

THE DENTAL DISCIPLINES ACT
BYLAWS

TABLE OF CONTENTS

	Page #	
Part 1	Interpretation	2
Part 2	Licensing and Membership	2
Part 3	Insurance	16
Part 4	Council	17
Part 5	Committees	22
Part 6	Administration	27
Part 7	Meetings of Members	28
Part 8	Bylaws	28
Part 9	Professional Standards and Discipline	29
Part 10	Advertising	49
Part 11	Continuing Education	45
Part 12	Dental Service Plans	47
Part 13	Prescription Review Program	

Schedule I 2010 Registration, Licensing & Other Fees

Schedule II Application for Issuance –
Annual Permit by a Professional Corporation

Appendix I Canadian Dental Association – Code of Ethics

THE DENTAL DISCIPLINES ACT – BYLAWS
(REVISED JAN 2010)

PART 1 - INTERPRETATION

1.1 In these bylaws:

- (a) "Act" means *The Dental Disciplines Act* of Saskatchewan, as amended from time to time;
- (b) "allied personnel" means a dental hygienist, dental assistant and dental therapist;
- (c) "College" means the College of Dental Surgeons of Saskatchewan;
- (d) "council" means the council of the College;
- (e) "good standing" means, in relation to any member, that the member has fully paid all fees due and owing by him or her, and has complied with the Act, these bylaws, and all requirements made under these bylaws, and that the member has not been suspended or had his or her license to practice dentistry revoked;
- (f) "professional corporation" means a corporation which is registered as a professional corporation under these bylaws and holds a valid permit from the College;
- (g) "Professional Corporations Act" means *The Professional Corporations Act*, SS. 2001, c. p-27.1, as revised, amended, or replaced from time to time; and
- (h) "registrar" means the person appointed by the College from time to time pursuant to section 12 of the Act.

PART 2 - LICENSING AND MEMBERSHIP

Categories of Membership

2.1 The categories of membership for the College are as follows:

(a) The full practicing members, consisting of:

- (i) regular members; and
- (ii) practicing life members;

who shall, upon compliance with the criteria set out in these bylaws and upon entry into the annual register, be licenced to practise dentistry in the Province of Saskatchewan and shall be entitled to such other rights and privileges as further set out in these bylaws.

(b) The restricted practising members, consisting of:

- (i) conditional faculty members;
- (ii) conditional specialist members;
- (iii) student members; and
- (iv) temporary members;”.

who shall, upon compliance with the criteria set out in these bylaws, upon entry into the annual register, and upon agreeing to practise in accordance with the conditions or restrictions specified in the licence, shall be issued a restricted licence to practise dentistry in the Province of Saskatchewan, and shall be entitled to such other rights and privileges, as further set out in these bylaws.

(c) The non-practising members, consisting of:

- (i) non-practising life members; and
- (ii) associate members;

who shall not be licensed to practise dentistry in the Province of Saskatchewan and who shall only be entitled to such rights and privileges as set out in these bylaws.

Annual and Corporate Register

- 2.2 (1) The College will establish and maintain a register to be known as the "annual register" in which the names and addresses of its members are recorded.
- (2) The College shall additionally establish and maintain a register to be known as the "corporate register", in which the name and address of each professional corporation that is registered by the College pursuant to section 2.10, and the name and address of each director of each professional corporation, is recorded.

General Qualifications

- 2.3 (1) No person shall be registered as a member under these bylaws unless he or she satisfies the council that he or she is a person of good character.
- (2) Any person applying to be registered as a member who is the holder of a degree in dentistry and is, or has been, licensed to practice in a jurisdiction outside of Saskatchewan shall provide evidence of current good standing with that jurisdiction to the registrar.

Regular Members

- 2.4 (1) Subject to any other provisions in these bylaws, a person meeting the following criteria may be entered on the annual register as a regular member of the College and be issued a licence to practice dentistry:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) such person:
 - (i) produces a currently valid certificate of qualification from the National Dental Examining Board of Canada; or
 - (ii) is a person relocating to Saskatchewan from another province of Canada, and who is a fully licensed member in good standing with the governing body for the profession of dentistry in such province, immediately prior to his or her application to the College; and
 - (c) he or she has paid the scheduled fees, completed all required forms, provided proof of the required insurance, and has otherwise been approved by the registrar for registration as a regular member.
- (2) Where the person applying for registration is a non-practising member or otherwise has not been fully licensed to practise dentistry in Saskatchewan or any other jurisdiction for a period of two or more consecutive years preceding the date of application for membership in the College, such person shall additionally:
- (a) submit to such investigations as the council may prescribe;
 - (b) pay such investigation fee as set out Schedule 1, in addition to all other fees prescribed in these bylaws; and
 - (c) shall successfully complete such examinations and courses as prescribed by council; provided, however, that this subsection shall have no application to persons who immediately prior to their application were students in a college, school or faculty of dentistry.
- (3) The membership and licence of a regular member is subject to annual renewal as further set out in these bylaws.

Conditional Faculty Members and Conditional Specialist Members

- 2.5 (1) Where a person is not a regular member of the College but desires registration solely for the purpose of undertaking a full time or part time teaching position with the College of Dentistry, University of Saskatchewan, then subject to the other provisions of these bylaws, a person meeting the following criteria may be entered on the annual register as a conditional faculty member and may be issued a restricted license to practise dentistry:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) he or she is the holder of a degree in dentistry or dental surgery, and is entitled to practise in a jurisdiction outside of Saskatchewan; and
 - (c) he or she is appointed to the full time or part time teaching staff of the College of Dentistry, University of Saskatchewan as confirmed by the Dean; and

- (d) he or she agrees to practise only within the jurisdiction of the College of Dentistry, University of Saskatchewan; and
 - (e) he or she has paid the scheduled fees, completed all required forms, provided proof of the required insurance, and has otherwise been approved by the registrar for registration as a conditional faculty member; and
 - (f) upon termination of full time or part time employment in the College of Dentistry, University of Saskatchewan, the membership and license granted under this section shall become void, and the individual shall be required to apply under section 2.4 in order to continue to practise dentistry in the province of Saskatchewan.
- (2) Where a person is not a regular member of the College but desires registration solely for the purpose of practising a specialty, then subject to other provisions of these Bylaws, a person meeting the following criteria may be entered on the annual register as a conditional specialist member and may be issued a restricted license to practice dentistry:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) he or she has successfully completed a minimum of a two year post graduate program in a specialty recognized by the College and the program is from a school or faculty:
 - (i) accredited by the Commission on Dental Accreditation of Canada (CDAC) or the Commission on Dental Accreditation of the American Dental Association (CODA/ADA); or
 - (ii) not accredited by the CDAC or CODA/ADA, and that person has successfully completed the process outlined in the Canadian Dental Regulatory Authorities Federation (CDRAF) Memorandum of Understanding (MOU) dated October 12, 2007, and
 - (c) he or she has passed the Royal College of Dentists of Canada/ National Dental Specialty Exam (RCDC/NDSE) in at least one specialty recognized by the College; and
 - (d) he or she agrees to practise solely within the specialty(s) referred to in 2.5(2)(b) above; and
 - (e) he or she has paid the scheduled fees, completed all required forms, provided proof of the required insurance, and has otherwise been approved by the registrar for registration as a conditional specialist member.
- (3) There shall be such restrictions on the license of a conditional faculty member or a conditional specialist member, as determined and set out by the council.
- (4) The membership and license of a conditional faculty member or a conditional specialist member is subject to annual renewal as further set out in these bylaws.

Student Members

- 2.6 (1) Subject to any other provisions in these bylaws, a person meeting the following criteria may be entered on the annual register as a student member and be issued a restricted license to practice dentistry:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) such person is:
 - (i) an undergraduate student who following successful completion of his or her penultimate year is employed by a full practising member in good standing with the College of Dental Surgeons of Saskatchewan, and who works under the direct supervision of a full practising member during the summer recess of a faculty or college of dentistry; or
 - (ii) an undergraduate student who as part of his or her training and under direct supervision of a full practising member or faculty member is working under the faculty of the College of Dentistry of the University of Saskatchewan, or in a health district facility or affiliate approved for undergraduate training by the College of Dentistry, University of Saskatchewan; or
 - (iii) the holder of a degree in dentistry or dental surgery that is registerable in the province of Saskatchewan, and is serving a period of internship in a Saskatchewan hospital which has received a standard of approval from the Commission of Dental Accreditation of Canada; or desires registration solely for the purpose of undertaking a graduate training program in a Saskatchewan hospital or at the College of Dentistry of the University of Saskatchewan and who, in the opinion of the council, should be granted such privileges; or
 - (iv) the holder of a degree in dentistry or dental surgery, and is entitled to practice in a jurisdiction outside Saskatchewan and desires registration solely for the purpose of undertaking a period of internship or

residency in a Saskatchewan hospital in a program approved by the College of Dentistry, of the University of Saskatchewan; and

- (c) he or she has paid the scheduled fees, completed all required forms, provided proof of any required insurance, and has otherwise been approved by the registrar for registration as a student member.
- (2) Those persons who are registered as student members pursuant to this section 2.6 shall be issued a license which is restricted to practicing only such dentistry as is required as part of their training or permitted by the applicable subsection; provided, however that those persons registered under section 2.6(1)(b)(iii) or (iv) may be additionally permitted to prescribe or dispense drugs in the provision of dental treatment undertaken as part of their training.
- (3) The membership and license of a student member shall be of such duration as set out in the license, and is subject to annual renewal as further set out in these bylaws.

Life Members

- 2.7 (1) Subject to any other provisions in these bylaws, the College may confer life membership on those persons meeting the following criteria, in recognition of outstanding service to the College:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) he or she is a member or former member of the College; and
 - (c) such person:
 - (i) has maintained an active membership in the College for a period of fifty years; or
 - (ii) has had his or her name proposed for life membership by two members of council at a regular meeting of the council as a notice of motion, which motion is then approved at a subsequent meeting of the council by at least a two-thirds majority.
- (2) Life members who maintain a practice or administrative or teaching position on a full or part time basis shall be assessed an annual license fee equal to one half of the fee payable by regular members. Such life members are required to meet any continuing education requirements as required of regular members, and upon payment of the prescribed fee, shall be licensed to practice dentistry subject to such restrictions as may be imposed by council from time to time. The membership and license of a practicing life member is subject to annual renewal as further set out in these bylaws.
- (3) Life members who are fully retired from practice, administration or teaching shall be exempt from the payment of all dues, fees or levies, and are exempt from meeting any continuing education requirements as approved by these bylaws, but shall no longer be licensed to practice dentistry or to prescribe or dispense drugs. The membership of a non-practicing life member is indefinite in duration, and continues for the life of the member unless terminated in accordance with subsection (4).
- (4) Council may, at any time and in its sole discretion revoke the status of life membership, in which event the individual must apply for membership and licensure under section 2.4 or 2.5 in order to continue to practice dentistry in the province of Saskatchewan.

