dental Surgeons of Alberta", and shall have perpetual succession and a common seal with the power to purchase, acquire, take, hold, possess, enjoy, sell, grant, mortgage, lease, or otherwise dispose of any chattel property and real estate, and receive, enjoy, possess and retain all sums of money as may at any time be given or bequeathed to it for its use, for the purposes of this Act, and to sue and be sued.

4.—(1) There shall be a Council of the College elected in the manner provided for in this Act, and referred to in this Act as the "Council".

(2) The Council shall consist of seven elected members, each of whom shall be a member of the College, and shall hold office for two years from the date of his election or until his successor is elected.

(3) The presence of at least four of the elected members of the Council shall be necessary to constitute a quorum.

(4) The Province of Alberta shall, for the purpose of this Act, be divided into the five electoral districts described in Schedule A.

(5) The members of the College resident in the Edmonton district and the Calgary district shall each be entitled to elect two members of the Council, and each of the other districts shall be entitled to elect one member of such Council, and every person so elected shall be a resident of the electoral district for which he is elected.

(6) The members of the Council for the Lethbridge district and the Red Deer district, and one member of the Council for the Calgary district and one member of the Council for the Edmonton district shall be elected in the year 1939, and every second year thereafter, and the member of the Council for the Medicine Hat district, and one member of the Council for the Calgary district and one member of the Council for the Edmonton district shall be elected in the year 1940, and every second year thereafter.

(7) A member of the Council may at any time resign his office by giving notice of his resignation in writing to the secretary, and in case of a vacancy occurring through resignation or otherwise,—

- (a) where the vacancy occurs in the representation of an electoral district more than six months prior to the holding of a general election, an election shall be held for the electoral district to fill the vacancy; and
- (b) where the vacancy occurs not more than six months prior to the date of the general election, no person shall be elected or appointed to fill the vacancy.

5.—(1) Elections for members of the Council shall be held at such time and place as may be decided upon by the Council in each year.

(2) The secretary shall, not later than thirty days prior to the date set for the elections for members of the Council, forward by registered mail to each and every member of the College in each of the said districts who is not in arrears in respect of any fees payable under the provisions of this Act, and who has been a resident of the Province of Alberta during the three immediately preceding months, a notice of the time and place fixed for the election of members to the Council, a list of all the members of the College resident in the district who are not in arrears as aforesaid, and a nomination paper.

(3) All members of the College whose names appear on such list and no others shall be eligible for nomination, and every registered member of the College may nominate any registered member of the College practising in the electoral district in which the nominator practises, for election.

(4) Nomination papers to be valid must be returned to the secretary by registered mail so as to reach him not later than fifteen days prior to the date set for the election, and no member of the College shall be considered duly nominated who has not been nominated by at least two qualified electors with the written consent of the nominee.

(5) The secretary shall not later than ten days prior to the date set for election forward to every qualified elector by registered mail a statement of the number of vacancies to be filled, in his district, a ballot paper containing the names of all those duly nominated for such district, and an addressed return envelope, which shall be so marked on the outside as to indicate that a ballot is contained therein.

(6) The persons qualified to vote at an election shall be all the duly registered members of the College who are not in arrears in respect of any fees payable under the provisions of this Act, and who have been residents of the Province during the three months immediately preceding the date of sending out the notice of elections for members of the Council.

(7) At all elections for members of the Council there shall be used a form of ballot paper, with a place for the signature of the member voting on a detachable slip which may be inspected and removed by the scrutineers without opening such ballot paper.

(8) Upon the holding of such elections there shall be counted all ballots which have been sent or handed to the secretary so as to be received by him prior to the date fixed for holding of an election. All ballots so sent or handed shall be signed by the member of the College voting, and shall be marked with a cross (X) opposite the name of the candidate for whom such member votes. In the event of any such ballot not being signed, or being marked for more names than there are vacancies, such ballot shall be rejected. Ballots so sent or handed shall be enclosed in an envelope marked on the outside so as to indicate that the same contains a ballot.

(9) If for any reason the elections for members of the Council shall not be held at the time appointed by the Council, it shall be held at such date thereafter as shall be appointed,—

(a) by the president; or, in the event of no date having previously been set by the president;

(b) by at least twenty-five of the members of the College in writing addressed to the secretary.

