



**SASKATCHEWAN
DENTAL HYGIENISTS'
ASSOCIATION**

REGULATORY BYLAWS

Part II

November 2008

Pursuant to the Dental Discipline Act 1997

**Saskatchewan Dental Hygienists Association
Regulatory Bylaws
Part II**

Pursuant to the Dental Disciplines Act 1997

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**SASKATCHEWAN DENTAL HYGIENISTS ASSOCIATION
BYLAWS
Pursuant to the Dental Disciplines Act, 1997**

PART II - REGULATORY BYLAWS

Section 39 Professional Conduct Committee

- (1) The professional conduct committee is responsible for carrying out the duties prescribed to it under the Act and these bylaws including investigating and reporting on all complaints.
- (2) Subject to subsection 29(5) of the Act, the professional conduct committee shall hold in confidence all sessions, documentation and information received. The professional conduct committee may provide to the Council, the person, if any, who made the complaint and the member whose conduct is the subject of the complaint such information as the professional conduct committee deems advisable.

Section 40 Discipline Committee

- (1) The duties of this committee shall be to:
 - (a) review the reports of the professional conduct committee and, where recommended by the professional conduct committee that the discipline committee hear and determine a complaint, to conduct hearings to review the complaint set out in the written report including that a registrant has violated the provisions of the Act or bylaws of the association;
 - (b) determine whether the person whose conduct is the subject of a complaint or allegation is guilty of professional incompetence and/or professional misconduct;
 - (c) provide a written decision respecting the determination of the committee subsequent to any hearing conducted;
 - (d) exercise the disciplinary powers and authorities and conduct the procedures contained in the Act; and
 - (e) prepare and to provide to Council an annual report of the number and nature of hearings conducted.
- (2) The discipline committee may hold in confidence any documentation or information before the committee if it is satisfied that:
 - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any persona affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public;
 - (b) a person involved in a criminal proceeding or civil suit or proceedings may be prejudiced; and/or
 - (c) the action is required for any other reason which the discipline committee considers sufficient.

- (3) Where the committee determines that the person is not guilty of professional incompetence and/or professional misconduct, written notice that the complaint has been dismissed shall be provided to:
- (a) the person who was the subject of the complaint; and
 - (b) the person who made the complaint.

Registration and Licensure

Section 41 Categories of Registration

- (1) A person may be registered in one of the following categories:
- (a) full registration, or
 - (b) restricted registration.

Full Registration:

- (2) A person will be granted approval for full registration with the association if the person:
- (a) has graduated from a Canadian Dental Association (CDA) or American Dental Association (ADA) accredited dental hygiene education program approved by the Council, and delivers to the registrar:
 - (i) a completed Application for Registration form;
 - (ii) a notarized copy, or other satisfactory evidence of his or her degree, diploma or certificate in dental hygiene;
 - (iii) proof of national certification in Canada;
 - (iv) proof of good character;
 - (v) notarized proof or other satisfactory evidence of good standing from the jurisdiction in which currently or last licensed; or
 - (b) has graduated from a dental hygiene education program which is not CDA or ADA accredited, but has had her or his qualifications approved by the registrar, and delivers to the registrar:
 - (i) proof of successful completion of the required practical examinations approved by the Council; and
 - (ii) all items listed in subsection 41(2)(a)(i) to (v).
- (3) If the applicant for registration is registering for the first time following completion of dental hygiene education, the registrar may waive subsection 41(2)(a)(v).
- (4) Upon being granted full registration approval, the applicant must pay the non-refundable registration fee in order to be placed on the register of the association as a full registrant.

Restricted Registration

- (5) A person will be granted restricted registration and placed on the register of the association as a restricted registrant if the person:
- (a) provides proof of current licensure in another jurisdiction approved by the Council;
 - (b) undertakes to practice dental hygiene in the province of Saskatchewan only during a specified period of time and only for the purpose of participating in or conducting a clinical course, study club or research program sponsored by an agency approved by the credentials committee; and
 - (c) delivers to the registrar a completed application for restricted registration together with the non-refundable registration fee.

Section 42 Certificate of Registration

- (1) Upon approval of full registration and receipt of the registration fee, the registrar will issue to the applicant a certificate of full registration which may contain limitations specified by the Act, or these bylaws.
- (2) A certificate of full registration is valid until removed by the Council or if the registrant does not hold a full, conditional or nonpractising licence for a period of six months.
- (3) Upon approval of restricted registration, the registrar will issue to the applicant a certificate of restricted registration.
- (4) A certificate of restricted registration is valid until the end of the time specified in the certificate; or, until removed by the Council.

Section 43 Requirements for Practise

- (1) In order to practise as a dental hygienist in the province of Saskatchewan a person must:
 - (a) be registered with the association as a full or restricted registrant; and
 - (b) hold a current full or conditional licence to practise; or
 - (c) temporary permit to practise
- (2) Registrants must display their certificates of registration in a conspicuous place at their place of practice.

Section 44 Licences to Practise

- (1) A registrant may be issued one of the following licences to practise:
 - (a) full licence;
 - (b) conditional licence; or
 - (c) nonpractising licence.