Temporary Members

- 2.8 (1) Subject to any other provisions in these bylaws, a person meeting the following criteria may be entered on the annual register as a temporary member and be issued a restricted temporary license to practice dentistry:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) he or she is the holder of a degree in dentistry or dental surgery and is entitled to practice as a dental surgeon in a jurisdiction outside Saskatchewan; and
 - (c) he or she desires registration solely for the purpose of
 - (i) presenting a graduate or undergraduate training course,

- (ii) conducting or engaging in a clinical presentation or research program at or under the sponsorship of the College of Dentistry of the University of Saskatchewan or under the sponsorship of a dental group recognized by the College, or
 - (iii) participation as a member of a forensic team to assist with identification procedures associated with any disaster which should occur in Saskatchewan; and
- (d) he or she has paid the scheduled fees, completed all required forms, provided proof of any required insurance, and has otherwise been approved by the registrar for registration as a temporary member.
- (2) The membership and licence issued to a temporary member shall be of such duration and subject to such restrictions as council may approve; provided that council may delegate such duty from time to time to the registrar.
- (3) The registrar shall in registering a temporary member in the register, show the purpose for which the person is registered and the period of duration of that person's registration, and may from time to time on application, extend the period of duration of the person's registration and licence, and amend the register accordingly.
- (4) Except as extended pursuant to subsection (3), the membership and licence of a temporary member shall automatically expire at the end of the time period for which the licence is issued.
- (5) The registrar shall cancel the registration of any person who is a temporary member when directed to do so by council.

Associate Members

- 2.9 (1) Subject to any other provisions in these bylaws, a person meeting the following criteria may be entered on the annual register as a non-practising associate member:
- (a) he or she meets the general criteria set out in section 2.3; and
 - (b) he or she desires registration solely for the purpose of providing dental treatment in a jurisdiction outside of Saskatchewan wherein the provision of such treatment is under the auspices of a humanitarian project and wherein that jurisdiction requires the person to have a status of registration in another jurisdiction; and
 - (c) he or she has paid the scheduled fees, completed all required forms, and has otherwise been approved by the registrar for registration as an associate member.
- (2) Associate members shall not be issued a licence and shall not be entitled to practise dentistry in the province of Saskatchewan.
- (3) The membership of an associate member is subject to annual renewal as further set out in these bylaws.
- (4) The registrar shall cancel the registration of any associate member when directed to do so by council. Upon cancellation, all privileges of such associate member shall cease.
- 2.10 (1) Subject to any other provisions in these bylaws, a corporation may be entered on the corporate register as a professional corporation of the College and be issued a permit where:
- (a) it meets the criteria set out in the Professional Corporations Act and these bylaws; and
 - (b) it has paid the scheduled fees, completed all required forms attached as Schedule 2, provided proof of any required insurance, and has otherwise been approved by the registrar for registration as a professional corporation of the College.
- (2) The name of the corporation shall, in the opinion of the registrar, appropriately depict that the corporation is engaged in the business of providing dental services and shall otherwise be in compliance with the provisions of Part Ten of these bylaws.
- (3) There shall be such restrictions on the permit of a professional corporation, as determined and set out by the council. (4)
- The registration and permit of a professional corporation is subject to annual renewal as further set out in these bylaws.

- (5) The council may revoke a permit of a professional corporation as permitted or required by the *Professional Corporations Act*. Where a permit is revoked, the registrar shall send notice of that fact to the professional corporation and strike its name from the corporate registrar.
- (6) A professional corporation shall notify the registrar in writing within 10 days of any of the following changes:
- (a) in its name;
 - (b) in the voting rights attached to any classes of its shares;
 - (c) in the ownership of the issued shares of the professional corporation or in the ownership of the issued shares of a corporation holding non-voting shares in the professional corporation;
 - (d) in the directors of the professional corporation;
 - (e) in the status of a spouse holding non-voting shares in the professional corporation, or holding shares in a corporation holding non-voting shares in the professional corporation, or who is a beneficiary of a trust holding non-voting shares in the professional corporation ; or
 - (f) in the beneficiaries of a trust holding non-voting shares in the professional corporation.
- (7) Upon receipt of the notice referred to in subparagraph (6), the council may:
- (a) continue the permit;
 - (b) amend the permit to add or delete any terms or conditions; or
 - (c) subject to the terms of the Professional Corporations Act, revoke the permit and registration of the professional corporation after such time period as it deems reasonable given the nature of the change.

Privileges of Members

- 2.11 (1) Those persons who are regular members, conditional specialist members, full-time or part time conditional faculty members, or life members of the College, and who are in good standing with the College and reside in the province of Saskatchewan, are eligible for election as a member of council or appointment of any office or committee of the College, and are entitled to attend the annual meeting of the College with the right to move or second any motion, and to speak and vote on any motion, and to enjoy such other services or non-regulatory privileges as authorized by council.
- (2) Those persons who are student members or associate members are entitled to attend scientific sessions and continuing education courses of the College on payment of the applicable registration fees, and to enjoy such other services or non-regulatory privileges as are authorized by the council. They may attend meetings of the College, but are not eligible to be elected to as a member of council or for appointment to any office of the College, nor to move or second any motion or vote at any meeting of the College.

Registration Fees

- 2.12 (1) It shall be the duty of the council to fix the annual and other fees payable by the members and professional corporations of the College and the council shall also have the authority to make unusual further assessment as they may from time to time require for the efficient and proper operation of the College. The registration, licensing and other fees payable to the College are as set out in Schedule 1.
- (2) Each person seeking registration as a member and each corporation seeking registration and a permit as a professional corporation of the College shall pay the prescribed initial application fee, together with the annual fee, before being entitled to receive his or her membership and licence to practice dentistry and, where applicable, registration and permit as a professional corporation.
- (3) New graduates of the current year seeking licensure for the first time shall be assessed one half of the current annual fee.
- (4) Other regular members or faculty members commencing practice at a time other than the first of the year shall be assessed as follows:
- (a) Where such member commences practice between January 1 and August 31, he or she shall pay full annual fee; or
 - (b) Where such member commences practice between September 1 and December 31, he or she shall pay one half annual fee.

Annual Renewal

- 2.13 (1) To be eligible for the annual renewal of membership and licensure, each member must:
- (a) be in good standing with the College;

- (b) provide proof of the required insurance in form satisfactory to the registrar; and
 - (c) pay the prescribed annual fee by January 15th of each year.
- (2) The registration and permit of each professional corporation of the College shall automatically expire by December 31 of the year for which the permit was issued. To be eligible for the annual renewal of its registration and permit, each professional corporation must:
- (a) continue to meet the criteria set out in the Professional Corporations Act and these bylaws;
 - (b) complete all required forms and provide proof of any required insurance; and
 - (c) pay the prescribed annual fee by December 31 of each year.
- (3) Where a member or a professional corporation is in arrears in the payment of fees, the registrar may renew the membership or permit, as the case may be, upon payment of the annual fee and the prescribed penalty for late payment.
- (4) Where a member is suspended at the time of annual renewal, the member may apply for renewal at the end of the term of his or her suspension. Where the suspended member is the sole person carrying on the business of providing dental services in the name of a professional corporation, such professional corporation may also apply for its re-registration and permit at the end of the term of the member's suspension, by complying with section 2.13(2), but paying the prescribed annual fee on the date of application.

Reinstatement of Expelled Members

- 2.14 Any person who has been expelled as a member of the College may apply for reinstatement as set out in section 41 of the Act, upon payment of the prescribed fee.

Suspended or Expelled Members

- 2.15 (1) Where a member is suspended or expelled and is the sole person providing the dental services of a professional corporation, then the permit of such professional corporation shall be revoked as required by the Professional Corporations Act.
- (2) Where a member is suspended or expelled and is one of two or more persons providing the dental services of a professional corporation, he or she shall not be eligible to continue as a director, and his or her shares shall be transferred to an eligible member in good standing within 90 days.

Review of Registrar's Decision

- 2.16 Any person who is aggrieved by a decision of the registrar with respect to:
- (a) the registration of a professional corporation;
 - (b) the issuance of a permit to a professional corporation; or
 - (c) the revocation of the permit of a professional corporation;

has such right to apply to council for a review of such decision as permitted by the Professional Corporation Act.

Appeal

- 2.17 A corporation may, in accordance with the provisions of the Professional Corporations Act, appeal the decision of the council to court where:
- (a) the application of the corporation for registration, for a permit, or for renewal of a permit as a professional corporation is rejected;
 - (b) its permit as a professional corporation is issued subject to terms and conditions; or
 - (c) its permit as a professional corporation is revoked.

PART 3 - INSURANCE

Professional Liability Insurance of Full Practising Members, Faculty Members and Practising Temporary Members

Professional Liability Insurance

- 3.1 All regular members, practising life members, conditional faculty members, conditional specialist members, and practising temporary members who will be making clinical presentations shall obtain and provide proof of professional liability insurance in a form satisfactory to the registrar and in the amount not less than three million dollars (\$3,000,000) in the aggregate with a carrier(s) approved by council.

Professional Liability Insurance on Behalf of Student Members

- 3.2 All regular members having student members in their employ pursuant to section 2.6(1)(b)(i) shall ensure that such student members are insured by the professional liability insurance referred to in section 3.1 of such regular member employing such student.

No Insurance Requirements for Non-Practising Members

- 3.3 Non-practising life members, associate members, and temporary members who will not be making clinical presentations are not required to obtain any insurance pursuant to this Part Three for so long as they maintain such status.

Insurance Requirements for Professional Corporations

- 3.4 Each member who provides dental services by, through, or in the name of a professional corporation is required to hold and provide proof of the insurance required by section 3.1 or 3.2, as the case may be.

