

**RESOLUTION OF THE BOARD OF THE COLLEGE OF DENTAL SURGEONS
OF BRITISH COLUMBIA MADE THE 29TH DAY OF JANUARY, 2020 AT
VANCOUVER, BRITISH COLUMBIA**

RESOLVED THAT, in accordance with the authority established in section 19(1) of the *Health Professions Act*, RSBC 1996, c. 183, (the “*HPA*”), and further to a request from the Minister of Health in accordance with section 19(5) of the *HPA*, and subject to filing with the Ministry of Health as required by section 19(3) of the *HPA*, the board amend the bylaws of the College of Dental Surgeons of British Columbia as set out in the attached Schedule.

CERTIFIED A TRUE COPY:



Dr. Chris Hacker
Registrar, College of Dental Surgeons of BC



SCHEDULE OF AMENDMENTS

The bylaws made by the College of Dental Surgeons of British Columbia under the authority of the *Health Professions Act* are amended as follows:

PART 1

1. *Section 1.01 is amended by repealing the definition of “certified dental assisting education standards” and replacing it with the following:*

“Certified dental assisting education standards” means the standards for assessing the education of applicants for certification as a certified dental assistant under sections 7.05(1)(a)(ii) and (2)(a)(i), 7.06(2)(b)(i) and 7.10(2);

PART 2

2. *Section 2.02 is repealed and replaced by the following:*

Eligibility for election

- 2.02** (1) Subject to subsection (2), the following persons are eligible to be elected in a board election:
- (a) a dentist who is a
 - (i) full registrant;
 - (ii) restricted to specialty registrant;
 - (iii) academic registrant, or
 - (iv) academic (grandparented) registrant;
 - (b) a dental therapist;
 - (c) a practising certified dental assistant.
- (2) A person specified in subsection (1) is not eligible to be elected in a board election if the person
- (a) does not ordinarily reside in British Columbia,
 - (b) is not in good standing,



- (c) is the subject of an ongoing investigation by the inquiry committee under section 33 of the Act,
 - (d) is named in a citation issued by the registrar under section 37 of the Act, the subject matter of which is not yet resolved,
 - (e) is the subject of a hearing, either pending or underway, in British Columbia or in another jurisdiction, that could result in the person's entitlement to practice a health profession being cancelled, revoked or suspended for any reason other than late payment or nonpayment of fees,
 - (f) has given an undertaking or consent under section 36 of the Act,
 - (g) has been named in a consent order under Section 37.1 of the Act or an order under section 39 of the Act,
 - (h) is an employee of the college,
 - (i) is an employee, board officer, board member, or committee chair at, or holds any other position of responsibility with the Canadian Dental Association, the British Columbia Dental Association, Canadian Dental Assistants Association, Certified Dental Assistants of British Columbia, or any other dental representative association or organization,
 - (j) at any time in the 3 years preceding the date that a nomination for the board election must be received under section 2.05, has been an employee, board officer, board member or committee chair at, or held any other position of responsibility with an association or organization described in paragraph (i),
 - (k) on being elected, would have a conflict of interest by virtue of having competing fiduciary obligations to the college and to another person or organization, or
 - (l) was an elected board member during each of the 5 years immediately preceding the date that a nomination for the board election must be received under section 2.05.
- (3) Despite subsection (2), a person who is not eligible to be elected under subsection (2)(b) to (g) may deliver to the appointments



committee a written request to be eligible to be elected in a board election.

- (4) A written request under subsection (3) must be delivered to and considered by the appointments committee in accordance with procedures established by the board for delivering and considering such requests.
- (5) After considering a request under subsections (3) and (4), the appointments committee must notify the person that he or she is eligible to be elected in a board election if the committee is satisfied the reason why the person is ineligible under subsection (2)(b) to (g) will not compromise either
 - (a) his or her ability to discharge the duty of a board member, or
 - (b) the integrity of the board.

