

**RESOLUTION OF THE BOARD OF THE COLLEGE OF DENTAL SURGEONS OF
BRITISH COLUMBIA, MADE THE 19th DAY OF FEBRUARY, 2016, AT
VANCOUVER, BRITISH COLUMBIA**

RESOLVED THAT in accordance with the authority established in section 19(1) of the *Health Professions Act*, the Board hereby approves the bylaw amendment attached as Schedule 'A' and directs as follows:

1. The bylaw amendment shall be published for consultation on the College website for 90 days;
2. College staff will compile any feedback received for the Board's consideration;
and
3. Prior to filing the bylaw amendment with the Minister of Health, the Board will review the feedback received and consider a resolution for final approval and filing.

CERTIFIED A TRUE COPY



Jerome Marburg
Registrar and CEO

Schedule "A"

Part 13 of the Bylaws of the College of Dental Surgeons of British Columbia is amended by adding the following section:

- 13.03 (5) It is not professional misconduct of a sexual nature to provide dental services to one's spouse; rather, that is a matter of professional ethics involving
- (a) patient autonomy;
 - (b) free, full and informed consent by the patient; and
 - (c) objectivity of care on the part of the practitioner.

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PART 13 – GENERAL

Standards of practice and professional ethics

- 13.01** (1) Dentists, dental therapists and certified dental assistants must conduct themselves in accordance with the standards of practice and the standards of professional ethics.
- (2) A dentist must not provide deep sedation or general anaesthetic services in a dental office or other facility that is not a hospital unless that office or facility is being operated in compliance with the sedation and general anaesthetic standards.
- (3) Dentists must take reasonable steps to ensure that other dentists, dental therapists, certified dental assistants, and other persons employed, engaged, or supervised by them are aware of and act in accordance with the standards of practice and the standards of professional ethics, to the extent they apply to such persons.

Liability insurance

- 13.02** (1) All registrants, other than non-practising registrants, must be insured against liability arising from an error, omission, or negligent act in the provision of services included in the practice of dentistry in an amount of at least \$3,000,000 per occurrence in a form that is satisfactory to the college.
- (2) All registrants must ensure that every person employed by them, or by a dental corporation in which they are a director or shareholder, to provide services included in the practice of dentistry is insured against liability arising from an error, omission, or negligent act in the provision of those services in an amount of at least \$3,000,000 per occurrence in a form that is satisfactory to the college.

Patient relations program

- 13.03** (1) The board must establish a patient relations program to seek to prevent professional misconduct, including professional misconduct of a sexual nature.
- (2) For the purposes of the patient relations program, the board must
- (a) establish and maintain procedures by which the college deals with complaints of professional misconduct of a sexual nature,
 - (b) monitor and periodically evaluate the operation of procedures established under paragraph (a), and
 - (c) develop guidelines for the conduct of dentists, dental therapists and certified dental assistants with their patients.
- (3) The registrar must provide information to the public regarding the college's complaint, investigation, and discipline processes.
- (4) In this section, "**professional misconduct of a sexual nature**" means

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- (a) sexual intercourse or other forms of physical sexual relations between the dentist, dental therapist or certified dental assistant and the patient,
- (b) touching, of a sexual nature, of the patient by the dentist, dental therapist or certified dental assistant, or
- (c) behaviour or remarks of a sexual nature by the dentist, dental therapist or certified dental assistant towards the patient,

but does not include touching, behaviour and remarks by the dentist, dental therapist or certified dental assistant towards the patient that are of a clinical nature appropriate to the service being provided.