PART 4 - COUNCIL

Composition of Council

- 4.1(1) The business of the College shall be transacted by a council of:
- (a) seven (7) members elected by the members of the College, which elected members must be in good standing, resident in Saskatchewan at the time of their election, and who shall hold office commencing on January 1st next following their election for a period of two years or until their successors are elected; and
 - (b) any persons who are resident of the province and appointed as members of council in accordance with Section 9 of the Act.
- (2) Any vacancy which occurs in the elected membership of council may be filled as provided for in the Act.

Election of Members to Council

- 4.2 The procedures for the election of members to council shall be as follows:
- (1) The person qualified to vote at the annual election of members of the council shall be members of the College who at the date of the election are residing in the province of Saskatchewan and who have the right to vote under subsection 2.11(1).
 - (2) Any two qualified voters may in writing nominate as a candidate for election to the council any member of the College in good standing resident in the province who consents in writing to such nomination.
 - (3) The nomination shall be delivered to the secretary no later than twenty days before the day fixed for the annual election; and at least ten days before the day fixed for the annual election, the secretary shall send to each member qualified to vote a ballot paper together with a list of all candidates.
 - (4) The name of all candidates duly nominated shall be forwarded to all members of the profession by the secretary's office ten days before nominations officially close.
 - (5) Every member desiring to vote at an election of members of the council shall place on the voting paper, which shall be in a form prescribed by the council, a cross (thus X) opposite the name of each of the candidates for whom they vote.
 - (6) Only the voting papers received by the secretary up to the hour fixed for holding the election shall be counted.

- (7) Candidates names shall be printed in alphabetical order on the ballot and voters must vote for the number of vacancies to be filled. Any other procedure will class the ballot as spoiled and void.
- (8) The ballots so cast shall at the hour fixed for the holding of the election be opened and counted by three ballot counters who are not candidates and who have been appointed at the direction of council for the purpose and the required number of members receiving the highest number of votes cast shall be declared elected.
- (9) All members of the College shall be entitled to be present at the counting of the ballots.
- (10) After the candidates with a clear majority have been declared elected, if there remains an equality between the votes cast for two or more candidates with one or more unfilled vacancies on the council those counting the ballots shall, by lot, conducted in the presence of each other, determine which of these candidates shall be elected.
- (11) If the ballot envelope is not signed or if a member of the college votes for a greater or lesser number of candidates than the number required to be elected, or if his ballot is defaced in any way or marked in such a manner as to arouse doubt in the opinion of the ballot counters as to the voting intention of the member, the ballot shall be deemed spoiled and shall not be counted.
- (12) The ballot counters, after the valid ballots have been counted and the result declared, place all the valid ballots in an envelope, and deliver it to the secretary who shall retain it for one month and shall, at the expiration of that time, if no proceedings are taken in the meantime to set aside the election, destroy the valid ballots.
- (13) Spoiled ballots shall be placed in a separate envelope and delivered to the secretary, who upon the expiration of one month from the date of the election destroy them, if no proceedings are taken in the meantime to set aside the election.
- (14) Any member of the College present at an election may object to any ballot cast on the ground that the person casting the ballot is not qualified to vote, and all such objections shall be determined by the members of the council who may make inquiries and take evidence as may be necessary to satisfy themselves as to the right of the member casting the ballot to vote, and if they decide that the person casting the ballot was not entitled to vote, the ballot shall be forthwith placed in a separate envelope for one month, and if no proceedings are taken in the meantime, destroy such ballots.

Officers

- 4.3 The officers of council shall be the president, vice-president, secretary, treasurer, and registrar, and shall be appointed each year by council. Any person so appointed may hold more than one office.

President

- 4.4 (1) It shall be the duty of the president or the president's designate to preside at all meetings of the council; to enforce due observance of the bylaws; to see that the other officers and employees perform their respective duties; to appoint such committees as are necessary, not otherwise appointed by the council; and to act as an ex-officio member of all committees.
- (2) The president shall perform such other duties as the bylaws require or as the council may, by resolution, from time to time direct.

Secretary

- 4.5 (1) It shall be the duty of the secretary to act as secretary to council; to conduct, under the direction of the council, all correspondence relating to the affairs of the College; to keep copies of letters written by them and files of all letters and other material for such period of time as he or she deems necessary but not less than seven years; to keep a proper record of the proceedings of each meeting of the council of all members of the College and applicants for membership and to assist the registrar in all matters pertaining to licensure; to conduct the election of the representatives to the council; and to pay over promptly to the treasurer all funds coming into his or her hands as secretary.
- (2) All records, files, correspondence and anything respecting the business of the College shall be maintained by the secretary for the use of the council and its officers and for any other member of the College in good standing.
- (3) The secretary shall deliver to his or her successor in office all records, books, files, papers, electronic data and other material in belonging to the council and the College, in the secretary's possession or at his or her call.
- (4) The secretary shall be the custodian of the seal of the College.

Treasurer

- 4.6 (1) It shall be the duty of the treasurer to receive all funds of the College and to be custodian of them. The treasurer shall deposit such funds accruing to the College into a chartered bank. The treasurer shall open in the name of the College such accounts approved by council in which all funds shall be deposited, and shall open a safety deposit box in a chartered bank in the name of the College and designated so that the president and the treasurer will be allowed access to this box. The treasurer will notify all members of the College not later than January 1st each year of the amount that will be due the College by each of them on the 15th day of January under the provisions of the Act and bylaws of the College. The treasurer shall in consultation with the Finance Committee be allowed to change the investment portfolio of the College from time to time and keep the same invested in such investments as at the time of making as by the law of the Government of Canada and as permitted by the Canadian life insurance companies. The treasurer shall pay out of College funds such monies necessary for travel insurance coverage for any member of council, members of the College or employees of the College who are required to travel on College business.
- (2) The treasurer shall also keep complete and accurate records of all monies received and expended by the treasurer and of all debts, savings or investments by the College. The treasurer shall report to each regular meeting of the council on the immediate financial condition of the College and shall arrange for an audited statement of the finances of the College to be undertaken on a yearly basis by a firm of chartered accountants appointed by the council.
- (3) Before entering upon his or her duties, the treasurer shall give a security bond in such amount as required and approved by council, for the faithful accounting of the monies the treasurer shall receive as the agent of the College. The premium for this bond shall be paid by the College.
- (4) The treasurer shall deliver to his or her successor in office all records, books, files, electronic data and other material belonging to the College in the treasurer's possession or at his or her call.

Registrar

- 4.7 (1) It shall be the duty of the registrar to keep a true record of members and professional corporations of the College, and to:
- (a) record the date of issuance of all licences, permits, names of members, names of professional corporations, qualifications and other pertinent particulars in the records of the College;
 - (b) act in liaison for the College in business with the College of Dentistry at the University of Saskatchewan;
 - (c) sign with the president all certificates of membership;
 - (d) sign all annual licences;
 - (e) maintain the annual register, courtesy register, and corporate register;
 - (f) cause to be printed each year a true copy of the annual register, and the courtesy register and corporate register; and
 - (g) carry out such other duties delegated to him or her by council or pursuant to these bylaws.
- (2) The registrar shall deliver to his or her successor all records, books, electronic data and other material belonging to the council or the College in the registrar's possession or at his or her call.

Meetings of Council

- 4.8 The council shall meet at least twice a year, on such dates as are approved from time to time by council. Additional meetings may be held as deemed necessary by the president in consultation with council. Regular meetings of council shall be held in person. Additional meetings may be held in person or by means of teleconference. A quorum for any council meeting shall be a majority of the number of members on council.

PART 5 - COMMITTEES

Committees

- 5.1 (1) At the fall meeting of the council each year, there shall be appointed the following committees and such other committees as are formed by approved motion of the council, and each member of the council shall be given the responsibility of one or more committees:
- (a) Executive Committee,
 - (b) Finance Committee,
 - (c) Legislation Committee,
 - (d) Professional Conduct Committee,
 - (e) Mediation Committee,
 - (f) Third Party Committee,
 - (g) Health Care Committee,
 - (h) Continuing Education Committee,
 - (i) Quality Assurance Committee,
 - (j) Discipline Committee,
 - (k) Office Management Committee, and
 - (l) Specialists Committee.
- (2) The council or Executive Committee may establish any other ad hoc committee deemed necessary to attend to the business of the College, and to appoint the members of any such committees.
- 5.2 (1) A member of a committee appointed under section 5.1 holds office until the earlier of:
- (a) where also a member of council, upon ceasing to be a member of the council;
 - (b) expiry of the term of appointment; or
 - (c) being removed from office by the council.
- (2) The President, or in his or her absence, the Executive Committee, may fill a vacancy on any committee arising before expiry of the term of the committee member creating the vacancy.

Duties

- 5.3 A committee shall, in addition to the duties assigned to it by the Act and these bylaws, perform any duties assigned by the council or Executive Committee.

Quorum

- 5.4 At a meeting of any committee other than the Discipline Committee, a majority of members present constitutes a quorum.

Majority Decisions

- 5.5 Unless the Act or these bylaws state to the contrary, a committee may act by majority decision.

Procedures

- 5.6 Unless the Act or these bylaws state to the contrary, a committee may set its own practice and procedures, and appoint its own chairperson.

Executive Committee

- 5.7 The Executive Committee shall be composed of the president, the vice president and one other member of council who are elected at the first meeting of council following the annual election. All members of the Executive Committee shall hold their office until their term on council expires or their successors are elected. The registrar shall sit on the

Executive Committee without the right to vote. Except as restricted by the Act or these bylaws, the Executive Committee shall have the authority to act on all matters as arise between meetings of council.

Finance Committee

- 5.8 The Finance Committee shall be composed of a minimum of three persons, one of whom shall be a member of council, and one of whom shall be the immediate past president, who shall act as the chairperson. The Finance Committee shall supervise the management of the finances of the College, and made recommendations to council with respect to the investment of College monies, the proposed budget for the next fiscal year and the long term financial planning for the College.

Legislation Committee

- 5.9 The Legislation Committee shall be composed of a minimum of three persons, one of whom shall be a member of council. The Legislation Committee shall review legislation respecting the profession of dentistry in other jurisdictions, make recommendations to council regarding amendments to the current bylaws, and draft proposed changes to the legislation when so directed by council.