3. *Section 2.05(1) is repealed and replaced by the following:*

- 2.05** (1) Following delivery of the notice for a board election under section 2.04, a person who is eligible to vote under section 2.03 may nominate as a candidate in the election one person who, under sections 2.01 and 2.02, is eligible to be elected to a board member position to be filled in the election.

4. *Section 2.08 is repealed and replaced by the following:*

Elected board member ceasing to hold office

- 2.08** (1) An elected board member ceases to hold office as an elected board member if he or she
- (a) ceases to be a person specified in section 2.02(1),
 - (b) ceases to be in good standing,
 - (c) ceases to ordinarily reside in British Columbia,
 - (d) is named in a citation issued by the registrar under section 37 of the Act,
 - (e) is the subject of a hearing, either pending or underway, in British Columbia or in another jurisdiction, that could result in



- the person's entitlement to practise a health profession being cancelled, revoked or suspended for any reason other than late payment or nonpayment of fees,
- (f) becomes an employee of the college,
 - (g) becomes an employee, board officer, board member or committee chair at, or holds any position of responsibility with, an association or organization named or described in section 2.02(2)(i),
 - (h) develops a conflict of interest by virtue of having competing fiduciary obligations to the college and to another person or organization,
 - (i) resigns from the board under section 2.07(5),
 - (j) is removed from office under section 17.11(5) of the Act or subsection (2), or
 - (k) dies.
- (2) In addition to the board's powers and duties under section 17.11(5) of the Act, the board may, by special resolution, remove an elected board member from office, if, after giving the elected board member reasonable notice and an opportunity to be heard, the board is satisfied that the elected board member has contravened a term of the code of conduct approved by the board for the purpose of this subsection.
- (3) Despite subsection (1), an elected board member does not cease to hold office under subsection (1)(b), (d) or (e), as applicable, if
- (a) the elected board member delivers to the registrar a written request that he or she not cease to hold office under subsection (1)(b), (d) or (e), and
 - (b) after giving the elected board member an opportunity to be heard, the board is satisfied the reason why the board member is to cease holding office under subsection (1)(b), (d) or (e) does not compromise either
 - (i) his or her ability to discharge the duty of a board member, or



- (ii) the integrity of the board.
- (4) If an elected board member delivers a request to the registrar under subsection (3)(a), the request must be received by the registrar not later than 7 days after the date that the elected board member first has notice of the circumstances described in subsection (1)(b), (d) or (e), and in any event not more than 14 days after the college has notice of those circumstances,
- (5) The operation of subsection (1)(b), (d) or (e) is stayed pending a decision by board under subsection (3).

5. *Section 2.09 is repealed and replaced with the following:*

Investigation of elected board member

- 2.09** At any time during which an elected board member is the subject of an investigation by the inquiry committee under section 33 of the Act, he or she must not
- (a) receive any information or documentation that is only provided to board members because they are board members,
 - (b) hold out him or herself as a board member,
 - (c) participate as a board member at a board meeting, or
 - (d) otherwise engage in any business of the board.

6. *Section 2.10 is repealed and replaced with the following:*

Vacancy

- 2.10** (1) Subject to subsection (2), when no one is appointed to a vacant board member position under section 2.05(1), or an elected board member ceases to hold office before the expiry of his or her term of office, the board may appoint a dentist, dental therapist or certified dental assistant to fill the vacancy, provided
- (a) the appointment is made by special resolution, and



- (b) the appointed dentist, dental therapist or certified dental assistant is eligible to be elected to the position under sections 2.01 and 2.02.
- (2) If an elected board member ceases to hold office during the first year of his or her term of office,
- (a) the board may fill the vacancy until the next scheduled board election by appointment as described in subsection (1), and
 - (b) an election must be held concurrently with the next scheduled board election to fill the vacancy for the remainder of the term of office of the former board member.