(10) Ballots cast at any election shall, at the hour fixed for the holding of such election, be handed unopened to two scrutineers appointed by the Council, or if no such appointment has been made, then to the scrutineers appointed by the president, and the said scrutineers shall satisfy themselves by examination of the signatures thereto that such ballots have been cast by duly qualified electors, and, if correct, the scrutineers shall remove the detachable slips from

all the envelopes and place the envelopes in the ballot box, and shall thereafter open and count the ballots in the presence of any members of the College who may desire to be present.

(11) The scrutineers counting the ballots at any such election shall, after such ballots have been counted and the result of the voting declared, place all ballots cast at such election in an envelope and securely seal the same and deliver such ballots so cast to the secretary, who shall retain the same for a period of forty-five days, and at the expiration of such time, if no proceedings are in the meantime taken to set aside such election, the secretary shall destroy such ballots.

(12) In case, in any district, two or more candidates have an equal number of votes, the scrutineers shall by lot decide which shall be declared elected.

(13) No election shall be rendered void by reason of any accidental oversight or omission in the giving of any notice required by this section.

6. The secretary of the College shall publish in *The Alberta Gazette* the names of those persons who have been elected members of the Council, such publication to be made in the issue of the *Gazette* appearing next after the said elections shall have been held, or so soon thereafter as the secretary can reasonably cause the same to be published.

7. If any member of the College desires to contest the validity of any election which is held pursuant to the provisions of this Act for the election of members of the Council, such member may, within thirty days from the date of such election, present a petition to a Judge of the Supreme Court of Alberta, who shall decide the matter in a summary way and may, if he deems it necessary, appoint such time and place as he may see fit for the hearing and determination of the matters complained of, and after hearing the parties and such evidence as may be adduced, shall decide the matters in question, and the decision of such Judge in respect of such petition shall be final. Such Judge shall in and about such petition have such powers as may be exercised by him in any case or proceeding in such Court.

OFFICERS.

8.—(1) The Council shall, at its first meeting following an election, appoint from amongst its members a president, a vice-president, a registrar, a treasurer and a secretary and such other officers, representatives and committees as may from time to time be deemed requisite and necessary for the carrying out of this Act, who shall hold office during the pleasure of the Council.

(2) The registrar, the treasurer and the secretary shall receive such remuneration for their services as the Council may fix.

(3) The Council shall, if the president and vice-president are absent, elect one of its members to preside at its meeting, who while so presiding, shall have the same powers and exercise the same functions as the president.

MEETINGS.

9.—(1) The Council of the College shall hold its annual meeting on the first Monday in July, or at such other time as may be fixed by the Council, and the members of the Council shall hold office until the first meeting of their successors.

(2) Such meetings may be continued or adjourned until the business before the Council is disposed of.

(3) Other meetings shall be held at such time and place as the Council appoints.

(4) Special meetings may be called by the President at any time; and, on the request in writing of three members of the Council, he shall call a special meeting.

10.—(1) The annual general meeting of the College shall be held immediately preceding and at the same place as the annual meeting of the Council.

(2) Due notice of such annual general meeting shall be given by the secretary to each member of the College by letter mailed to his last registered address at least seven days before the day appointed for such meeting.

BY-LAWS OF COUNCIL

11.—(1) The Council may from time to time make, alter, amend or repeal such rules, regulations and by-laws as may be necessary for the better guidance, government, discipline and regulation of the Council and of the profession of dentistry and for the carrying out of this Act: Provided that such by-laws shall, before coming into force, be approved by the Lieutenant Governor in Council.

(2) Every rule and regulation made by the Council under and by virtue of any power by this Act conferred shall be deemed to have been duly and effectually made if entered in a minute-book of the Council as part of the minutes of a meeting of the Council signed by the chairman of the meeting; and every such rule and regulation may be proved in any Court of Justice in the Province by the production of a copy of the rule or regulation purporting to be certified under the hand of the registrar and the seal of the College.

REGISTRATION AND ANNUAL FEES.

12.—(1) The Council shall have the power and authority to fix and determine the annual fee payable by each member of the College.

Provided that such annual fee shall not in any case exceed the sum of Twenty-Five Dollars, and such fee shall be

recoverable by suit as a debt in the name of the College of Dental Surgeons of Alberta in the District Court of the District in which the member in default resides.