Professional Conduct Committee

- 5.10 (1)The Professional Conduct Committee shall be established as set out in section 28 of the Act and shall conduct its affairs and perform such duties as set out in the Act and these bylaws.
- (2) In the event of a conflict of interest, the involved member of the Professional Conduct Committee will step down, and the council may appoint a replacement to deal with the specific complaint.
- (3) Where the Professional Conduct Committee has received a complaint it shall notify, in writing, the member who is the subject of a complaint that a complaint has been received and ask for a written response.
- (4) Where the Professional Conduct Committee has received a complaint it shall notify, in writing, the person who made the complaint that the complaint will be reviewed.

Mediation Committee

- 5.11 The Mediation Committee shall be composed of regular members of the College representing the different geographic areas of the province, and in such number as determined by council. The members of the Mediation Committee shall provide mediation services to any Saskatchewan resident or Saskatchewan member as set out in these bylaws and in accordance with any mediation guidelines approved by the council.

Third Party Committee

- 5.12 The Third Party Committee shall be composed of a minimum of three persons, one of whom shall be a member of council. The Third Party Committee shall act as the liaison between the council and the membership, third party insurance carriers, and federal and provincial paying agencies with respect to any economic issues associated with the provision of dental services to the public.

Health Care Committee

- 5.13 The Health Care Committee shall be composed of a minimum of three persons, one of whom shall be a member of council. The Health Care Committee shall co-ordinate all activities related to the promotion of dental health to the residents of Saskatchewan and to the membership. The Health Care Committee shall also monitor new advances in the profession and propose to council any guidelines on treatment modality which would enhance the safety of the public.

Continuing Education Committee

- 5.14 The Continuing Education Committee shall be composed of a minimum of three persons, one of whom shall be a member of council. The Continuing Education Committee shall organize and present continuing education programs for the benefit of the profession, and assist in the presentation of the Annual Scientific Session of the College.

Quality Assurance Committee

- 5.15 (1)The Quality Assurance Committee shall be composed of a minimum of three persons, one of whom shall be a member of council. The Quality Assurance Committee shall assist the membership in a co-operative manner to provide a quality standard of care to the public.

- (2) The Quality Assurance Committee may appoint any one or more of its members or other persons as assessors and delegate to persons so appointed the authority to conduct an assessment and to report thereon to the Quality Assurance Committee. Every member of the College shall co-operate fully in allowing any such assessors to:
 - (a) enter and inspect their dental offices; and
 - (b) have access to inspect all books, records, correspondence and other documents or electronic data related to the dental practice, including the right to make copies thereof; and shall provide all information as requested by the assessor and appear before or confer with the Quality Assurance Committee or any of its assessors when requested to do so.
- (3) Following any such assessment, the Quality Assurance Committee may:
 - (a) require the member to make such changes to his or her procedures, attend such courses, or successfully complete such further examinations as the Quality Assurance Committee determines as necessary; and/or
 - (b) refer any matter which has come to the attention of the Quality Assurance Committee or the assessor, including professional incompetence or professional misconduct, to the registrar or the Professional Conduct Committee.
- (4) Where the member refuses or fails to co-operate with the Quality Assurance Committee or any of the assessors, or to complete the requirements of the Quality Assurance Committee as prescribed pursuant to section 5.15(3)(a), the Quality Assurance Committee may refer the matter to the Professional Conduct Committee.

Discipline Committee

- 5.16 The Discipline Committee shall be established as set out in section 32 of the Act and shall conduct its affairs and perform such duties as set out in the Act and these bylaws.

Office Management Committee

- 5.17 The Office Management Committee shall consist of a minimum of two members of council and shall oversee the operations of the College office.

Specialists Committee

- 5.18 The Specialists Committee shall consist of a minimum of three persons, one of whom shall be member of council and one of whom shall be a certified specialist. The committee will act as liaison between all groups of specialists in the province and council.

Appointment to Other Boards or Organizations

- 5.19 It shall be the right of council to appoint a member or members of the College who will represent the College on any board or organization to which the council has representation.

PART 6 - ADMINISTRATION

Seal of the College

- 6.1 The seal of the College shall be a buffalo head within a wreath of leaves, surrounded by the words "College of Dental Surgeons of Saskatchewan".

Fiscal Year

- 6.2 The fiscal year of the College shall be that of the calendar year.

Rules of Order

- 6.3 Unless otherwise approved, the rules contained in the most current edition of "Sturgis Standard Code of Parliamentary Procedure" shall govern the meeting of the College and of the council in all cases in which they are applicable and in which they are not inconsistent with the Act and the bylaws.

Expenditures

- 6.4 (1) It shall be within the authority of the council to annually determine the amount of, and to direct the treasurer to pay, a per diem allowance to members of the College when they are attending the business of the College.

- (2) It shall be the duty of the council to annually determine the amount of, and to direct the treasurer to pay any wages or salaries payable to the employees of the College.
- (3) It shall be within the authority of, and be required of, the council to assure itself that all just debts of the College are paid within a reasonable time.
- (4) It shall be within the authority of the council to affiliate the College with the Canadian Dental Association and like bodies on payment of whatever fee, grant or subsidy is required.

PART 7 - MEETINGS OF MEMBERS

Time and Place of Annual Meeting

- 7.1 An annual meeting of the College shall be held in each calendar year at a time and place decided upon by the council. Notice of the annual meeting shall be mailed to the members of the College at least 30 days prior to the annual meeting, and an agenda of the business to be transacted shall be mailed to each member at least 7 days prior to the meeting.

Special Meeting of Members

- 7.2 The council may call a special meeting of the College as required. In addition, the president shall call a special meeting on a requisition signed by three members of the council, or where the secretary receives a petition signed by twenty five percent of the voting members of the College. Notice of any special meeting shall be sent to all members fourteen days before the date set for the meeting, and the meeting shall be held not more than twenty one days after receipt of the requisition or petition. The business to be conducted at any special meeting shall be specified in the notice of meeting mailed to the members.

Quorum

- 7.3 A quorum for any annual meeting or special meeting shall be the number of voting members present.

PART 8 - BYLAWS

Bylaws

- 8.1 Subject to sections 14, 15 and 16 of the Act, any of these bylaws may be rescinded, revoked, amended, varied or added to with the approval of not less than three-quarters of the members of council.
- 8.2 Subject to sections 14, 15 and 16 of the Act, any motion or bylaw signed by all members of council and filed with the secretary shall, for the date of filing thereof, be of the same force and effect as if such motion or bylaw had been adopted, enacted, or passed at a meeting of the council duly called for the purpose of considering such motion or regulation. Any such motion or bylaw shall be initiated only on direction of the president and at its next meeting shall be confirmed and embodied in the minutes of the council.

PART 9 - PROFESSIONAL STANDARDS AND DISCIPLINE

Code of Ethics

- 9.1 The code of ethics of the Canadian Dental Association, as attached to these bylaws as Appendix 1 and as amended from time to time, shall be the code of ethics of the College.

Professional Standards of Members

- 9.2 (1) Each member shall:
- (a) abide by all provisions of the Act and the bylaws;
 - (b) abide by the terms, conditions or limitations of his or her licence;
 - (c) uphold the honour and dignity of the profession of dentistry, and abide by the provisions of the code of ethics of the College;
 - (d) fulfill all the terms of an agreement with a patient respecting professional charge;
 - (e) itemize any account at the request of a patient or federal, provincial or municipal government agency making payments for professional services;
 - (f) maintain the records that are required by the bylaws to be kept in respect of a member's patients or practice;

- (g) provide within a reasonable time any report or certificate requested by a patient or his or her authorized agent in respect of an examination or treatment performed by the member;
 - (h) meet all continuing education requirements approved by council;
 - (i) carry out the terms of any agreement arrived at in the course of mediation under section 9.5;
 - (j) attend and co-operate fully with the Quality Assurance Committee within a 30 day time period following notification to the member by the College;
 - (k) take such remedial measures as prescribed by the Quality Assurance Committee;
 - (l) maintain the professional liability insurance as required by Part Three of the bylaws;
 - (m) comply with all advertising requirements set out in Part Ten, where applicable;
 - (n) endeavor to examine at least once in any given two-year period, those patients who are attending at the member's office for the purpose of receiving a treatment from allied personnel;
 - (o) ensure that all allied personnel who are delivering dental care to the member's patients at all times hold valid licences with each of their associations;
 - (p) ensure that all allied personnel employed by a member perform only those procedures which such allied personnel are authorized to perform under the Act and the terms of his or her licence;
 - (q) ensure that all allied personnel are adequately supervised in the delivery of any dental care to any patient of the member;
 - (r) ensure that adequate medical supplies are on the premises for the purpose of handling anticipated medical emergencies which might arise in the course of, and as a result of, any dental care or treatment given to a patient; and
 - (s) ensure that at the time of giving any anesthetic or any other dental treatments by allied personnel which may give rise to a medical emergency, a qualified dentist or other person is on the premises who has been properly trained in the delivery of any anticipated emergency medical treatment which might arise in the course of, and as a result of, the delivery of the anesthetic or such other dental treatment.
 - (t) ensure that all sterilizers within their premises are subjected to biological monitoring on a regular basis, and that evidence of that monitoring be provided to the College on a minimum monthly basis, or as directed by Council.
 - (u) Have a functioning International Standards Organization (ISO) approved amalgam separator installed, and that evidence of installation is provided to the College Office by January 1, 2008.
- (2) No member shall, nor permit a professional corporation in which the member is a director to:
- (a) charge fees that are excessive or unreasonable in relation to the services performed; (b) charge for services not performed;
 - (c) directly or indirectly, receive, make or confer a rebate, credit or other benefit by reason of the referral of a patient from or to any other person;
 - (d) enter into any agreement, including a lease of premises pursuant to which the amount payable by or to a member directly or indirectly is related to the amount of fees charged by the member or by a person licensed or registered under any legislation regulating a health discipline, unless the agreement is a contract for services with:
 - (i) another member or members, or allied personnel; or
 - (ii) A corporation, partnership, or other entity controlled by a member or members;
 - (e) sell or supply a drug, medical product of biological preparation by a member to a patient at a profit;
 - (f) falsify a record regarding the examination or treatment of a patient;
 - (g) knowingly submit a false or misleading account or false or misleading charges for services rendered to a patient;
 - (h) sell a professional account to a third party;
 - (i) perform a dental procedure, for fee or otherwise, in any vehicle or movable contrivances, without the approval of council, excluding those falling under the direct authority of a federal, provincial, or municipal government agency;