PART 3

7. *Section 3.11(1) is repealed and replaced by the following:*

Auditor

- 3.11** (1) The board must each year appoint a member of, or a firm licensed by, the Chartered Professional Accountants of British Columbia to be the auditor.

PART 4

8. *Section 4.01 is repealed and replaced by the following.*

Committees

- 4.01** (1) The following committees are established:
- (a) registration committee;
 - (b) inquiry committee;
 - (c) discipline committee;
 - (d) quality assurance committee;
 - (e) sedation and general anaesthesia committee;
 - (f) standards and guidance committee;



- (g) patient relations committee;
 - (h) audit and risk committee;
 - (i) appointments committee;
 - (j) human resources and remuneration committee.
- (2) A person appointed as a member of a committee established under these bylaws
- (a) serves a term of office specified by the board not exceeding 2 years,
 - (b) ceases to hold office as a committee member if, before the expiry of the term of appointment under paragraph (a), the person
 - (i) resigns from office by delivering notice of that resignation in writing to the registrar, or
 - (ii) is removed from office by a majority vote of the board, and
 - (c) is eligible for reappointment to a committee, but must not serve as a committee member for more than 6 consecutive years.
- (3) Despite subsection (2)(c), a person is not eligible to be reappointed as a committee member until one year after he or she
- (a) completes 6 consecutive years of service as a committee member, or
 - (b) ceases to hold office under subsection (2)(b).
- (4) The board must not appoint a board member to the registration committee, the inquiry committee, the discipline committee, the quality assurance committee, the sedation and general anaesthesia committee, the standards and guidance committee, the patient relations committee, and the appointments committee.
- (5) Subject to sections 4.04(1), 4.11(3) and 4.12(3), at the first meeting of a committee after July 1, the committee, by majority vote of the committee members present,



- (a) must elect a committee chair, and
 - (b) may elect a committee vice-chair.
- (6) If the committee chair is absent or unable to act for any reason, the committee vice-chair, provided one has been elected under subsection (5) may exercise the powers and perform the duties of the chair.
 - (7) If both the committee chair and the committee vice-chair, provided one has been elected under subsection (5), are absent or unable to act for any reason, the committee members may appoint one of their number to exercise the powers and perform the duties of the chair.
 - (8) Subject to section 3.02(1)(b), a member of the inquiry committee or the discipline committee must not be a member of any other committee.

9. *Section 4.02 is repealed and replaced by the following:*

Committee Panels

- 4.02** (1) The registration committee, the inquiry committee and the discipline committee may meet in panels of at least 3 committee members, including at least one committee member who is a registrant.
- (2) At least one-third of the members of a panel under subsection (1) must be public members.
 - (3) Subject to subsections (4) and (5), the chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate one of the appointed members as chair of the panel.
 - (4) In addition to the public member or members required under subsection (2), the other members of the following panels must include at least one registrant:



- (a) a panel of the registration committee appointed to hear an issue arising from an application for registration;
 - (b) a panel of the inquiry committee that may dispose of a matter under section 33(6) of the Act when the matter involves the investigation of a registrant;
 - (c) a panel of the discipline committee appointed to hear
 - (i) a matter under section 38 of the Act when the respondent is a registrant, or
 - (ii) a matter under section 44 of the Act and section 11.06.
- (5) In addition to the public member or members required under subsection (2), the following panels must include at least one certified dental assistant:
- (a) a panel of the registration committee appointed to hear an issue arising from an application for certification;
 - (b) a panel of the inquiry committee that may dispose of a matter under section 33(6) of the Act when the matter involves the investigation of a certified dental assistant;
 - (c) a panel of the discipline committee appointed to hear a matter under section 38 of the Act when the respondent is a certified dental assistant.
- (6) A panel of a committee referred to in subsection (1) may exercise any power and perform any duty of that committee

10. Section 4.03 is repealed and replaced by the following:

Remuneration of committee members

- 4.03** (1) A committee member is entitled to remuneration for committee work
- (a) at an equivalent rate for all committee members,
 - (b) based on the amount of time the committee member devoted to the business of the college, and
 - (c) in accordance with policies established by the board.