(2) Where default is made in the payment of the annual fee and such default continues for a period of three months, the annual certificate of such member so in default may be issued thereafter upon payment of the fee and an additional sum not exceeding ten dollars, as may be prescribed by the Council.

(3) A member shall not be entitled to recover in any court for any services rendered or materials provided in the exercise of the profession of a dentist, while he is in default in respect of any annual fee.

(4) The registration fee is hereby fixed at two hundred dollars, except for a person who has received from the University of Alberta the degree of Doctor of Dental Surgery, whose registration fee is hereby fixed at one hundred dollars.

ACADEMIC STANDING AND EXAMINATION.

13. The academic standing and examination of candidates for admission to study or to practise the profession of dentistry in the Province of Alberta shall be under the control of the University of Alberta.

REGISTRATION OF MEMBERS.

14.—(1) The following other persons shall, upon payment of the registration fees prescribed by this Act, be entered on the register as members of the College and receive a Certificate of Registration, which Certificate shall be in the form prescribed by the Council, that is to say, any person,—

- (a) who holds the degree of Doctor of Dental Surgery from the University of Alberta; or
- (b) who produces a Certificate from the Registrar of the University of Alberta that the person to whom such Certificate is issued has both academic and professional training and qualifications which are equivalent to those required by the Senate of the University of Alberta; and
- (c) who produces to the Council satisfactory evidence of his reputation and good moral character; and
- (d) who, in all other respects, satisfies the Council of his fitness to be so registered as a member of the College; and
- (e) who executes a Declaration solemnly declaring his willingness to uphold the honour and dignity of the profession and agrees to practise the profession of dentistry in a professional and becoming manner, and in accordance with the provisions of this Act.

(2) The Council shall have power to appoint one or more members of the College as representatives of the College upon the Dominion Dental Council, and the Council shall so long as represented on the said Dominion Dental Council, accept the Certificate of Qualification of the said Dominion Dental Council as a qualification sufficient without further examination for the granting to the holder thereof of a Certificate of Registration as a member of the College, provided such Certificate is accompanied by evidence satisfactory to the Council of his fitness, reputation and good moral character, and provided that payment of the required fees has been made to the Treasurer of the College.

(3) In any case where the Certificate of the Dominion Dental Council of Canada issued to a practitioner who has procured a Certificate of Registration under the provisions of this section is cancelled for any cause by the said Dominion Dental Council, the Certificate of Registration of such practitioner to practise in Alberta shall thereupon be and become null and void, and the Council shall remove the name of such person from the register.

15. Every Certificate of Registration issued under the provisions of this Act shall be sealed with the corporate seal of the College, and shall be signed by the president and the secretary, and any such Certificate shall be receivable in evidence without any proof of the signing or the sealing thereof and shall be *prima facie* evidence of its contents.

16. Upon any person being registered under this Act he shall be entitled to receive a Certificate of Registration under the corporate seal of the College signed by the president and the secretary.

REGISTER.

17. It shall be the duty of the Registrar to keep the Register in accordance with this Act and the rules and regulations of the Council, and such Register shall contain the names of the members of the College with their addresses and degrees and professional qualifications and any subsequent changes therein, and issue to each member of the College a Certificate of Registration in the form prescribed by the Council, and perform such other duties as may be imposed upon him by the Council.

18. No person shall be entitled to have his name on the said Register unless the registrar is satisfied by proper evidence that such person is entitled to be registered, and any appeal from a decision of the registrar shall be decided by the Council.

19. If it is at any time established to the satisfaction of the Council that the name of any person has been entered in the Register who is not entitled to be so registered, such name may be erased therefrom by order of the Council.

20. No degree or qualification shall be entered on the 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 duly entitled; and any appeal from the decision of the registrar on any matter or question of fact or evidence may be decided by the Council.

ANNUAL LICENSE FEE AND CERTIFICATE

21. There shall be due and payable on the first day of January in each year by each member of the College then actually engaged in the practise of the profession of dentistry or dental surgery to the College, the annual fee prescribed by the Council, and each member of the College so engaged in practise shall obtain from the registrar annually a Certificate under the seal of the College of the same date, stating that such member is entitled to practise the profession of dentistry and dental surgery in the Province of Alberta. All such Certificates shall expire on the thirty-first day of December in each year, and it shall be the duty of the registrar, upon payment of the fee and any fees in arrears, to issue the Certificate. This Certificate may be in the following form:—

COLLEGE OF DENTAL SURGEONS OF ALBERTA

Annual Certificate No.....