- (j) use in any way with respect to a member's practice, the name of another member whose practice the member has acquired after a period of one year from the date of the acquisition;
 - (k) announce or hold out to the public that the member is a specialist or is specially qualified in a branch of dentistry, where the member is not qualified as a specialist and does not hold a specialist's certificate in the branch of dentistry;
 - (l) use terms, titles or designations other than those authorized, or use terms, titles or designations that are prohibited by these bylaws;
 - (m) sign or issue a certificate, report or similar document that contains a statement that a member know or ought to know is false, misleading or otherwise improper;
 - (n) be convicted of an offence that affects the ability of a member to engage in the practice of dentistry;
 - (o) improperly use the authority to prescribe, sell or dispense a drug, or falsify a record in respect of a prescription or the sale of a drug;
 - (p) engage, or in the case of a professional corporation, permit a member to engage, in the practice of dentistry while the ability to perform any professional service usually performed by a dentist or dental surgeon is impaired by alcohol or drugs;
 - (q) permit, counsel or assist any person who is not licensed or certified under the Act to engage in the practice of dentistry except as provided for in the Act and these bylaws;
 - (r) make a misrepresentation respecting a remedy, treatment or device;
 - (s) give information concerning a patient's dental condition or any professional services performed for a patient to any person other than the patient without consent of the patient unless required to do so by law;
 - (t) use in respect of the practice of dentistry by a member or a professional corporation the designation "clinic" or "dental clinic" or any designation indicative of the practice of dentistry by a group except where not less than two members are engaged as a group in the full time practice of dentistry in any other group or in any other private practice;
 - (u) commit, or in the case of a professional corporation, permit a member to commit any sexual impropriety with a patient;
 - (v) contravene while engaged in the practice of dentistry any federal, provincial or municipal law, regulation or rule or bylaw of a health district passed for the purpose of regulating the provision of dental care to the public;
 - (w) conduct or commit, or in the case of a professional corporation, permit a member to conduct or commit any act relevant to the practice of dentistry that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
 - (x) practise his or her profession, or in the case of a professional corporation, permit a member to practise his or her profession in such a way that the member may be unable to give full force and effect to his or her training, experience, and judgment as acquired in the course of the member's education; or
 - (y) hire or contract for the services of any allied personnel for delivery of dental care to the public or the member's patients unless the member is a full practising member or a faculty member.
- (3) No member of the College shall, except with the consent of the council, act as employee, assistant, agent, partner, officer, shareholder or otherwise howsoever, engage in the private practice of their profession for the benefit, or advantage of any corporation, or of any person who is not duly qualified and lawfully entitled to practice either dentistry or medicine in Saskatchewan, or in such a way that any such company or unqualified person may make thereby profit, reward or advantage, either directly or indirectly, unless:
- (a) provision is provided for the same by another federal or provincial act;
 - (b) in the case of a corporation, such corporation is a professional corporation under these bylaws; or
 - (c) in the case of employment of the member, the employer is a person, corporation or other legal entity referred to in section 25(1) of the Act.
- (4) Each member shall be responsible for ensuring that any professional corporation of which it is a director complies with these bylaws and its permit.

Records

- 9.3 (1) All professional corporations and all regular members, practising life members, and faculty members licensed by the College shall keep full and complete clinical dental records on behalf of themselves and all other dentists and allied dental personnel in their employ or under their supervision, which records shall include as a minimum the following information:
- (a) patient identification data;
 - (b) medical and dental history;
 - (c) clinical examination findings;
 - (d) progress, diagnostic and consultation reports;
 - (e) each treatment prescribed pertaining to the patient;
 - (f) each treatment rendered pertaining to the patient;
 - (g) each date that the patient is seen in the dental office;
 - (h) all medications given or prescribed to the patient, including the amount, instructions, and date provided or prescribed; and
 - (i) appropriate radiographs and models.
- (2) Where a patient has attended a member's office for the purpose of receiving a treatment from any allied personnel, and such allied personnel has recommended a dental examination by the dentist, the dentist shall ensure that such recommendation (and any refusal) shall be noted in the patient's records. No further action is required of the member once such notation has been made.
- (3) All records shall be in an intelligible form, and shall be written, typed, or stored in electronic form with one or more backup copies.

Complaint

- 9.4 (1) Any complaint received by the College or referred by any of the committees shall be reviewed by the registrar, who shall make such investigations as he or she deems necessary. Following such investigations, the registrar may:
- (a) Advise the complainant that there is no basis for proceeding;
 - (b) With the consent of both parties, refer the complaint to the Mediation Committee for a mediation hearing between the member and the complainant;
 - (c) Refer the complaint to the Professional Conduct Committee or the Quality Assurance Committee; or
 - (d) Refer the complaint to council or the Executive Committee with such recommendations as the registrar sees fit.
- (2) The registrar shall report to council from time to time as to the complaints received and the disposition of the same, and shall take such other action as council may direct regarding any such complaints.

Referral to Mediation Committee

- 9.5 (1) Where the Mediation Committee receives a complaint, it shall arrange for a mediation session between the member and the complainant as soon as is reasonably possible.
- (2) Where the member has agreed to mediation, the member shall make himself or herself available, together with such information as requested by the Mediation Committee or appointed mediator, within 30 days of having received such request from the Mediation Committee or appointed mediator.
- (3) Where mediation results in an agreement between the member and the complainant as to the resolution of the complaint, the Mediation Committee shall advise the registrar, who shall then confirm with the complainant at a later date that the member has carried out the terms of the settlement agreement.

- (4) Where the Mediation Committee advises the registrar that:
- (a) the member failed or refused to co-operate with the mediation process; or
 - (b) mediation did not result in an agreement between the member and the complainant; or
 - (c) the member has later failed to carry out the terms of the agreement arrived at in the course of mediation;
- then the Mediation Committee may refer the matter back to the registrar with such recommendations as it sees fit, and the registrar may then further deal with such matter pursuant to his or her authority under section 9.4.

Referral to Council or Executive Committee

- 9.6 Upon receiving the referral of a complaint from the registrar, the council or the Executive Committee may take any of the actions referred to in section 9.4(1)(a), (b) or (c), or direct the registrar accordingly.

Professional Conduct Committee

- 9.7 Upon receiving a complaint, the Professional Conduct Committee shall follow such procedures and may take any such actions as set out in the Act, including the making of a recommendation that the Discipline Committee hear and determine the formal complaint as set out in the written report of the Professional Conduct Committee.

Discipline Committee

- 9.8 (1) In this section "committee member" means a member of the Discipline Committee.
- (2) The council shall, from time to time, appoint one member of the Discipline Committee as the chairperson and one or more members as acting chairpersons. An acting chairperson may perform any of the functions of the chairperson and may perform such functions whether or not the chairperson is absent and whether or not the chairperson is, or is not, able to act.
- (3) A committee member shall remain a member of the Discipline Committee until he or she resigns or is removed by the council.
- (4) Notwithstanding subsection (3) of this section, where a committee member who has participated in a hearing resigns or is removed by the council, the committee member shall continue to be a member of the Discipline Committee for the purpose of disposing of the matter under consideration at the hearing until:
- (a) the hearing has been concluded and the committee's report has been made;
 - (b) the committee has considered the report and, in the case of a person who is found to be guilty of professional misconduct or professional incompetence has made a decision pursuant to Section 34(1) of the Act; and
 - (c) all appeals under the Act have been decided and where the matter has been remitted back to the Discipline Committee, the matter is concluded and all things that are required to be done by the Discipline Committee in relation to all appeals have been completed.

Discipline Hearing

- 9.9 (1) Not less than two weeks prior to the date set for the commencement of a hearing before the Discipline Committee, the member who has been charged and the College will provide to the other the following information and documents:
- (a) The names of each of the witnesses which that party intends to give evidence at the hearing;
 - (b) A summary of the evidence which that party expects will be given by that witness;
 - (c) If a witness will be called to give expert evidence, a summary of the qualifications of that witness; and
 - (d) A list of all documents which the party intends to introduce into evidence at the hearing. Such party shall permit the other party to examine such documents and to obtain copies of all such documents, at the cost of the party requesting the documents.
- (2) If, as a result of the information disclosed by the other party under subsection (1) above, a party intends to introduce evidence at the hearing in addition to the evidence which it has disclosed, that party shall provide the information referred to in subsection (1) with respect to that additional evidence.
- (3) The Discipline Committee shall not permit a witness to testify unless the name of that witness, a summary of that witness evidence and if the witness is called to give expert evidence, a summary of that witness qualifications has been disclosed in accordance with subsection (1) or evidence unless the information respecting that document has been disclosed in accordance with subsection (1) or (2) of this section.
- (4) Notwithstanding subsection (3) of this section, if the Discipline Committee is satisfied that the failure to disclose the required information arose through inadvertence, or that the information was not in the possession of the party at the time that disclosure was required, or that for any other compelling reason it would be manifestly unfair to exclude

evidence or documents not disclosed as required, the Discipline Committee may permit such evidence to be given, or such documents to be introduced into evidence. This may be done on such terms or conditions as the Discipline Committee may determine, including the following:

- (a) the committee may adjourn the hearing for such time as the committee considers reasonable to permit the other party the opportunity to respond to such evidence; and
 - (b) the committee may require the party who requests the introduction of such evidence to agree to pay an amount of costs, as estimated by the committee, which may be incurred by the member or the College as a result of the failure to disclose such evidence in accordance with subsection (1) or (2) of this section.
- (5) If either party intends to object to the jurisdiction of the committee, or intends to raise any preliminary objection or preliminary issue of law before the committee, such party shall prepare a written summary of the nature of the objection, the points of law to be argued, the authorities relied upon and the evidence to be lead in support of such objection or issue of law. Such summary shall be provided to the other party and, if an assessor has been named for the hearing, the assessor, not less than 14 days before the date set for the commencement of the hearing.
- (6) A party who fails to provide the written summary contemplated by subsection (5) shall be deemed to have waived the objection or issue of law the committee shall not entertain such objection or argument on such issue of law unless the committee is satisfied that the failure to provide the written summary arose through inadvertence or that the party was not in possession of all of the relevant facts to determine whether the objection should be made or the point of law raised, or that for any other compelling reason it would be manifestly unfair that the party not be permitted to make such objection, or raise such point of law, it may permit the objection to be made or the point of law to be raised on such terms or conditions as the Discipline Committee may determine, including the following:
- (a) the committee may adjourn the hearing for such time as the committee considers reasonable to permit the other party the opportunity to respond to such objection or point of law; and
 - (b) the committee may require the party who wished to raise such objection or point of law to agree to pay an amount of costs, as estimated by the committee, which may be incurred by the other member or the College as a result of the failure to provide the written summary in accordance with subsection (6) of this section.
- (7) The Discipline Committee may meet by telephone conference call to deal with any matters which may arise at any time that are relevant to a hearing, objections to the jurisdiction of the committee, questions of law and requests for adjournments, and may for that purpose establish a date and time for such meetings which may be in advance of the date established for the commencement of the hearing.
- (8) A Discipline Committee may consider in one hearing one or more charges against a member and a charge may contain one or more allegations.
- (9) If one or more members of a Discipline Committee withdraw from acting at the hearing, or are unable or unwilling to hear and determine the charge, the hearing may continue with the remaining members of the Discipline Committee provided that there shall at all times be a quorum.
- (10) The chairperson or acting chairperson may appoint an assessor to assist the Discipline Committee for all, or any part, of a hearing before the Discipline Committee. Such assessor may advise the Discipline Committee on any issues of fact, law or procedure which arise before the committee in advance of or during the hearing, or in connection with the decision of the committee. For that purpose the assessor may assist the Discipline Committee during its deliberations and may review drafts of the decision of the committee and provide advice to the committee respecting such decisions.