- (2) A committee member is entitled to reimbursement of reasonable expenses necessarily incurred in connection with the business of the college, in accordance with policies established by the board.

11. Section 4.04 is repealed and replaced by the following:

Meetings of a committee panel

- 4.04** (1) For quorum at a meeting of a committee,
- (a) a majority of the committee must be present, and
 - (b) at least one-third of the committee members present must be public members.
- (2) Despite subsection (1)(a), for quorum at a meeting of a committee panel
- (a) all members of the panel must be present if the panel has fewer than 4 members, and
 - (b) three-quarters of the panel must be present if the panel has 4 members or more.
- (3) Each member of a committee or a panel of a committee has one vote, including the committee chair and the committee vice-chair, provided one has been elected under section 4.01(5), and the chair of a committee panel.
- (4) In the case of a tie vote, the committee chair and the committee vice-chair, provided one has been elected under section 4.01(5), and the chair of a committee panel does not have a second or deciding vote, and the proposed resolution does not pass.
- (5) A committee or a committee panel may meet and conduct business in person, or by video, telephone conference, web casting, or an equivalent mechanism.
- (6) Subject to s. 38(3) of the Act, the meetings of a committee or a committee panel are closed to registrants, certified dental assistants and the public, unless, further to an application in writing or on its own motion, a committee or a panel of a



committee invites a registrant, certified dental assistant or member of the public to attend all or part of a meeting.

- (7) While a registrant, certified dental assistant or member of the public is in attendance at a meeting of a committee or a committee panel under subsection (6), the committee or panel must not discuss any of the matters specified in section 2.16(8), except to the extent that the registrant, certified dental assistant or member of the public in attendance is already aware of those matters or information relating to those matters.
- (8) The chair of a committee or a committee panel must ensure that minutes are taken at each meeting of the committee or panel and retained on file.

12. Section 4.05 is repealed and replaced by the following:

Registration committee

- 4.05** (1) Subject to subsection (2) and section 4.01(4), the registration committee consists of at least 9 persons appointed by the board, including
- (a) at least 6 persons who are registrants or certified dental assistants, and
 - (b) at least 3 public members.
- (2) At least one-third of the members of the registration committee must be public members.
- (3) In addition to the duties and powers of the registration committee under Part 2 of the Act and Parts 6 and 7 of these bylaws, the committee is responsible for
- (a) reviewing and assessing the requirements for registration and certification under Parts 6 and 7 of these bylaws and making recommendations to the board for amendment of same, and



- (b) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same

13. *Section 4.06 is repealed and replaced by the following:*

Inquiry committee

- 4.06** (1) Subject to subsection (2) and section 4.01(4) and (8), the inquiry committee consists of at least 21 persons appointed by the board, including
- (a) at least 14 persons who are registrants or certified dental assistants, and
 - (b) at least 7 public members.
- (2) At least one-third of the members of the inquiry committee must be public members.
- (3) In addition to the duties and powers of the inquiry committee under Part 3 of the Act and Part 10 of these bylaws, the committee is responsible for, at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

14. *Section 4.07 is repealed and replaced by the following:*

Discipline committee

- 4.07** (1) Subject to subsection (2) and section 4.01(4) and (8), the discipline committee consists of at least 15 persons appointed by the board, including
- (a) at least 10 persons who are registrants or certified dental assistants, and
 - (b) at least 5 public members.
- (2) At least one-third of the members of the discipline committee must be public members.



