



# Overview of the *Health Professions Act* and College Bylaws

## April 3 marked the beginning of a new era for the self-regulation of dentistry in British Columbia.

On this date, the *Dentists Act* was repealed and dentistry became designated as a health profession regulated under the *Health Professions Act (HPA)*. For the most part, the changes caused by this transition do not directly affect day-to-day practice for dentists and certified dental assistants.

This publication provides an overview of the main features of this new regulatory framework and how it impacts dentists, certified dental assistants and members of the public.

Over the next few months, the College will continue to update its documents and will communicate regularly with dentists and certified dental assistants about various topics related to the HPA and new College Bylaws. It is each practitioner's responsibility to read this information as it becomes available via email, the Sentinel newsletter and other vehicles.

## Common Framework

There are three components involved in dentists and CDAs being regulated under the *Health Professions Act*. These include the *Health Professions Act*, the Regulations (both the Dentists Regulation and the General Regulation) and the CDSBC Bylaws. These documents are available on the College website at [www.cdsbc.org](http://www.cdsbc.org) and are meant to be read together as each document interfaces with the others.

**Health Professions Act (HPA)** – the HPA replaces the *Dentists Act*. The HPA is umbrella legislation that provides a common regulatory framework for all self-regulated health professions in B.C.

**Dentists Regulation** – Regulations are created by government for each health profession governed under the HPA. Each regulation outlines reserved titles that only registrants of a particular college may use and a scope of practice for that profession. The scope of practice is articulated as a set of restricted activities that members of that profession are authorized to perform.



The Dentists Regulation also designates the College of Dental Surgeons of British Columbia as the regulatory authority for dentists and CDAs.

**Bylaws** – the CDSBC Bylaws replace the former Rules under the *Dentists Act*. Each regulatory College has its own bylaws that set out the details of the operation of the organization, including the duties and responsibilities of a governing board, committees and the registrar; qualifications for registration; and the regulation of professional conduct, quality assurance, corporations and ethics.

## Dentists' Scope of Practice and Restricted Activities

The Dentists Regulation addresses reserved titles, outlines the scope of practice of dentists and defines restricted activities that may be performed by dentists based on their education and competence.

Scope of practice statements describe in general terms what a profession does and how it does it. Dentists may practice dentistry, which is defined as *"the health profession in which a person provides the services of assessment, management, treatment and prevention of diseases, disorders and conditions of the orofacial complex and associated anatomical structures."*

Restricted Activities are a narrowly defined list of invasive, higher risk activities that may only be performed by members of a regulated profession that has been granted specific authority by government to do so. Government allows for each profession regulated under the HPA to perform a list of specific restricted activities that they may perform within the scope of practice of their profession,

provided the individual has the knowledge, skills and competencies to do so. The same restricted activities may be granted fully or in part to more than one profession.

## Boards and Committees

The governing Council of the College has been renamed as the Board. The composition and structure of the Board and committees, and the procedures for electing or appointing their members, are governed by Parts 2 and 4 of the Bylaws, in combination with sections of the HPA.

Under the HPA, government has appointed a first board, consisting of the members of Council in 2009, who will hold office until July 1, 2010. As a result, the College will not hold elections for dentists or CDAs in 2009.



All Board meetings will be open to the public unless there is a specific reason to hold all or part of the meeting “in camera.” Notification of the meetings, as well as minutes of the meetings, will be posted on the College website and in the *Sentinel* newsletter.

The composition of the Board continues unchanged with the exception that the two certified dental assistant positions will be filled by election rather than appointment. There will continue to be President, Vice-President and Treasurer elected from the registrants at large. Five additional dentist board members will be elected from electoral districts. One dentist board member will be elected from certified specialists and another from the UBC Faculty of Dentistry. Six public members will be appointed by the B.C. government via its Board Resourcing and Development Office.

