

CONSOLIDATION OF DENTAL AUXILIARIES ACT
R.S.N.W.T. 1988,c.D-3

(Current to: February 2, 2006)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.33(Supp.)

In force October 22, 1990: SI-039-90

S.N.W.T. 1998,c.5

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2001,c.10,s.2

s.2 in force May 29, 2001

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988* (*Note: The Supplement is in three volumes*).
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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DENTAL AUXILIARIES ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"dental hygiene" means the performance of dental services of a preventive and educational nature and includes the performance of dental prophylaxes, the application on teeth of topical fluorides or other anticariogenic agents, the rendering of first aid and the taking and developing of x-rays; (*hygiène dentaire*)

"dental hygienist" means a person who is registered in the Dental Hygienists Register; (*hygiéniste dentaire*)

"Dental Hygienists Register" means the register referred to in section 2; (*registre des hygiénistes dentaires*)

"dental therapist" means a person who is registered in the Dental Therapists Register; (*thérapeute dentaire*)

"Dental Therapists Register" means the register referred to in section 7; (*registre des thérapeutes dentaires*)

"dental therapy" means the performance of dental services under the direction and control of a dentist and includes

- (a) the performance of uncomplicated dental restorations,
- (b) the uncomplicated removal of teeth,
- (c) the performance of dental prophylaxes,
- (d) the application on teeth of topical fluorides or other anticariogenic agents, and
- (e) the taking and developing of x-rays of teeth; (*thérapie dentaire*)

"dentist" means a licensee or professional corporation as defined in the *Dental Profession Act*; (*dentiste*)

"Registrar" means the Registrar of Health Professions appointed under the *Dental Profession Act*. (*registraire*)

Interpretation

(2) Nothing in this Act shall be held to prohibit a person giving necessary aid to a person who appears to be in urgent need of aid, if the aid is not given for hire or gain and the giving of the aid is not made a business or means of gaining a livelihood.

R.S.N.W.T. 1988,c.33(Supp.),s.99; S.N.W.T. 1998, c.5,s.11; S.Nu. 2001,c.10,s.2(2).

DENTAL HYGIENISTS AND DENTAL THERAPISTS

Dental Hygienists

Dental Hygienists Register

2. The Registrar shall keep a register, called the Dental Hygienists Register, in which shall be entered the names of all persons entitled under this Act to be registered in the Dental Hygienists Register. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(3).

Persons entitled to be registered

3. (1) Subject to this section, a person who is

- (a) a graduate of a college, school or university in a program of dental hygiene accredited by the Canadian Dental Association, or
- (b) registered as a dental hygienist in a province or the Yukon Territory,

is, on payment of the prescribed fee, entitled to be registered in the Dental Hygienists Register.

Practical experience requirement

(2) A person who graduated in dental hygiene from a college, school or university more than three years before applying to be registered in the Dental Hygienists Register is not entitled to be registered unless that person satisfies the Registrar that he or she

- (a) has been active in practice as a dental hygienist throughout the major part of that three year period; or
- (b) is fully competent to practise as a dental hygienist.

Disqualification

(3) A person is not entitled to be registered in the Dental Hygienists Register if his or her name has been struck off the dental hygienists register in any province or the Yukon Territory or during the period of any suspension of that registration. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(4).

Registration fee

4. (1) The fee payable on registration in the Dental Hygienists Register is the prescribed fee.

Annual licence fee

(2) Every dental hygienist must, in order to practise dental hygiene, pay to the Registrar at the time that his or her name is registered in the Dental Hygienists Register and subsequently on or before March 31 in each year, the prescribed annual licence fee. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(5).

Offence

5. Except as provided in this Act, no person shall practise dental hygiene unless he or she is registered and licensed as a dental hygienist or a dentist.

R.S.N.W.T. 1988,c.33(Supp.),s.99.

Practise under direction of dentist

6. No dental hygienist shall practise dental hygiene except under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the services are being provided. R.S.N.W.T. 1988,c.33(Supp.),s.99.

Dental Therapists

Dental Therapists Register

7. The Registrar shall keep a register called the Dental Therapists Register in which shall be entered the names of all persons entitled under this Act to be registered in the Dental Therapists Register. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(6).