- (3) In addition to the duties and powers of the discipline committee under Part 3 of the Act and Part 10 of these bylaws, the committee is responsible for, at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

15. Section 4.08 is repealed and replaced by the following:

Quality assurance committee

- 4.08** (1) Subject to subsection (2) and section 4.01(4), the quality assurance committee consists of at least 5 persons appointed by the board, including
- (a) at least 3 persons who are registrants or certified dental assistants, and
 - (b) at least 2 public members.
- (2) At least one-third of the members of the quality assurance committee must be public members.
- (3) In addition to the duties and powers of the quality assurance committee under Part 3 of the Act, the committee is responsible for
- (a) developing, administering and maintaining the quality assurance program described in Part 9 of these bylaws, and
 - (b) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

16. Section 4.09 is repealed and replaced by the following:

Sedation and general anaesthesia committee

- 4.09** (1) Subject to subsection (2) and section 4.01(4), the sedation and general anaesthesia committee consists of at least 9 persons appointed by the board, including
- (a) at least 6 persons who are registrants or certified dental assistants, and



- (b) at least 3 public members of whom
 - (i) at least 2 are medical practitioners certified in anaesthesia by the Royal College of Physicians and Surgeons of Canada, who are confirmed by the College of Physicians and Surgeons of British Columbia as suitable for membership on the committee, and
 - (ii) at least one is an individual with expertise in biomedical engineering.
- (2) At least one-third of the members of the sedation and general anaesthesia committee must be public members.
- (3) The sedation and general anaesthesia committee is responsible for
 - (a) authorizing qualified registrants to provide sedation or general anesthesia,
 - (b) assessing the compliance of dentists with the standards for sedation and general anaesthesia, including whether dentists are operating, in compliance with those standards, the dental offices and other facilities (that are not a hospital) where they provide sedation and general anesthesia,
 - (c) collaborating with other health colleges on processes for assessing and authorizing sedation and general anesthesia services, and
 - (d) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

17. Section 4.10 is repealed and replaced by the following:

Standards and guidance committee

- 4.10** (1) Subject to subsection (2) and section 4.01(4), the standards and guidance committee consists of at least 5 persons appointed by the board, including
- (a) at least 3 persons who are registrants or certified dental assistants, and



- (b) at least 2 public members.
- (2) At least one-third of the members of the standards and guidance committee must be public members.
- (3) The standards and guidance committee is responsible for
 - (a) making recommendations to the board for development of practice and ethical standards and guidance,
 - (b) reviewing practice and ethical standards and guidance and making recommendations for amendment of same,
 - (c) collaborating with other health colleges for the purpose of developing or amending practice and ethical standards and guidance under paragraphs (a) and (b),
 - (d) overseeing consultation with the public or with registrants and certified dental assistants on amendment and development of practice and ethical standards and guidance and, as appropriate, incorporating the results of that consultation in the recommendations of the committee to the board for amendment or development of standards and guidance, and
 - (e) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

18. Section 4.11 is repealed and replaced by the following:

Patient relations committee

- 4.11** (1) Subject to subsection (2) and section 4.01(4), the patient relations committee consists of at least 6 persons appointed by the board, including
- (a) at least 3 persons who are registrants or certified dental assistants, and
 - (b) at least 3 public members.



- (2) At least one-half of the members of the patient relations committee must be public members.
- (3) The board must designate a public member of the patient relations committee as the committee chair.
- (4) The patient relations committee is responsible for
 - (a) establishing a patient relations program to seek to prevent professional misconduct, including professional misconduct of a sexual nature, and monitoring the operation of that program,
 - (b) reviewing and assessing standards and guidance relevant to patient relations and making recommendations to the standards and guidance committee for amendment of same,
 - (c) collaborating with other health colleges for the purpose of developing standards and guidance relevant to patient relations under paragraph (b), and
 - (d) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

19. Section 4.12 is repealed and replaced by the following:

Audit and risk committee

- 4.12** (1) Subject to subsection (2), the audit and risk committee consists of at least 3 persons appointed by the board, including
- (a) at least one public member who is a member of the Chartered Accountants of British Columbia,
 - (b) at least one public member who is a practising member of the Law Society of British Columbia,
 - (c) at least one board member who may also be one of the public members described in paragraphs (a) and (b).
- (2) At least one-third of the members of the audit and risk committee must be public members.