PART 10 - ADVERTISING

Persons Who May Advertise

- 10.1 The only persons who are permitted to advertise pursuant to Part Ten are regular members, practising life members, conditional faculty members, conditional specialist members and professional corporations as provided within these bylaws.

Advertising by a Member

- 10.2 Advertising, promotion and other marketing activities must be in good taste, accurate and not capable of misleading the public, and observe the dignity and ethics of the profession. Any conduct, either directly or indirectly, or through any medium or agent that:
- (a) misinterprets facts;
 - (b) compares either directly, indirectly or by innuendo, the member's services or ability with any other practitioner, or promises or offers more effective service or better results, than those available elsewhere;
 - (c) deprecates another member as to service, ability or fees;
 - (d) creates an unjustified expectation about the results the member can achieve;
 - (e) is made under any false or misleading guise, or takes advantage either physical, emotional or financial of any patient or uses coercion, duress or harassment;
 - (f) is undignified, in bad taste or otherwise offensive so as to be incompatible with the best interest of the public or members under the Act, or tend to harm the standing of the profession generally;
 - (g) discloses the names of clients or includes testimonials;
 - (h) makes statements which are not statements of fact or makes statements that cannot be proven to be accurate by the member;
 - (i) makes references in any advertising or promotional activity to equipment, products or materials used in the practice of dentistry;
 - (j) makes reference to an area of practice, without disclosing that the member is not a specialist; and
 - (k) expresses or implies a specialty which is not in accordance with recognized specialties named in Section 10.4 and 10.6;
- is to be strictly avoided as such conduct is contrary to the interests of the public and the profession.

Permitted Designations

- 10.3 Subject to section 10.2, the following designations are permitted for use in general announcements to the public:
- (a) the degrees D.D.S., D.M.D., and any earned academic degree, earned academic diplomas or earned academic certificates, where:
 - i. an earned academic degree, earned academic diploma or earned academic certificate, is one which is awarded by an accredited educational institution, and recognized by the College of Dental Surgeons of Saskatchewan; and
 - ii. honorary degrees or fellowships shall be limited to scientific papers, curriculum vitae, and forms which are not used for the direct solicitation of patients (advertising).

Non-Specialists

- 10.4 A dentist without any specialty or specialties may communicate or advertise one or more of the following specialty services provided the dentist further states the service or services are provided by a dentist who is not a specialist:
- (a) Endodontics

- (b) Oral and Maxillofacial Surgery
- (c) Orthodontics
- (d) Pediatrics
- (e) Periodontics
- (f) Prosthodontics
- (g) Oral Radiology
- (h) Public Health Dentistry
- (i) Oral Medicine and Pathology

Specialists

10.5 (1) Any member wishing to advertise his or her services as a regular specialist member must have a current and valid specialist certificate as further set out in subsection (2.1). Any conditional specialist member wishing to advertise his or her services must meet the conditions as further set out in subsection (2.2).

(2) Regular Member (Specialist)

(1) Subject to any other provisions in these bylaws, a person having the following qualifications may receive a certificate as a regular specialist member in a designated area of specialty and such person would be unrestricted as to practise in any area of dentistry.

- (a) he or she is a regular member or a practising life member in good standing with the College;
- (b) he or she is a person who:
 - (i) has successfully completed a minimum of a two year post graduate program in a specialty recognized by the College and the program is from a school or faculty accredited by the Commission on Dental Accreditation of the Canadian Dental Association or American Dental Association; and
 - (ii) has passed the Royal College of Dentists of Canada/National Dental Specialty Exam (RCDC/NDSE) in at least one specialty recognized by the College; and
 - (iii) has paid the prescribed fees, completed all required forms, and has otherwise been approved by the registrar for registration as a specialist in a particular specialty.

(2) Conditional Specialist Member

Subject to any other provisions in these bylaws, a person having the following qualifications may receive a certificate as a conditional specialist member in a designated area of specialty; and such person would be restricted to practise solely within that specialty:

- (a) he or she is a conditional specialist member in good standing with the College;
- (b) he or she is a person who:
 - (i) has successfully completed a minimum of a two year post graduate program in a specialty recognized by the College and has successfully completed the process outlined in the Canadian Dental Regulatory Authorities Federation (CDRAF) Memorandum of Understanding (MOU) dated October 12, 2007; and
 - (ii) has passed the Royal College of Dentists of Canada/National Dental Specialty Exam (RCDC/NSDE) in at least one specialty recognized by the College; and
 - (iii) has paid the prescribed fees, completed all the required forms, and has otherwise been approved by the Registrar for registration as a specialist in a particular specialty.

(3) Upon approval by the registrar and registration of the member as a specialist, the College shall issue to the member a specialist's certificate setting out the area of specialty of such member. Registration and certification as a specialist shall be of an indefinite term until such time as the registration and certification is revoked in accordance with subsection (4).

(4) Any member's registration and certification as a specialist may be revoked or suspended by the registrar at any time where:

- (a) he or she is no longer a regular member, practising life member, or conditional specialist member, or such membership has been suspended or revoked;
- (b) his or her license has been revoked or suspended;
- (c) it has been shown to the registrar that the credentials upon or materially incorrect; or
- (d) he or she fails to obtain the required number of continuing education credits in his or her area of specialty, as required by section 11.4.

(5) The registrar shall list separately in the register the names and specialty of each regular specialist member and each conditional specialist member.

Permitted Specialty Areas

- 10.6 A certified specialist member or a conditional specialist member may describe his or her specialty as follows:
- (a) a certified specialist and only a certified specialist in endodontics shall use the term "endodontist";
 - (b) a certified specialist and only a certified specialist in oral and maxillofacial surgery shall use the term "oral maxillofacial surgeon";
 - (c) a certified specialist and only a certified specialist in orthodontics and dentofacial orthopedics shall use the term "orthodontist" or "ortho and dentofacial orthopedics specialist";
 - (d) a certified specialist and only a certified specialist in pediatric dentistry shall use the term "pediatric dentist";
 - (e) a certified specialist and only a certified specialist in periodontics shall use the term "periodontist";
 - (f) a certified specialist and only a certified specialist in prosthodontics shall use the term "prosthodontist";
 - (g) a certified specialist and only a certified specialist in oral radiology shall use the term "oral radiologist";
 - (h) a certified specialist and only a certified specialist in public health shall use the term "public dental health specialist"; and
 - (i) a certified specialist and only a certified specialist in oral medicine and pathology shall use the term "oral medicine and pathology specialist".

Signage

- 10.7 It is permissible for dentists to display, in connection with their profession, a sign at the entrance to the premises in which the practice is located and one or two signs in addition thereto, on or immediately adjacent to the premises. The signs should be in keeping with the dignity of the profession and the Advertising Bylaws.

PART 11 - CONTINUING EDUCATION

Training and Education

- 11.1 To promote competence and proficiency among its members, the College may provide for programs of training and education, through the College or otherwise.

Tariff of Fees

- 11.2 The College may establish a tariff of fees to be paid for training or educational programs by members taking part in them or from funds of the College.

Credit Hours

- 11.3 (1) To maintain their competence and proficiency in the practice of dentistry, and in addition to any other requirements for member licensing, all regular members, faculty members, and practising life members shall attain fifty credit hours in refresher training or continuing education programs over successive three year periods, to be acquired under the circumstances as follows:
- (a) for attendance at courses approved by the College, - hour for hour credit;
 - (b) presentation of a course approved by the College, - hour for hour credit;
 - (c) attending a convention approved by the College, - a maximum of seven credit hours per day of scientific presentation;
 - (d) attendance at meetings of an educational nature sponsored by the College or a dental society, - hour for hour;
 - (e) attendance at a study club approved by the College, - hour for hour credit;
 - (f) acting as a full time academic instructor at the College of Dentistry, University of Saskatchewan, - ten credit hours per year;

- (g) acting as a part time academic instructor at the College of Dentistry, University of Saskatchewan, - five credit hours per year;
 - (h) for each article on dental health written and published in dental literature recognized by the College, five credit hours for each non refereed article; and ten credit hours for each refereed article;
 - (i) subscribing to educational tapes or journals approved and evaluated by the College, - twelve credit hours per year in total;
 - (j) attendance at the annual meeting of the College, - hour per hour credit; and
 - (k) advancement of the dental profession by serving as a member of council or as a chairman of a committee of the College - five credit hours per year.
- (2) Surplus credits accumulated in a three year cycle cannot be carried forward to the subsequent cycle.
 - (3) The Continuing Education Committee is given the authority to approve or disapprove credits for courses or equivalents that it considers to be of questionable content to the practice of dentistry.
 - (4) New or reinstated registrants who license with the College following April 1st of any given year will commence their three year cycle on January 1st of the subsequent year.

Credits for Specialists

- 11.4 Certified specialists of the College shall obtain a minimum of fifty percent of their required credits through courses, study clubs, conventions directly related to the branch of the specialty in which they are certified.

