



Province of Alberta

HEALTH PROFESSIONS ACT

DENTAL ASSISTANTS PROFESSION REGULATION

Alberta Regulation 252/2005

Extract

© Published by Alberta Queen's Printer

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Definitions

1 In this Regulation,

- (a) "Act" means the *Health Professions Act*;
- (b) "College" means the College of Alberta Dental Assistants;
- (c) "Competence Committee" means the competence committee of the College;
- (d) "Complaints Director" means the complaints director of the College;
- (e) "Council" means the council of the College;
- (f) "courtesy register" means the courtesy register category of the regulated members register;
- (g) "general register" means the general register category of the regulated members register;
- (h) "provisional register" means the provisional register category of the regulated members register;

- (i) “Registrar” means the registrar of the College;
- (j) “Registration Committee” means the registration committee of the College;
- (k) “Reinstatement Review Committee” means the reinstatement review committee of the College.

Register

Register categories

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;
- (b) provisional register;
- (c) courtesy register.

Registration

General register

3 An applicant for registration as a regulated member on the general register must

- (a) have completed a one-year program of studies in dental assisting approved by the Council,
- (b) have successfully passed a written examination in dental assisting approved by the Council, and
- (c) meet at least one of the following:
 - (i) within the 3 years immediately preceding the date the Registrar receives the complete application, have met the requirements set out in clause (a);
 - (ii) within the 3 years immediately preceding the date the Registrar receives the complete application, have successfully completed refresher education or experiential upgrading approved by the Council;
 - (iii) within the 3 years immediately preceding the date the Registrar receives the complete application, have been employed as a dental assistant for 900 hours;
 - (iv) demonstrate to the satisfaction of the Registrar or Registration Committee that the applicant is competent to practise as a dental assistant.

Equivalent jurisdiction

4 An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements as those set out in section 3 may be registered on the general register.

Substantial equivalence

5(1) An applicant for registration who does not meet the requirements of section 3 or 4 but whose qualifications have been determined by the Registrar under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements of section 3 or 4 may be registered in the appropriate category of the regulated members register.

(2) In determining whether or not an applicant's qualifications are substantially equivalent under subsection (1), the Registrar may require the applicant to undergo any examination, testing or assessment activity to assist with the determination.

(3) The Registrar may direct the applicant to undergo any education or training activities the Registrar considers necessary in order for the applicant to be registered.

(4) The Registrar may request any further information and evidence that the Registrar considers necessary in order to assess an application under this section.

Provisional register

6(1) An applicant for registration as a regulated member may be registered on the provisional register if the applicant

- (a) has fulfilled the registration requirements set out in section 3 but has not completed the written examination referred to in section 3(b), or
- (b) is enrolled in a program of academic or experiential upgrading as directed by the Registrar or Registration Committee for the purpose of completing the registration requirements referred to in section 3.

(2) The applicant must successfully pass the written examination approved by the Council within one year of registration on the provisional register.

(3) The registration of a regulated member on the provisional register may be valid for up to one year.

- (4) A registration on the provisional register expires after one year unless the requirements of subsection (2) are met or an extension is granted under subsection (5).
- (5) A registration on the provisional register may be extended at the discretion of the Registrar or Registration Committee.
- (6) If a regulated member on the provisional register meets the requirements referred to in section 3, the Registrar must remove the regulated member's name from the provisional register and enter it on the general register.
- (7) A person who is registered on the provisional register may practise only while supervised by a dental assistant registered on the general register or by a dentist, dental hygienist, denturist or other person approved by the Registrar.

Courtesy register

- 7(1)** A person who requires registration in Alberta on a temporary basis for up to one year for a purpose approved by the Registrar is eligible for registration on the courtesy register if the person
- (a) is registered as a dental assistant in good standing in another jurisdiction, or
 - (b) satisfies the Registrar of having the necessary competencies to carry out the purpose for which the registration is requested.
- (2)** A person who is registered on the courtesy register pursuant to subsection (1)(a) must maintain his or her registration in the other jurisdiction while registered on the courtesy register.

Good character

- 8** An applicant for registration as a regulated member must provide written evidence of having good character and reputation by submitting the following on the request of the Registrar:
- (a) written references from colleagues, one of which must be from another jurisdiction if the applicant is registered in another jurisdiction;
 - (b) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process by the College or is or has been disciplined by another regulatory body responsible for the regulation of dental assistants or another profession that provides a professional service;

- (c) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (d) the results of a current criminal records check;
- (e) any other relevant evidence required by the Registrar.

Liability insurance

9 All applicants for registration as regulated members must provide evidence of having the type and amount of professional liability insurance required by the Council.

Practice Permit**Renewal requirements**

10 Regulated members applying for renewal of a practice permit must

- (a) state whether the regulated member has pleaded guilty or been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada since the member's last practice permit,
- (b) provide evidence of having the type and amount of professional liability insurance required by the Council, and
- (c) submit evidence of credits required under section 15.