This is to certify that is a member in good standing of the College of Dental Surgeons of Alberta, and is entitled to practise the profession of dentistry and dental surgery in the Province of Alberta until the thirty-first day of December, A.D.

Dated the day of, A.D.

Registrar.

EFFECT OF REGISTRATION.

22. All persons registered under this Act and holding a subsisting Annual Certificate issued hereunder, shall be entitled to practise the profession of dentistry and dental surgery in the Province and to demand and recover from any person or patient, in any Court of Law, reasonable charges for professional aid, advice or services, and the cost of any medicines, materials or appliances rendered or supplied by him to such person or patient.

23. It shall be the duty of the registrar as nearly as possible in each year to make and prepare a list setting forth in alphabetical order, according to electoral districts, the names, and giving also the place of residence, of all members of the College who have paid their annual fees for the then current year, and have had issued to them Annual Certificates; and a copy of such list, certified by the said

registrar, shall be evidence in any Court of Justice in Alberta that the persons therein named are the members of the College for the said year, and the absence of the name of any person from the list shall be *prima facie* evidence that such person is not registered or entitled to practise under this Act.

PROHIBITION AND PENALTIES.

24. No member of the College shall in the practise of the profession of dentistry or dental surgery use any name other than his own proper name and surnames, together with any degrees and the words "Doctor", "Dentist" or "Dental Surgeon" or any abbreviation thereof.

25. No duly registered practitioner shall, for the purpose of performing any dental operation, either surgical or mechanical, on any patient, employ any person who is not registered and who is not, for the time being, the holder of a subsisting Annual Certificate.

26. No member of the College shall advertise or hold himself out to the public as a specialist, or as being specially qualified in any particular branch of dentistry, dental work, without having received from the Registrar of the University of Alberta a certificate of having complied with such conditions precedent as to qualifications or fitness as may be prescribed by the Senate of the said University of Alberta, and until the Registrar of the College shall have entered the degree or qualification in the Register of the College.

27. No member of the College shall,—

- (a) publish, use or issue directly or indirectly any means of public advertisements such as cards, handbills, posters or signs, photos, lithographs or engravings made from wood, steel or other materials, or make use of the radio for, advertising operations, modes of operations, special modes of operations, free operations, peculiar styles of work, prices for services, or claiming superiority over other practitioners;
- (b) publish reports of cases or testimonials in any public prints;
- (c) go from house to house soliciting or performing operations;
- (d) circulate or recommend nostrums, or perform other similar acts;
- (e) display any sign other than one which in its character, position, size and wording is merely such as may be reasonably required to indicate the location of and entrance to the premises in which a dental practise is carried on;

but nothing in this Act shall be construed as to imply that it is unprofessional or unbecoming conduct for any member of the College to announce by a professional card published in public prints or by business cards simply their names, occupation, titles, degrees, their place and hours of business, or, in the same manner, announce their removal from or return to practise.

28. No company incorporated, registered or licensed under any of the Acts of the Province of Alberta regulating or respecting joint stock companies shall carry on or attempt to purport to carry on the practise of the profession of dentistry or dental surgery in the Province of Alberta, and no member of the College shall assist or enter the employ of any such company to carry on or attempt or purport to carry on such practise in any wise whatever.

29. Any violation of any of the provisions of the five next preceding sections, in so far as they apply to a member of the College, shall be deemed to be unbecoming, improper or unprofessional conduct within the meaning of this Act, but without in any way limiting the meaning of the expressions "unbecoming, improper or unprofessional conduct", and any violation of any of the provisions of the said five next preceding sections by any other person shall render the offender liable to the penalties provided in the next following section.

30.—(1) No person who is not a member of the College and who is not the holder of a subsisting Annual Certificate shall, by himself or by any other person, practise the profession of dental surgery, or perform any dental operation, upon, or prescribe any dental treatment for, any person, or shall pretend to hold or take or use any name, title, addition or description implying that he holds a certificate of license to practise dental surgery, or that he is a member of the College, or shall falsely represent or use any title representing that he is a graduate of any dental college, or any title or description whatsoever which implies that he practises dentistry or any branch of dentistry, or which contains the words "dentist", "dentistry", dental" or any derivative of any such word, or any letters, signs or abbreviations having the like significance.