Reporting of Credits

- 11.5 (1) Report of continuing education credits to the College is the responsibility of the member.
- (2) The College will issue a semiannual statement to each member required by section 11.3 to attain credits, indicating the commencement date of the three year cycle and the number of recorded credits.

PART 12 - DENTAL

SERVICES PLANS Dental Services Plans

- 12.1 (1) The council may on behalf of the members and professional corporations of the College enter into agreements to establish or participate in dental service plans for the purpose of providing dental services as provided by s. 15(3)(a) of the Act. Any such agreements may include matters respecting the administration of the plan and the fees paid for dental services rendered under the plan.
- (2) Where a member or professional corporation is prepared to or agrees to perform services on a patient pursuant to the terms of a dental services plan established or agreed to by the College under section 12.1(1), the member or professional corporation shall perform such services and charge fees in accordance with the terms of such dental plan.

PART 13 – PRESCRIPTION REVIEW PROGRAM

- 13(1) The College may participate in the Prescription Review Program established in Saskatchewan.

- (2) Panel of Monitored Drugs- The Prescription Review Program shall apply to all dosage forms of the drugs listed in the panel of monitored drugs under the Prescription Review Program bylaw of the College of Physicians and Surgeons of Saskatchewan.

- (3) Prescriptions for drugs covered by the Prescription Review Program shall be prescribed and dispensed by a member according to the policies and procedures agreed to by the College of Dental Surgeons of Saskatchewan, the College of Physicians and Surgeons of Saskatchewan, the

Saskatchewan Registered Nurses' Association and the Saskatchewan College of Pharmacists.

(a) In order to prescribe a drug to which the Prescription Review Program applies, a member shall complete a written prescription which meets federal and provincial legal requirements and includes the following:

- (i) the patient's date of birth;
- (ii) the patient's address;
- (iii) the total quantity of medication prescribed, both numerically and in written form;
- (iv) the patient's health services number; and,
- (v) the prescriber's name and address.

(b) For the purpose of this bylaw, "written prescription" includes an electronic prescription that meets the requirements for electronic prescribing under the Pharmaceutical Information Program.

(c) A member who prescribes a drug to which the Prescription Review Program applies, and who provides the prescription directly to a pharmacy by electronic prescribing, by email or by FAX, or who transmits a prescription in accordance with the policies and protocols of the Pharmaceutical Information Program, need not include both the quantity numerically and in written form.

(d) Members shall only prescribe part-fills of medications to which the Prescription Review Program applies if the following information is specified in the prescription:

- (i) the total quantity;
- (ii) the amount to be dispensed each time; and
- (iii) the time interval between fills.

(e) Members shall keep a record of all drugs, to which the Prescription Review Program applies, that are purchased or obtained for the member's practice and that are dispensed, administered or furnished to a patient in or out of the member's office. That record, kept separate from the patient's oral health record, must show:

- (i) the name, strength and quantity of the drug purchased or obtained;
- (ii) the name, strength, dose and quantity of the drug administered or furnished;
- (iii) the name and address of the person to whom the drug was administered or furnished, and, if applicable, the name and address of the person who took delivery of the drug; and
- (iv) the date on which the drug was purchased or obtained and the date(s) on which the drug was administered, furnished or otherwise disposed of.

(4) The office of the Registrar may gather and analyze information pertaining to the prescribing and dispensing of medications to which the Prescription Review Program applies in Saskatchewan for the purpose of limiting the inappropriate prescribing/dispensing and inappropriate use of such drugs. In order to fulfill that role, the office of the Registrar may, among other activities:

(a) Generally, provide education to members in order to encourage appropriate prescribing and dispensing practices by members;

(b) Alert members to possible inappropriate use of medications to which the Prescription Review Program applies by patients to whom they have prescribed or dispensed such drugs;

(c) Alert members to possible inappropriate prescribing or dispensing medications to which the Prescription Review Program applies;

(d) Make recommendations to members with respect to that member's prescribing and dispensing of medications to which the Prescription Review Program applies;

(e) Require a member to provide explanations of his or her prescribing and dispensing of medications to which the Prescription Review Program applies. In making requests for an explanation, the office of the Registrar may require the member to provide information about the patient, the reasons for prescribing and/or dispensing to the patient, and any knowledge which the member may have about other narcotics or controlled drugs received by the patient;

(f) Cause information, concerns or opinions of general application to the profession to be communicated to members without identifying the particular member to whom such information relates;

(g) Provide information gathered in connection with the Prescription Review Program to another health professional regulatory body including the Saskatchewan College of Pharmacists, the Saskatchewan Registered Nurses' Association or the College of Physicians and Surgeons of

Saskatchewan provided the information gathered is required by that body to perform and carry out the duties of that health professional regulatory body pursuant to an Act with respect to regulating the profession. Where the personal health information relates to a member of the health professional body seeking disclosure, disclosure by the office of the Registrar of that information may only be made in accordance with The *Health Information Protection Act*, and in particular section 27(5) of that Act.

(5) A member shall respond to such requests for explanation, as described in paragraph (4)(e) above, from the office of the Registrar within 14 days of receipt of such a request for information.

(6) The office of the Registrar may extend the deadline for reply at his or her discretion, upon receipt of a written request for extension from the member.

(7) A member who receives such a request for information shall comply, to the best of his or her ability, fully and accurately with such requests for information.

- (8) The College may enter into an agreement with a person or organization to do any or all of the following:
- a) access and analyze information in the prescription review database pertaining to members' prescribing and dispensing;
 - b) advise the College of concerns pertaining to members' prescribing and dispensing;
 - c) advise the College of possible inappropriate use of medications to which the Prescription Review Program applies by patients to whom members have prescribed and dispensed such medications;
 - d) provide general education to members pertaining to prescribing and dispensing of Prescription Review Program medications; and
 - e) alert the College to possible inappropriate use of medications to which the Prescription Review Program applies by patients to whom a member has prescribed or dispensed such medications.

**Schedule I
Registration, Licensing and Other Fees
Effective January 1, 2011**

DESCRIPTION	FEE
Initial Application fee for registration as a regular member (including specialists); full time and part-time faculty members; conditional faculty members; conditional specialist members	\$ 200
Annual fee for regular members, conditional faculty members and conditional specialist members [Section 2.4, 2.5] [Bylaw Oct 08]	\$ 3,100
Annual fee for new graduates of the current year seeking licensure for the first time [Section 2.12(3)] ; and Members who license after September 1 st [Section 2.12(4)(b)]; and Practicing life members [Section 2.7(2)]	\$ 2,200
Annual fee for part-time conditional faculty members (motion of Council October 2001)	\$ 700
Annual Fee for SK/AB/Other/Locum/Specialist Resident/ (motion of Council October 2006)	\$ 700
Annual Fee for U of S Resident (July 1 – June 30)	\$ 50
Annual fee for student members [Section 2.6(1)(b)(i)(ii)] (summer student)	\$ 20
Annual fee for associate members (Section 2.9); and temporary members (Section 2.8)	\$ 100
Initial application fee for registration as a professional corporation	\$ 200
Annual fee for professional corporations	\$ 200
Reinstatement investigation fee [Section 2.14]	\$ 200
Investigation fee [Section 2.4(2)(b)]	\$ 200
Penalty for non-payment of annual fees by regular member (including specialists) or conditional faculty/conditional specialist member	\$ 200/yr
Penalty for non-payment of annual fees by a professional corporation	\$ 200/yr
Fee guide	\$ 2000
Annual register	\$ 100

Date: October 29, 2010

SEAL

Schedule II
Application for Issuance or Renewal of an Annual Permit
by a Professional Corporation

This is: An application for registration of a professional corporation.

-OR-

An application for renewal of an annual permit previously granted by the College to a professional corporation.

NOTE: If there is insufficient space to provide the required information, attach a separate sheet and type "See Attached Sheet" in the space provided.

1. Name of professional corporation:

2. Address of the professional corporation:

3. Number of issued voting shares in the corporation: _____

4. List all holders of voting shares in the corporation:

Name	Address	College License No.	Number of shares held

5. Does any person other than those named in question 4 have any right to exercise voting right with respect to the voting shares of the professional corporation?

___Yes ___No

If "**Yes**", attach a sheet providing full information relating to the arrangement.

6. Number of non-voting shares in the corporation: _____

7. List the individual holders of all non-voting shares of the corporation:

Name	Address	Name of member related to	Nature of relationship	Number of shares held

8. Are any shares of the corporation owned by a trust or corporation? Yes No

If any shares in the corporation are owned by a trust or corporation, complete a Trust Information Sheet or a Corporation Information Sheet for each trust or corporation.

List all trusts or corporations that hold shares in the professional corporation.

9. Does any person or corporation have any beneficial, equitable or other interest in any shares of the professional corporation other than disclosed in questions 4 and 7? (Answer “**No**” if there are no such interests or if the only interest is security granted to a financial institution as security for a loan). Yes No

If the answer is “**Yes**” attach a sheet providing full information relating to the beneficial or equitable interest.

10. List the directors of the professional corporation.

Name	Address	College License No.

11. Do any persons practice dentistry by, through, or in the name of the professional corporation other than persons listed in question 4 above? ___Yes ___ No

If **“Yes”**, complete:

Name of such person	Practice location - or locations	College License number

12. Is the professional corporation in good standing pursuant to **The Business Corporation Act**?
___Yes ___ No

If **“No”** attach a sheet describing the reasons why it is not in good standing.

13. If this is an application for renewal of a permit, give the date the last annual return was filed:

14. If this is an application for renewal of a permit, attach a copy of the last annual return for the professional corporation.

15. Does each person who practices dentistry by, through, or in the name of the corporation, hold liability insurance that meets the requirements of the College bylaws?

___Yes ___No

List all members who practice dentistry by, through or in the name of the corporation and details respecting their insurance coverage.

Name	Insurance Carrier	Name and address of insurer	Liability coverage per occurrence

16. Do the articles of the corporation prevent it from carrying on any business or activities associated with the practice of dentistry by any member listed in question 4 or 11 above? Yes No

If **“Yes”** attach a sheet describing full details of the restrictions.

17. If this is an application for registration, attach the articles of incorporation for the professional corporation;
or

If this is an application for renewal of an annual permit by a professional corporation;

Have the articles of the professional corporation been amended since the last application for an annual permit was filed with the College of Dental Surgeons?

Yes No

If **“Yes”** attach a copy of the filed articles of amendment.