- (3) The board must designate the public member appointed under subsection (1)(a) as the committee chair.
- (4) The audit and risk committee is responsible for
 - (a) analyzing each financial plan and annual budget prepared by the registrar and preparing a report on that analysis to be sent to the board at the same time as the plan and budget,
 - (b) reviewing all financial statements and reports prepared for the college, including the annual audited financial statements, and advising the board on
 - (i) any issues with a statement or report identified by the committee, and
 - (ii) if board approval of a statement or report is required, whether to approve the statement or report,
 - (c) consulting with the registrar and the auditor appointed under section 3.11(1) on
 - (i) the suitability and sufficiency of accounting policies, practices and systems utilized by the college, and
 - (ii) significant college financial reports, records or presentations,
 - (d) making recommendations to the board on the auditor to be appointed under section 3.11(1),
 - (e) reviewing the performance of the auditor appointed under section 3.11(1) and reporting to the board on that review,
 - (f) overseeing risk management for the college, including the identification of material risks to the college, ensuring there are adequate measures in place to address those risks, and reporting to the board regarding same
 - (g) working with the registrar on
 - (i) establishing and, as appropriate, amending policies and procedures for managing allegations of misconduct regarding the finances of the college, and
 - (ii) reporting any such allegations to the board,



- (h) monitoring the investments and indebtedness of the college and reporting to the board on same,
- (i) monitoring college compliance with financial laws and best practices, reviewing college policies and procedures on compliance, and reporting to the board on same, and
- (j) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

20. Section 4.13 is repealed and replaced by the following:

Appointments committee

- 4.13** (1) Subject to subsection (2) and section 4.01(4), the appointments committee consists of at least 3 persons appointed by the board, including at least one public member.
- (2) At least one-third of the members of the appointments committee must be public members.
 - (3) The appointments committee is responsible for
 - (a) reviewing the composition of each committee listed in section 4.01(1) and making recommendations to the board for amendment of same,
 - (b) working with the registrar and committee chairs to identify the competency needs of each committee,
 - (c) working with the registrar to identify and recruit candidates for committee membership,
 - (d) if, before the close of nominations for a board election under section 2.05, no one is nominated as a candidate for a board member position to be filled in that election, recruiting a registrant or certified dental assistant eligible under sections 2.01 and 2.02 to be elected to that position, and recommending that registrant or certified dental assistant to the board for appointment under section 2.09,



- (e) reviewing requests under section 2.02(3) from persons seeking to be deemed eligible to be elected in a board election, and
- (f) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

21. Section 4.14 is repealed and replaced by the following:

Human resources and remuneration committee

- 4.14** (1) Subject to subsection (2), the human resources and remuneration committee consists of at least 3 persons appointed by the board, including
- (a) at least one board member, and
 - (b) at least one public member.
- (2) At least one-third of the members of the human resources and remuneration committee must be public members.
- (3) The human resources and remuneration committee is responsible for
- (a) advising the board on appropriate remuneration and employment terms for the registrar,
 - (b) reviewing college human resources policies and making recommendations to the board for amendment of same,
 - (c) each year,
 - (i) working with the registrar on
 - (A) the preparation of his or her annual goals and objectives, and
 - (B) an evaluation of his or her job performance, and
 - (ii) reporting to the board on the evaluation of the registrar's job performance,
 - (d) advising the board on appropriate policies and procedures for managing allegations of misconduct against board members,



committee members or college employees engaged in carrying out the business of the college, and

- (e) at least every 2 years, reviewing and assessing the committee's terms of reference and making recommendations to the board for amendment of same.

PART 7

22. Sections 7.01, 7.03, 7.05-7.10, 7.12 and 7.13 are amended by deleting the words "certified dental assistant certification committee" and the words "certification committee" wherever they appear and replacing them with the words "registration committee."