(2) Every person who contravenes any of the provisions of Part I of this Act shall be liable, upon summary conviction, to a penalty of not less than one hundred dollars nor more than two hundred dollars, and costs, for the first offence, and for the second offence to a penalty of not less than four hundred dollars, nor more than five hundred dollars, and costs, and for every subsequent offence to a penalty of not less than six hundred dollars and costs, nor shall any such person be entitled to sue or recover in any Court for the services which he performed or materials which he provided in the ordinary and customary work of a dental

surgeon, and if such person is a dental mechanic, the Justice, upon making any such conviction, may order the forfeiture of his license or may suspend the same for any period that to him may seem meet, and during the period of such forfeiture or suspension, the said dental mechanic shall not be entitled to act as a dental mechanic, dental technician, laboratory man or operate a dental laboratory, or be employed by a member of the College.

31. The proceedings upon any information for an offence against any of the provisions of Parts I and II of this Act in a case where a previous conviction or convictions are charged under this Act or said Chapter 204 of the Revised Statutes of Alberta, shall be as follows,—

- (a) the Justice shall in the first instance enquire concerning such subsequent offence only, and if the accused is found guilty thereof, he shall then and not before be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously convicted, or does not answer such question, the Justice shall then enquire concerning such previous conviction or convictions;
- (b) such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting Justice or the Attorney General or the Clerk of the Court to whose office the conviction has been returned, without proof of his signature or official character;
- (c) in case any person who has been convicted of a violation of any provision of this Act or said Chapter 204 of the Revised Statutes of Alberta, is afterwards convicted of a violation of any provision of this Act, such latter conviction shall be deemed a conviction for a second or subsequent offence, as the case may be, within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections or under the provisions of this Act or the said Chapter 204 of the Revised Statutes of Alberta.

32. In any such prosecution or trial, the onus of proof of being a duly registered member of the College, and the holder of a subsisting Annual Certificate, shall be upon the person charged.

33. All penalties imposed pursuant to this Act shall, upon payment thereof, be paid over by the person recovering the same to the treasurer of the College and form part of the funds of the College.

34. No proceedings shall be taken in respect of any contravention of the provisions of this Act, except within twelve months after the date of such contravention.

DEFINITION OF DENTISTRY.

35. Any person shall be deemed to be practising the profession of dentistry within the meaning of this Act, who for a fee, salary, reward, or commission paid or to be paid by an employer to him, or for fee, money, or compensation paid or to be paid either to himself or an employer, or any other person, examines, diagnoses, or advises on any condition of the tooth or teeth, jaw or jaws of any person, or who either directly or indirectly takes, makes, performs, or administers any impression, operation, or treatment or any part of any impression, operation, or treatment of any kind of, for, or upon the tooth or teeth, jaw or jaws, or of, for, or upon any disease or lesion of the tooth or teeth, jaw or jaws, or the malposition thereof, of any person, or who fits any artificial denture, tooth, or teeth in, to or upon the jaw or jaws of any person, or who holds himself out as being qualified or entitled to do all or any of the above things.

PRELIMINARY HEARING.

36.—(1) In case a member of the College shall have been convicted of an indictable offence, or is known or is reported to be guilty of, or is charged with unbecoming, improper, unprofessional or criminal conduct, professional or otherwise, a preliminary enquiry shall be made by a committee appointed by the Council, which committee shall consist of at least three members of the College, and shall have power for this purpose to summon witnesses and administer oaths or affirmations to such witnesses, and if the committee considers the charges preferred against such members to have been proved, it shall direct that the whole facts be submitted to a Judge of the Supreme Court, and upon such submission, the said Supreme Court Judge shall have power to hear and determine all such charges and for that purpose to compel the attendance of witnesses and the production of documents, and to administer oaths or affirmations to witnesses, and to take evidence either orally or by Affidavit.

(2) In any such case where the Judge is satisfied that the charge submitted to him is true, the Judge may order the erasure of such member's name from the Register, or may suspend such member from practise for any period that to him may seem meet, and he may make such order as to costs and otherwise as to him may seem just.

MALPRACTISE.

37. The Council may in its discretion erase from the register the name of any member who shall be found guilty of malpractise by a court of competent jurisdiction or the Council may suspend such member from practise for such period as the Council may deem meet.