Conditions

11 The Registrar or Registration Committee may impose conditions on a practice permit, which may include, but are not limited to, the following:

- (a) practising under the supervision of a regulated member;
- (b) limiting practice to specified practice areas approved by the Registrar or Registration Committee and refraining from practising in specified practice areas or practice settings;
- (c) reporting to the Registrar or Registration Committee on specified matters on specified dates;

- (d) prohibiting the regulated member from supervising students of the profession or regulated members of the College;
- (e) stating the purposes for which the practice permit is valid.

Restricted Activities

Authorized activities

12(1) Regulated members may, within the practice of dental assisting, perform the following restricted activities under the direction of a dentist, dental hygienist or denturist who is authorized to perform or to order the performance of the following restricted activities:

- (a) to apply any form of ionizing radiation in medical radiography;
- (b) to cut a body tissue or to perform surgical or other invasive procedures on body tissue in or below the surface of teeth, for the purpose of performing dental probing, including periodontal screening and recording;
- (c) to fit a fixed or removable partial or complete denture for the purpose of determining the preliminary fit of the device;
- (d) to fit a periodontal appliance for the purpose of determining the preliminary fit of the device;
- (e) to fit an orthodontic appliance for the purpose of determining the preliminary fit of the device.

(2) Subject to subsection (3), a regulated member who has advanced training approved by the Council may perform the restricted activity of cutting a body tissue or performing surgical or other invasive procedures on body tissue in or below the surface of teeth, for the purpose of scaling teeth under the direction of a dentist or a dental hygienist authorized to perform that restricted activity.

(3) The performance of the restricted activity referred to in subsection (2) is subject to the condition that the client has been recently assessed by the dentist or dental hygienist who has determined the patient has healthy gingival and periodontal tissues or plaque associated gingivitis, pockets of 4 mm or less and no overt or radiographic signs of alveolar bone loss.

(4) For the purpose of this section, “direction” means a dentist, dental hygienist or denturist is on-site and able to assist.

Restriction

13 Despite section 12, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed.

Students

14(1) A student who is enrolled in a dental assisting program approved by the Council is permitted to perform the restricted activities set out in section 12(1) under the supervision of a regulated member registered on the general register or courtesy register.

(2) The supervising regulated member must

- (a) be on-site with the student while the student is performing the restricted activity,
- (b) be available to assist the student in performing the restricted activity as required, and
- (c) be authorized to perform the restricted activity set out in section 12(1).

(3) A regulated member who is undertaking a program of studies approved by the Council for scaling of teeth is permitted to perform the restricted activity of cutting a body tissue or performing surgical or other invasive procedures on body tissue in or below the surface of teeth for the purpose of scaling teeth under the on-site supervision of the following who are able to assist:

- (a) a dental assistant who is authorized to perform the restricted activity under section 12(2);
- (b) a dentist who is authorized to perform the restricted activity;
- (c) a dental hygienist who is authorized to perform the restricted activity.

Continuing Competence**Continuing competence program**

15(1) Within 12 months following the coming into force of this Regulation, as part of the continuing competence program, regulated members must obtain on an annual basis 10 program credits.

(2) To obtain program credits, a regulated member may undertake the following developmental activities:

- (a) attending courses designed to enhance the regulated member's professional competence;
- (b) teaching or presenting an approved continuing competence activity to a dental group;
- (c) participating in a study club;
- (d) successfully completing an examination recognized by the Council;
- (e) successfully completing advanced training or examinations;
- (f) attending formally organized sessions or activities sponsored or approved by the Council concerning the functions of the Council, including, but not restricted to, professional development of regulated members, ethics or standards of practice;
- (g) participating, preparing or presenting a research paper or abstract at an approved educational function;
- (h) publishing a research paper in a peer-refereed journal;
- (i) conducting research and undertaking innovation that extends beyond the dental assistant's current practice;
- (j) undertaking self-directed study;
- (k) successfully completing a challenge examination approved by the Council;
- (l) other activities approved by the Council.

Continuing competence program rules

16(1) The Council may recommend rules governing

- (a) eligibility of an activity to qualify for program credits,
- (b) the number of program credits earned for a particular activity,
- (c) requirements that members participate in a specified number of professional development activities,
- (d) limits on the number of program credits that can be earned from specific activities,

(e) the transfer of credits earned in one year to the following year, and

(f) the continuing competence program.

(2) The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.

(3) The Council may establish the rules or amendments to the rules 30 or more days after the Registrar has distributed the recommended rules or amendments to the rules under subsection (2).

Rules distribution

17 The rules and any amendments to the rules established under section 16(3) must be made available by the College to the public, the Minister, regional health authorities and any person who requests them.

Annual form

18(1) As part of the continuing competence program, regulated members must complete on an annual basis, in a form satisfactory to the Competence Committee,

(a) a self-assessment,

(b) a learning plan, and

(c) a list of continuing competence activities undertaken and supporting documentation.

(2) A regulated member must, on the request of the Competence Committee, submit anything referred to in subsection (1) to the Competence Committee.

Review and evaluation

19 The Competence Committee must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of the member's continuing competence program.