*Dentists and CDAs with current licences for 2009-2010 do not need to do anything differently until the next annual renewal deadline in March 2010.*

Committees include:

- Registration
- Inquiry (formerly Practice Standards and Professional Conduct committees)
- Discipline (formerly Inquiry)
- Quality Assurance
- Ethics
- Sedation and General Anaesthetic Services (formerly Accreditation)
- Certified Dental Assistant Advisory
- Certified Dental Assistant Certification (formerly CDA Registration Subcommittee)
- Audit
- Nominations (formerly Election and Awards)
- Patient Relations

More information about committees can be found on the College website at [www.cdsbc.org](http://www.cdsbc.org).

### Dentist Registration and Renewal

Under the Bylaws, dentists are registered as registrants of the College. There are 10 classes of registration and dentists must renew their registration annually in order to continue to practise.

Dentists currently holding a licence with the College for 2009/2010 are not affected by these changes and their existing licences will continue to be valid until the registration renewal deadline in March 2010. The following categories of registration apply to dentists:

- Full (general dentists and certified specialists)
- Restricted to Specialty
  - New category for certified specialists who do not meet the requirements for registration as a full registrant under section 6.04 of the Bylaws, but who qualify as certified specialists whose scope of practice is restricted to their area of specialty under section 6.06 of the Bylaws.

- Academic
- Academic (grandparented)
  - New category for academic members registered prior to April 3, 2009.
- Temporary
- Non-practising
- Limited (4 types)
  - Education, research, volunteer
  - Armed services or government
  - Post-graduate
  - Student practitioner

Part 6 of the Bylaws specifies the criteria for registration in each category.

### Certified Dental Assistant Certification and Renewal

Under the Bylaws, certified dental assistants are certified by the College and referred to as certificants. Certified dental assistants who currently hold a licence with the College for 2009/2010 are not affected by these changes in the current licensing year, and their existing license will continue to be valid as certification under the HPA until the renewal deadline in March 2010.

There are four classes of certification for certified dental assistants (CDAs), who must renew their certification with the College each year in order to be able to practise.

- Practising
- Non-practising
- Temporary
- Limited
  - For certified dental assistants with core national skills, regulated in another Canadian jurisdiction, but who do not have the required additional skills to practise fully in B.C. They will have up to one year to obtain the necessary education.

Part 7 of the Bylaws specifies the requirements for certification in each category.

## CDAs, Hygienists and Dental Assistants: Delegation and Supervision of Services

Part 8 of the Bylaws identifies the activities that a dentist may delegate to certified dental assistants and dental hygienists. It also specifies the “restricted activities” that may only be performed under the supervision of a dentist by dental assistants, CDAs, dental hygienists and dental students.

Part 8 of the Bylaws specifies the conditions under which a dentist may delegate or authorize the provision of a dental service. Part 8 also clarifies that dental hygienists, dental technicians and denturists do not need a dentist’s delegation or authorization to provide those services that they are authorized under their own regulations to provide without delegation or authorization from a dentist.

Duties for dental assistants and CDAs are now described as services. The Bylaws rely on the new HPA concept of “restricted activities” in describing the services that may be performed by a dental assistant or CDA. Restricted activities are clinical activities that present a significant risk of harm and are therefore assigned by the government to specified health professions only. Only those activities that involve restricted activities are expressly regulated in the Bylaws. For example, the Bylaws refer to “Coronal Polishing” as “removing extrinsic stains not associated with calculus on the enamel of teeth using an appropriate hand instrument or slow-speed rotary instrument.”

The requirement that a dentist who delegates, authorizes or supervises the performance of a service by a person who is not a dentist is ultimately responsible for the standard of treatment provided by that person is unchanged.



## Complaints Investigations and Discipline

The regulatory framework for complaint investigation and discipline is the same for all health professions regulated under the HPA. Specific requirements are discussed in Part 10 of the Bylaws, which must be read in conjunction with Part 3 of the HPA.

The College complaints process under the HPA is generally unchanged, including the use of alternate dispute resolution mechanisms and remediation. The committee structure is changed in that the Practice Standards and the Professional Conduct Committees are replaced by a single Inquiry Committee. This committee is responsible for accepting, investigating and resolving complaints. The new Discipline Committee (replacing the former Inquiry Committee

under the *Dentists Act*) has the ability to conduct hearings and impose financial and other penalties as the result of a complaint.