Persons entitled to be registered

8. (1) Subject to subsection (2), a person who is a graduate of and holds a certificate of qualification in good standing from a school or college offering a course in dental therapy approved by the Commissioner is, on payment of the prescribed fee, entitled to be registered in the Dental Therapists Register.

Exception

(2) A person who became the holder of a certificate of qualification in good standing as required by subsection (1) more than three years before applying to be registered in the Dental Therapists Register, is not entitled to be registered unless, within three years before the date of that person's application to be registered in the Dental Therapists Register, he or she has

- (a) practised dental therapy; or
- (b) demonstrated his or her professional ability as a dental therapist to the satisfaction of the Registrar.

R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(7).

Registration fee

9. (1) The fee payable on registration in the Dental Therapists Register is the prescribed fee.

Annual licence fee

(2) Every dental therapist must, in order to practise dental therapy, pay to the Registrar at the time that his or her name is registered in the Dental Therapists Register and subsequently on or before March 31 in each year, the prescribed annual licence fee. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(8).

Offence

10. (1) Except as provided in this Act, no person shall practise dental therapy unless he or she is registered and licensed as a dental therapist or a dentist.

Exception

(2) Where a school or college in the Territories offers a course in dental therapy that is approved by the Commissioner, the Commissioner may authorize an undergraduate of that school to engage in dental therapy under the supervision of a dentist as part of that person's training. R.S.N.W.T. 1988,c.33(Supp.),s.99.

Practise under direction of dentist

11. No dental therapist shall practise dental therapy except under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the dental therapy is being provided and then only in a dental health program approved by the Commissioner. R.S.N.W.T. 1988,c.33(Supp.),s.99.

Offences and Punishment

Offences and punishment

12. Every person who contravenes section 5 or 6, subsection 10(1) or section 11 is guilty of an offence and liable on summary conviction to a fine of \$50 for every day on which he or she commits the offence. R.S.N.W.T. 1988,c.33(Supp.),s.99.

Suspension or cancellation of licence of dental hygienist

13. (1) Where a dental hygienist is convicted of an offence under this Act, the Registrar may suspend the licence of that dental hygienist for a period not exceeding six months or may have the name of that dental hygienist struck off the Dental Hygienists Register and cancel the licence of that dental hygienist.

Suspension or cancellation of licence of dental therapist

(2) Where a dental therapist is convicted of an offence under this Act, the Registrar may suspend the licence of that dental therapist for a period not exceeding six months or may have the name of that dental therapist struck off the Dental Therapists Register and cancel the licence of that dental therapist.

Hearing

(3) No action shall be taken under subsection (1) or (2) unless the person convicted has had an opportunity to show cause at a hearing why that person's licence should not be suspended or that person's name struck off the Dental Hygienists Register or Dental Therapists Register and the licence of that person cancelled. R.S.N.W.T. 1988, c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(9),(10).

Application for reinstatement

14. (1) A dental hygienist or a dental therapist whose name has been struck off the appropriate register and whose licence has been cancelled under section 13 may, after six

months, apply to the Registrar to have his or her name reinstated on the appropriate register.

Reinstatement and renewal

(2) The Registrar may, on hearing an application under subsection (1), reinstate the person on the appropriate register and renew the licence of that person on the terms and conditions that the Registrar considers reasonable and notwithstanding that the person may not then be entitled to be registered in the appropriate register, where the Registrar is of the opinion that the reinstatement and renewal is justified having regard to the present circumstances of the person. R.S.N.W.T. 1988,c.33(Supp.),s.99; S.Nu. 2001,c.10,s.2(11),(12).

GENERAL

Duration of licence

15. Unless sooner cancelled, a licence issued under this Act to practise dental hygiene or dental therapy expires on March 31 next following the day on which it came into force. R.S.N.W.T. 1988,c.33(Supp.),s.99.

Limitation period

16. A prosecution for an offence under this Act may not be commenced after two years from the date when the offence is alleged to have been committed. R.S.N.W.T. 1988,c.33(Supp.),s.99.

REGULATIONS

Regulations

17. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting the control and practice of dental hygiene and dental therapy;
- (b) prescribing the amount of fees to be paid in respect of any licence or renewal of licence issued under this Act and any registration applied for or made under this Act; and
- (c) respecting any matter that the Commissioner considers necessary for the effective carrying out of the intent and purposes of this Act. R.S.N.W.T. 1988,c.33(Supp.),s.99.