Full Licence

- (2) A person shall be granted a full licence as a dental hygienist if the person:
- (a) is registered with the association as a full registrant;
 - (b) pays the appropriate annual licence fee;
 - (c) provides satisfactory evidence that she or he has successfully completed a Council approved education program in the administration of local anesthesia; and
 - (d) provides evidence of liability insurance as outlined in section 49 of these bylaws.

Conditional Licence

- (3) A person shall be granted a conditional licence as a dental hygienist if the person:
- (a) satisfies all the conditions in subsection 44(2) of these bylaws with the exception of subsection 44(2)(c); and
 - (b) undertakes to participate in a Council approved education program in administering local anesthesia within two years of when the conditional licence is granted.
 - (c) A conditional licence holder shall only administer local anesthesia as part of her or his Council approved education program.
- (4) A conditional licence holder shall be granted a full licence by the registrar upon successfully fulfilling the requirements of subsection 44(2)(c) of these bylaws.
- (5) A conditional licence holder who does not successfully complete a Council approved local anesthesia education program within the two year period stated in subsection 44(3)(b) of these bylaws will not be issued a further conditional licence.

Nonpractising Licence

- (6) A person shall be granted a nonpractising licence as a dental hygienist if the person:
- (a) holds full registration with the association;
 - (b) pays the appropriate annual licence fee; and
 - (c) is not practising dental hygiene in the current licensing period.
- (7) A person may be granted a nonpractising licence for a total of no more than three consecutive licensing periods.
- (8) Nonpractising members who apply for a full licence at any time in the current licensing period will have the nonpractising licence fees credited towards the fee for a full licence.

Section 45 Temporary Permit to Practise

- (1) A person shall be granted a temporary permit to practise as a dental hygienist if the person:
 - (a) satisfies all the conditions for restricted registration outlined in subsection 41(5) of these bylaws; and
 - (b) pays the appropriate temporary permit fee.
- (2) A temporary permit to practise will outline the services which the holder may perform and all terms, conditions and limitations that the credentials committee deems fit.
- (3) A temporary permit to practise is valid for a period of no more than two months from the date of issue.

Section 46 Procedure for Registration and Licensing

- (1) Applications for full and/or restricted registration, all categories of licences, and temporary permits to practise shall be submitted by the applicant to the registrar upon:
 - (a) completing the applicable application form(s);
 - (b) providing evidence that the applicant has the prerequisite qualifications, as outlined in these bylaws, for the registration, licence, and/or temporary permit to practise applied for; and
 - (c) paying the applicable registration, licence, and/or temporary permit to practise fee.

Section 47 Licence Renewal

- (1) No later than 45 days before licences expire, the registrar must notify full registrants by regular mail at their last known address of the amount of their licence renewal fee, and the day on which the fee is due.
- (2) The registrar may renew a licence to practise if the full registrant submits to the registrar:
 - (a) a completed Application For Licence Renewal form;
 - (b) evidence of the required continuing education points as set out in section 52 of these bylaws;
 - (c) the appropriate fee for renewal of the licence; and
 - (d) any other outstanding fee, debt or levy owed to the association.
- (3) On receipt of the licence renewal fee and any arrears, the registrar must issue to the full registrant making payment a receipt under her or his hand and the seal of the association that the licensee is, subject to her or his compliance with the Act and these bylaws, entitled to practise dental hygiene in the province of Saskatchewan as a full registrant of the association.

- (4) Where the registrar does not receive a completed Application For Licence Renewal form along with all required information and fees on or before midnight of January 15th, the licence of the full registrant will automatically expire.

Section 48 Disclosure of Registration/Licensure Status

- (1) Where an inquiry about the registration/licensure status of a person is received by the Council or registrar, the registrar must disclose whether or not the:
- (a) person is presently a full or restricted registrant;
 - (b) person presently has a licence or a temporary permit to practise as a dental hygienist in the province of Saskatchewan;
 - (c) person has previously been registered and/or licensed in Saskatchewan and whether her or his registration, licence and/or permit has been revoked as a result of discipline proceedings;
 - (d) person's practice of dental hygiene is restricted in any way and the nature of the restrictions; and
 - (e) person has ever had any other penalty pursuant to sections 31 and 34 of the Act imposed upon her or him.
- (2) Except with the consent of the person affected, the registrar must not release the names of complainants, clients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, clients or their families.

Section 49 Liability Insurance

- (1) Every dental hygienist who holds a full or conditional licence or a temporary permit to practise in the province of Saskatchewan must be insured against liability for negligence in an amount of at least one million dollars per occurrence.

Section 50 Reinstatement

- (1) A person whose registration and/or licence has been revoked or expired may make application to be reinstated by submitting to the credentials committee:
- (a) a completed Application for Reinstatement form;
 - (b) any evidence the applicant desires the credentials committee to review in support of the reinstatement application;
 - (c) the reinstatement fee(s); and
 - (d) the applicable registration and/or licence fee owing.
- (2) On receipt of an application for reinstatement, the credentials committee shall review the evidence submitted. The credentials committee may conduct such additional investigations as the credentials committee considers appropriate. After reviewing the evidence submitted, and completing any additional investigations which it believes warranted, the committee shall submit a report to the Council which shall include the committee's opinion whether:

- (a) it is in the public interest to reinstate the applicant;
 - (b) if the applicant is to be reinstated, what conditions, if any, should apply to the reinstatement.
- (3) If Council does not grant reinstatement, the person may appeal the decision as outlined in subsections 41(5) and (6) of the Act.