The HPA requires the College to publicly disclose the outcomes of disciplinary proceedings that result in actions taken against dentists or certified dental assistants,

including the name of the registrant, the action taken and the reason for the action. Individuals making a complaint must be notified of the outcome. The College will withhold information when a registrant has an ailment or addiction and their privacy outweighs the public interest, or where the complainant could be publicly identified.

## Revised Requirement: Duty To Report

All health professionals who are regulated under the HPA have a professional, ethical and legal responsibility to report any unsafe practice or professional misconduct of any other regulated health practitioner.

Dentists and certified dental assistants must report any members of other health professional colleges if they believe the public is at risk because the practitioner is not competent or is suffering from a physical or mental ailment, emotional disturbance or alcohol/drug addiction that impairs their ability to practise. Sexual misconduct must also be reported. Where concerns about sexual misconduct are based on information from a patient, the consent of the patient or their parent/guardian must be obtained before making the report.

The HPA provides immunity to health professionals who comply with the duty to report as long as the report is made in good faith and is based on reasonable and probable grounds.

## NEW: Patient Relations Program

Under the HPA, the College Bylaws establish a patient relations program to prevent professional misconduct, including that of a sexual nature. Professional misconduct of a sexual nature is defined as sexual intercourse or other forms of physical sexual relations between the dentist or a CDA and a patient. It includes touching, behaviour or remarks of a sexual nature. These are differentiated from touching, behavior and remarks by the dentist or CDA towards the patient that are of a clinical nature appropriate to the service being provided.

## New: Continuous Practice Requirements

Part 9 of the Bylaws includes a new requirement for reporting continuous practice hours over a three-year period. The purpose of the continuous practice requirement is to ensure that dentists and certified dental assistants verify a connection to dentistry when they renew their registration or certification.

*The new requirement for hours of continuous practice should not be confused with CE requirements – they are not the same.*

At the time of registration renewal each year, dentists will need to attest that, over the previous three-year period, they engaged in the practice of dentistry for a minimum of 900 hours. Certified dental assistants must have engaged in a minimum of 600 hours of practice as a CDA over the previous three years. Hours of practice include clinical practice, as well as work in dentally related research, teaching and administration.

This requirement will be phased in: for registration in 2010, dentists and CDAs must have undertaken some practice in the past three years. By 2011, the requirement will be fully implemented as written in the Bylaws.

## Code of Ethics and Standards of Practice

Practice standards and expectations of certified dental assistants and dentists remain unchanged under the new College Bylaws and the HPA. Rather than being embedded in the Act, however, the Code of Ethics and Standards of Practice become separate documents, although their effect on registrants and CDAs remains the same. This change makes it easier to update and make changes as expectations and requirements evolve.

### REVISED: Dental Emergencies

Revised wording of what constitutes a dental emergency, as well as the dentist's obligation in responding to one, has been included in the Code of Ethics as follows:

*A dental emergency exists if professional judgment determines that a person needs immediate attention to deal with uncontrolled bleeding, uncontrolled swelling, traumatic injury or uncontrolled severe pain. Dentists have an obligation to consult with and provide emergency dental care to members of the public, or make a reasonable attempt to provide alternative arrangements in their absence.*

This statement relies on the dentist's professional judgment, combined with an appropriate patient assessment, as the determinants of an appropriate response in

an emergency or emergent situation. The statement reaffirms the dentist's responsibility to ensure they, or another dentist, are available to respond to patient emergencies after regular business hours. Where the dentist determines that it is appropriate to do so, many patient problems can be handled over the phone.

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### QUESTIONS?

This document is intended to provide a general overview of the key changes resulting from regulation under the *Health Professions Act*, College Bylaws and Dentists Regulation. Questions can be directed to the College at 604-736-3621 or by email to [info@cdsbc.org](mailto:info@cdsbc.org).