Alternative Complaint Resolution

Process conductor

20 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the

Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

Agreement

21 The person conducting the alternative complaint resolution process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

Confidentiality

22 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

Leaving the process

23 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

Reinstatement of Registration and Practice Permits

Applying for reinstatement

24(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the practice permit reissued and the registration reinstated.

(2) An application under subsection (1) may be made

- (a) not earlier than 5 years from the date of cancellation, and
- (b) no more than once per calendar year after the refusal of an application under section 25(2)(a).

Hearing date

25(1) Within 90 days of receipt of an application under section 24, the Registrar must refer the application to the Hearings Director who must appoint, in accordance with the bylaws, regulated members to a Reinstatement Review Committee to hold a hearing on the application.

(2) A hearing must be held within 90 days of the application being referred under subsection (1) and the Reinstatement Review Committee must issue a written decision with reasons containing one or more of the following orders:

- (a) an order denying the application;
- (b) an order directing the Registrar to reinstate the person's registration and practice permit;
- (c) an order directing the Registrar to impose specific terms, conditions or limitations on the person's practice permit.

Review

26(1) An applicant whose application is denied or on whose practice permit terms and conditions have been imposed under section 25(2), may apply to the Council for a review of the decision of the Reinstatement Review Committee.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

(3) On reviewing a decision pursuant to a request for a review under section 25(1), the Council may

- (a) confirm, reverse or vary the decision of the Reinstatement Review Committee and make any decision that the Reinstatement Review Committee could have made,
- (b) refer the matter back to the Reinstatement Review Committee and direct it to make a further assessment of the application and make a decision under section 25 on the application, and
- (c) make any further order the Council considers necessary for the purposes of carrying out its decision.

Hearing

27(1) The reinstatement hearing under section 25 is open to the public unless the Reinstatement Review Committee determines on its own motion or on application by any person that the reinstatement hearing or part of it should be held in private because of any of the reasons set out in section 78(1) of the Act.

(2) The person making the application, the Registrar and the Reinstatement Review Committee holding a hearing may be represented by counsel.

(3) Evidence may be given before the Reinstatement Review Committee in any manner that it considers appropriate and it is not bound by the rules of law respecting evidence applicable to judicial hearings.

Deliberations

28 In determining whether or not an application should be approved, the Reinstatement Review Committee must

- (a) consider
 - (i) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
 - (ii) the evidence present at the hearing,and
- (b) consider whether
 - (i) the applicant meets the current requirements for registration,
 - (ii) any conditions imposed at the time the applicant's registration and permit were cancelled have been met, and
 - (iii) the applicant is fit to practise dental assisting and does not pose a risk to public safety.

Access to decision

29(1) The Reinstatement Review Committee and the Council may order that its decision under section 25(2) or section 26 be published in a manner it considers appropriate.

(2) The College must make the decisions under sections 25(2) and 26 available for 5 years to the public on request.

Titles**Titles**

30 Subject to any order made under Part 4 of the Act, a ratified settlement, any conditions on the practice permit imposed under section 11 or an order made under section 25 or 26,

- (a) a regulated member on the general register may use the following title and abbreviation:
 - (i) registered dental assistant;
 - (ii) R.D.A.;
- (b) a regulated member on the provisional register may use the following title and abbreviation:

- (i) dental assistant;
- (ii) D.A.

Information

Requested information

31(1) A regulated member must provide the following information on the initial application for registration, when there are any changes to the information and on the request of the Registrar:

- (a) home address, telephone number, e-mail address and fax number;
- (b) employer name, address, telephone number, e-mail address and fax number;
- (c) maiden name or other names;
- (d) date of birth;
- (e) school of training;
- (f) graduation date;
- (g) area of practice and any specializations;
- (h) languages other than English;
- (i) whether the member is registered as a dental assistant in another jurisdiction;
- (j) whether the member is a registered member of another health profession;
- (k) date of initial registration in Alberta;
- (l) positions held within the College;
- (m) professional awards or honours.

(2) Subject to section 34(1) of the Act, the College may disclose the information collected under subsection (1)

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

Access to regulated members' information

32 The period of time during which the College is required to provide information under section 119(4) of the Act is as follows:

- (a) information as to whether a practice permit has been cancelled, suspended or conditions have been imposed on the practice permit, for 5 years;
- (b) information from the record of a hearing, including decisions, for 5 years after the decision is made;
- (c) information as to whether a hearing is scheduled to be held, or has been held, under Part 4 of the Act with respect to a named regulated member until the hearing is completed;
- (d) any other information referred to in section 119(4) of the Act, for 5 years.

**Transitional Provisions, Repeals and
Coming into Force****Transitional**

33 On the coming into force of this Regulation, a registered member described in section 6 of Schedule 4 to the Act is deemed to be entered in the regulated members register in the register category that the Registrar considers appropriate.

Repeal

34 The *Dental Assistant Regulation* (AR 36/94) is repealed.

Coming into force

35 This Regulation comes into force on the coming into force of Schedule 4 to the *Health Professions Act*.