Section 51 Examinations

- (1) The Council must approve all practical examinations required to be taken by these bylaws.
- (2) The Council may prepare or direct the preparation of, and approve, practical examinations required to be taken under these bylaws.
- (3) When Council prepares or directs the preparation of examinations, Council shall:
 - (a) determine the time and place for the holding of an examination, designate examiners and substitutes and determine the procedures for the conduct of the examination; and
 - (b) review the results of the examination or re-examination for each applicant and make a determination as to that applicant's qualification for registration and licensure.
- (4) Applicants for examination shall pay to the association examination fees in the amount set by the Council for Council prepared examinations.
- (5) The Council may approve practical examinations provided by other dental hygiene licensing bodies in lieu of Council prepared examinations. Applicants will pay fees for these examinations directly to the licensing body providing the examination.

Section 52 Continuing Education

- (1) Full registrants are not entitled to renew or obtain full or conditional licences unless they have filed with the registrar proof of having obtained the required number of continuing education credits from Council approved courses of continuing education, or have successfully completed Council approved licensing examinations.
- (2) The "required number of continuing education credits" referred to in subsection (1) means a minimum of 50 continuing education credits over a three year period for full registrants possessing full, conditional, or non practising licences, a minimum of 30 credits are to be obtained in the Dental Hygiene Practice Category as determined by the association.
- (3) The "Council approved courses of continuing education" referred to in subsection (1) means theoretical, practical or other instruction approved by the Council.
- (4) The continuing education requirement begins on the first day of the month following date of issue.
- (5) A full registrant may elect to take the current Council approved licensing examinations in lieu of obtaining the required number of continuing education

points from Council approved courses of continuing education as outlined in subsections (1), (2) and (3). If a full registrant elects to take the examinations, then the examinations must be successfully completed by the date the full registrant's continuing education points are due.

- (6) The registrar will provide to all full registrants a record of their continuing education points at least once annually.

Section 53 Advertising

- (1) Nature of Advertising

Advertising, promotion and other marketing activities must be in good taste, accurate and not capable of misleading the public, and observe the dignity and ethics of the profession. Any conduct, either directly or indirectly, or through any medium or agent that:

- (a) misinterprets facts;
- (b) compares either directly, indirectly or by innuendo, the member's services or ability with any other practitioner, or promises or offers more effective service or better results, than those available elsewhere;
- (c) deprecates another member as to service, ability or fees;
- (d) creates an unjustified expectation about the results the member can achieve;
- (e) is made under any false or misleading guise, or takes advantage either physical, emotional or financial of any patient or uses coercion, duress or harassment;
- (f) is undignified, in bad taste or otherwise offensive so as to be incompatible with the best interest of the public or members under The Dental Disciplines Act, or tend to harm the standing of the profession generally;
- (g) discloses the names of clients; or
- (h) makes statements which are not statements of fact or makes statements that cannot be proven to be accurate by the member;

is to be strictly avoided as such conduct is contrary to the interests of the public and the profession.

- (2) Any member who advertises in a manner contrary to this bylaw, or who permits such advertising to be done on the member's behalf or permits any clinic with which the member is associated to advertise contrary to this bylaw shall be guilty of unprofessional conduct and shall be subject to the provisions of The Dental Disciplines Act, 1997.

Section 54 Code of Professional Ethics and Standards of Practice

- (1) Every registrant shall comply with the Code of Ethics and Standards of Practice as set out by the Canadian Dental Hygienists' Association (refer to Appendix A).

Section 55 Conflict of Interest

- (1) Conflict of interest in matters involving association representatives shall include:
 - (a) elected members of Council and executives;
 - (b) members appointed to serve as delegates, committee members or committee chairs; and
 - (c) employees of the association acting in an official capacity.
- (2) Members serving in an official capacity such as Council members, committee members or executive, shall declare a conflict of interest in matters under discussion or in decisions taken in which they have a vested interest.
- (3) It shall be the responsibility of the presiding officer to ensure that members identifying a conflict of interest shall leave the meeting during consideration of the pertinent issue and that action shall be recorded by the secretary of the meeting.
- (4) A conflict of interest may be defined as, but is not limited to the following: Where the member is involved in:
 - (a) negotiating wages and/or employment contracts, or completing performance appraisals for association staff who may be related to that member;
 - (b) determining/reviewing credentials and registration/licensing eligibility for an applicant or another member who may be related to that member;
 - (c) the investigation and/or discipline process affecting another member who may be related that member; and
 - (d) the adjudication or appeal of registration examination marks for a person related to that member.

Section 56 Special Meeting Request

The Council shall call a special meeting of the association on the written request of at least ten percent of the registrants.