38. No duly registered member of the College shall be liable in any action for negligence or malpractice by reason of professional services requested or rendered, unless the action is commenced within one year from the date when, in the matter complained of, the professional services were terminated.

39.—(1) All moneys forming part of the funds of the said College shall be paid to the Treasurer, and shall be applied towards,—

- (a) carrying on the objects of this Act;
- (b) promoting and advancing dentistry and the scientific knowledge pertaining to the profession;
- (c) educational extension and research work;
- (d) in aid of any college or association in respect of anything done for the advancement or protection of the profession of dentistry.

(2) The Council may invest, in the name of the College, any money not required to be immediately expended in such securities as trustees are authorized to invest in, and the income derived therefrom shall form part of the ordinary income of the College.

40. All fees that are now payable under the provisions of this Act and the law heretofore in force and the by-laws of the said College, shall continue to be payable until duly changed by the by-laws of the College pursuant to the provisions of this Act.

41.—(1) Nothing in this Act contained shall affect the privileges conferred upon physicians and surgeons by any Act relating to the practice of medicine and surgery in this Province; but no physician or surgeon shall practice restorative or prosthetic dentistry without first having passed such examination therein as may be prescribed by the University of Alberta.

(2) Upon passing such examination he shall be entitled to obtain a license to practice dentistry from the Council upon paying the prescribed fee.

42. Nothing in this Act shall prevent any student duly registered for the course in Dentistry at the University of Alberta from receiving clinical instructions and practice under the personal supervision of a member of the said College.

43. Members of the Board of Directors holding office under the provisions of "The Alberta Dental Association Act" at the time of the coming into force of this Act shall continue as members of the Council for the residue then remaining unexpired of their respective terms of office.

44. Rules, regulations and by-laws of the Alberta Dental Association in force at the time of the coming into force of

this Act shall be deemed to have been made pursuant to this Act and remain in force until repealed or altered by the Council in the manner hereinbefore provided.

45. The members of the College shall, when requested by any patient, furnish such patient with full upper and lower dentures of the type and at the fee set out in Schedule B hereto;

Provided, however, that nothing in this Act contained shall prevent any member of the College from entering into an agreement with any patient for any other type of denture service.

PART II.

DENTAL MECHANICS.

46. For the purpose of this Part the expression "Dental Mechanic, Dental Technician or Laboratory man" means a person who performs, outside of the patient's mouth, the purely mechanical and laboratory procedures involved in restorative dental operations.

47. No dental mechanic, dental technician or laboratory man shall act as such except under the instructions and directions of a duly registered member of the College who holds a subsisting annual certificate.

48. Nothing in this Part contained shall preclude a dental mechanic, dental technician or laboratory man from performing outside of the patient's mouth the purely mechanical and laboratory procedures involved in restorative dental operations on the instructions and directions of a duly registered member of the College of Dental Surgeons of British Columbia or Saskatchewan holding an unexpired annual certificate or license.

49. No person shall, after the first day of July, 1939, act as a dental mechanic, dental technician, laboratory man, or operate a dental laboratory at any time during which he is not the holder of a subsisting license issued pursuant to this Part.

50. The Council of the Association of Master Dental Technicians of Alberta shall appoint a Board of Dental Mechanic Examiners, hereinafter called the "Board", which shall consist of the head of the Department of Prosthetic Dentistry of the University of Alberta School of Dentistry and two licensed dental mechanics; and the Board so appointed is empowered to hold examinations and issue licenses under the provisions of this Part.

51. The Board may on application issue a certificate of license as a dental mechanic, dental technician or laboratory man to,—

- (a) any person who, prior to the first day of July, 1938, had as his sole means of livelihood or income, owned, operated, conducted or carried on a dental laboratory within the Province of Alberta; or
- (b) any person who has been an employee of a dental laboratory in the Province of Alberta for a period of not less than five years prior to the first day of January, 1939; or
- (c) any person who is a graduate in dentistry of the University of Alberta or who in the opinion of the Board possesses qualifications equivalent to those required for such a graduate.

52. The Board may forthwith issue a license to any other person upon the Board being satisfied,—

- (a) that he has served an apprenticeship of not less than five years with a duly licensed dental mechanic in the Province of Alberta; or
- (b) a similar apprenticeship elsewhere;
- (c) by such examination as may be prescribed by the Board, that he possesses satisfactory qualifications; and
- (d) that he is a fit and proper person to be granted a license.

53. No dental mechanic, dental technician or laboratory man shall publish, use or issue directly or indirectly any means of public advertisement, announcements, signs or displays other than on the door or entrance to the office, suite, rooms or premises actually used and occupied by such dental mechanic, dental technician or laboratory man.

54. Any person who contravenes any of the provisions of Part II of this Act shall on summary conviction be liable to a penalty of not less than fifty dollars, or more than one hundred dollars, and costs, for the first offence; and for a second or subsequent offence, to a penalty of not less than two hundred dollars, or more than four hundred dollars, and costs; or in the alternative to sixty days' imprisonment; or both; and, if such person is a dental mechanic, the justice, upon making such conviction, whether for a first, second or subsequent offence, may order the forfeiture of his license, or may suspend the same for any period that to him may seem meet, and during the period of such forfeiture or suspension, the said dental mechanic shall not be entitled to act as a dental mechanic, dental technician, laboratory man, or operate a dental laboratory or be employed by a member of the College.

55. In the event of a dispute arising between the Association of Master Dental Technicians of Alberta, a dental mechanic, dental technician or laboratory man, and the College of Dental Surgeons of Alberta, or any member thereof, the matter or matters in dispute shall be submitted in accordance with the provisions of *The Arbitration Act*, being chapter 98 of the Revised Statutes of Alberta, to a board of arbitration composed of the Deputy Minister of Health for the Province of Alberta, the president of the College of Dental Surgeons of Alberta, and the president of the Association of Master Dental Technicians of Alberta, or in the event of the president of either or both of the two latter named members of the Board of Arbitration being personally involved, then the vice-president, or vice-presidents, shall act in place and stead of the said president, or presidents, and the decision of such Board of Arbitration shall be final and shall be accepted by all parties concerned or involved in such submission.

56. *The Dental Association Act*, being chapter 204 of the Revised Statutes of Alberta, is hereby repealed, and the following parts of *The Public Health Act*, being chapter 58 of the Revised Statutes of Alberta, namely paragraph (qq) of subsection (1) of section 7, and section 24a, are hereby repealed.

57. This Act shall come into force on the first day of May, 1939.

SCHEDULE "A"

(Section 4, ss. 4.)

EDMONTON DISTRICT.

The Edmonton District, comprising the City of Edmonton and all that part of the Province lying to the north of the North Saskatchewan River.

RED DEER DISTRICT.

The Red Deer District, comprising all that part of the Province lying to the south of the Edmonton District and to the north of township thirty-four.

CALGARY DISTRICT.

The Calgary District, comprising the City of Calgary.

LETHBRIDGE DISTRICT.

The Lethbridge District, comprising that part of the Province describe as follows:

Commencing at the point of intersection between the north boundary of township thirty-four and the western boundary of the Province of Alberta, and thence running

east along the northern boundary of township thirty-four to the western boundary of range twenty-four, west of the fourth Meridian; thence south along the western boundary of range twenty-four to the northern boundary of township nineteen; thence east along the northern boundary of township nineteen to the western boundary of range nineteen, west of the fourth meridian; thence south to the southern boundary of the Province; thence west along the southern boundary of the Province to the western boundary of the Province, excepting therefrom the City of Calgary, and thence along the western boundary of the Province to the point of commencement.

MEDICINE HAT DISTRICT.

The Medicine Hat District, comprising that part of the Province lying to the south of the Red Deer District and to the east of the Lethbridge District.

SCHEDULE "B".

(Section 45.)

Full upper and lower vulcanite dentures of a type such as is usually constructed on a plane line or similar articulator (exclusive of any extractions or other surgical operations necessary prior to taking impressions) \$35.00

Either a full upper or a full lower vulcanite denture of a type such as is usually constructed on a plane line or similar articulator (exclusive of any extractions or other surgical operations necessary prior to taking the impression) \$20.00

The fee of \$35.00 for full upper and lower dentures, and the fee of \$20.00 for a full upper or a full lower denture includes a fee of \$5.00 for each such denture to the dental mechanic provided he is not a salaried employee of the dental surgeon performing the operations.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend and Consolidate
The Dental Association Act.

Received and read the

First time.....

Second time.....

Third time.....

MR. HOOKE.

EDMONTON:
A. Shnitka, King's Printer