CORPORATION INFORMATION SHEET

A separate corporation information sheet must be completed for each corporation that holds any legal or beneficial interest in the share of a professional corporation.

1. Name of corporation: _____
2. Number of issued voting share in the corporation: _____
3. Number of issued non-voting shares in the corporation: _____
4. List the holders of all shares in the corporation:

Name	Address	Name of Member related to	Nature of Relationship	Number of Voting Shares held	Number of Non-voting Shares held

5. Does any person or corporation have any beneficial, equitable, or other interest in any shares of the corporation other than as disclosed in question 4? (Answer "No" if there are no such interests or if the only interest is security granted to a financial institution as security for a loan.) ___ Yes ___ No

If the answer is "Yes" attach a sheet providing full information relating to the equitable or legal interest.

The following certification must be completed by all members listed in question 4 above.

I/We certify that each statement in this document is true to the best of my/our knowledge, information and belief.

Signature

Date

Signature

Date

TRUST INFORMATION SHEET

A separate Trust Information Sheet must be completed for each trust that holds any legal or beneficial interest in any shares of a professional corporation

1. Name of trust:

2. Name and address of Trustee(s):

3. Name, address, and relationship of every beneficiary, or possible beneficiary, under the Trust:

Name	Address	Name of Member with relationship to the beneficiary	Relationship

4. Does the trust permit any beneficial or contingent interest in the Trust for any person other than those persons named in question 3? Yes No

If “**Yes**” either:

- a) A copy of the Trust Agreement is attached; or
- b) A copy of the Trust Agreement was previously filed with the College and the terms of the Trust have not been amended since the return was last filed.

5. Is any beneficial or contingent interest in the Trust subject to any agreement that could provide any benefit to a person not listed in question 3? (Answer “**No**” if there is no such agreement or if the only agreement is security granted to a financial institution as security for a loan.)

Yes No

If “Yes” either:

- a) Full details of the agreement have previously been provided to the College, including a copy of the agreement, if the agreement is in writing.
- b) Full details of the agreement are attached, including a copy of the agreement, if the agreement is in writing.

The following certification must be completed by all members listed in question 3 above.

I/We certify that each statement in this document is true to the best of my/our knowledge, information and belief.

_____ Signature	_____ Date
_____ Signature	_____ Date
_____ Signature	_____ Date

I/We certify that:

- 1. Each statement in this application is true;
- 2. Each person signing this declaration has read and is familiar with the provisions of **The Professional Corporations Act** and the bylaws of the College relating to professional incorporation.
- 3. Each person undertakes that he/she will notify the College if she/he becomes aware that the professional corporation does not comply with the provisions of **The Professional Corporations Act** relating to professional incorporation , or the bylaws of the College relating to professional incorporation; or if the professional corporation fails to comply with any terms or conditions contained in a permit.

_____ Signature	_____ Date
_____ Signature	_____ Date
_____ Signature	_____ Date
_____ Signature	_____ Date

**APPENDIX I
CANADIAN DENTAL ASSOCIATION
CODE OF ETHICS - PREAMBLE**

PURPOSE

This Code of Ethics is a set of principles of professional conduct to which dentists must aspire to fulfill their duties to their patients, to the public, to the profession, and to their colleagues. This Code affirms or clarifies principles that are definitive of professional and ethical dental care. For those about to enter the profession, this Code identifies the basic moral commitments of dentistry and will serve as a source for education and reflection. For those within the profession, this Code provides direction for ethical practice; in so doing, it also serves as a basis for self-evaluation. For those outside the profession, this Code provides public identification of the profession's ethical expectations of its members. Therefore, this Code of Ethics is educational, guides behavior and expresses to the larger community the values and ideals that we espouse by reason of trust and commitment.

PRINCIPLES

This Code is the national guideline of, and expresses the values shared by, the dental profession across Canada. In each province, the licensing bodies have adopted comparable or similar Codes of Ethics to guide and set standards for their jurisdictions.

A dentist's foremost responsibility is to the patient. Dentistry is a profession, in part, because the decisions of its members involve moral choices. Every dental practitioner makes decisions that involve choices between conflicting values while providing care for patients. These values should be carefully considered by a dentist and decisions regarding them should be made prior to providing treatment. Among these are the particular values to which the dental profession is especially committed. These are listed here in the order of priority beginning with the most important and include:

- | | |
|--|--|
| Life and Health: | The primary concerns is the life and general health of the patient. |
| Appropriate and Pain Free Oral Function: | The specific nature of dental health for each individual patient depends on variables including the patient's age, general health, underlying anatomy, and compliance with oral hygiene. |
| Patient Autonomy: | The patient has the right to choose, on the basis of adequate information, from alternate treatment plans that meet professional standards of care. The treatment plan chosen by the patient may or may not be that which the dentist would prefer. |
| Practice Preferences: | Dentists vary in the range of services performed and the method of delivery of those services. A dentist's individual preference in the delivery of dental care plays an important role in treatment recommendations and decisions. This preference should be acknowledged by the patient. |
| Aesthetic Values: | Oral and facial appearance is important to the self-image of the patient and an important consideration of dental practice. |

Cost: Dentistry often offers treatment choices with a range of costs. Appropriate treatment alternatives are to be presented each with its associated costs and benefits.

Under certain circumstances, a lower ranked value may justifiably be chosen over the next higher. These circumstances will depend upon the clinical situation that may arise. Other external factors may be present but rarely be of such ethical significance as to outweigh the prioritized values, particularly the higher values.

SUMMARY

This Code is intended to guide a dynamic process of interaction between a dentist and patient, and the dental profession and the larger community. It reflects not only current thought on issues but is also an ethical framework that is responsive to changing needs and values. While change is inevitable - certain truths will always remain for us to identify in our response to the human condition. To emphasize, the dentist's primary responsibility is to the patient. In fulfilling this responsibility, the dentist shall uphold the honor and the dignity of the profession and shall adhere to professional codes and obligations as well as the required applicable legislation.

TABLE OF CONTENTS**A. RESPONSIBILITIES TO PATIENTS**

ARTICLE 1:	SERVICE
ARTICLE 2:	COMPETENCY
ARTICLE 3:	CONSULTATION AND REFERRAL
ARTICLE 4:	EMERGENCIES
ARTICLE 5:	PROVISION OF CARE
ARTICLE 6:	DELEGATION OF DUTIES
ARTICLE 7:	ARRANGEMENTS FOR ALTERNATE CARE
ARTICLE 8:	CHOICE OF TREATMENT
ARTICLE 9:	CONFIDENTIALITY
ARTICLE 10:	GUARANTEE
ARTICLE 11:	PROVISION OF INFORMATION
ARTICLE 12:	RECORDS

B. RESPONSIBILITIES TO THE PUBLIC

ARTICLE 1:	REPRESENTATION
ARTICLE 2:	CONTRACTUAL SERVICES
ARTICLE 3:	CHOICE OF DENTIST
ARTICLE 4:	FEES AND COMPENSATION FOR SERVICE
ARTICLE 5:	THIRD PARTY FEES
ARTICLE 6:	COMMUNITY ACTIVITIES
ARTICLE 7:	MARKET ADVOCACY

C. RESPONSIBILITIES TO THE PROFESSION

ARTICLE 1:	SUPPORT OF THE PROFESSION
ARTICLE 2:	INAPPROPRIATE CONDUCT
ARTICLE 3:	ADVERTISING
ARTICLE 4:	PROFESSIONAL EQUALITY
ARTICLE 5:	PATENTS AND COPYRIGHT

D. RESPONSIBILITIES TO COLLEAGUES

ARTICLE 1:	CONSULTATION AND REFERRAL
ARTICLE 2:	JUDGMENTS IN PEER RELATIONS

A. RESPONSIBILITIES TO PATIENTS

ARTICLE 1: SERVICE

As a primary health care provider, a dentist's first responsibility is to the patient. As such, the competent and timely delivery of quality care within the bounds of clinical circumstances presented by the patient, shall be the most important aspect of that responsibility.

ARTICLE 2: COMPETENCY

The privilege of dentists to be accorded professional status rests primarily in the knowledge, skill, and experience with which they serve their patients and society. All dentists, therefore, must keep their knowledge of dentistry contemporary, and must provide treatment in accordance with currently accepted professional standards.

A practitioner should inform the dental licensing authority when a serious injury, dependency, infection or any other condition has either immediately affected, or may affect over time, his or her ability to practice safely and competently.

ARTICLE 3: CONSULTATION AND REFERRAL

Dentists shall provide treatment only when qualified by training or experience; otherwise a consultation and/or referral to an appropriate practitioner is warranted.

ARTICLE 4: EMERGENCIES

A dental emergency exists if professional judgment determines that a person needs immediate attention to relieve pain, or to control infection or bleeding. Dentists have an obligation to consult and to provide treatment in a dental emergency, or if they are unavailable, to make alternative arrangements.

ARTICLE 5: PROVISION OF CARE

A dentist shall remember the duty of service to the patient and therefore is responsible to provide for care to all members of society. A dentist shall not exclude, as patients, members of society on the basis of discrimination which may be contrary to applicable human rights legislation. Other than in an emergency situation, a dentist has the right to refuse to accept an individual as a patient on the basis of personal conflict or time constraint.

ARTICLE 6: DELEGATION OF DUTIES

Dentists must protect the health of the patients by delegating duties or procedures only to those persons qualified by skill, training and licensure.

ARTICLE 7: ARRANGEMENTS FOR ALTERNATE CARE

A dentist having undertaken the care of a patient shall not discontinue that care without first having given notice of that intention and shall endeavor to arrange for continuity of care with colleagues.

ARTICLE 8: CHOICE OF TREATMENT

A dentist must discuss with the patient treatment recommendations including benefits, prognosis and risks, reasonable alternatives and associated costs to allow the patient to make an informed choice.

A dentist shall inform the patient if the proposed oral health care involves treatment techniques or products which are not in general recognized or accepted by the dental profession.

ARTICLE 9: CONFIDENTIALITY

Patient information acquired in the practice of dentistry, shall be kept in strict confidence except as required by law.

ARTICLE 10: GUARANTEE

A dentist must, neither by statement nor implication, warrant nor guarantee the success of operations, appliances or treatment. A dentist has the responsibility to provide a high standard of care and accept responsibility for treatment rendered.

ARTICLE 11: PROVISION OF INFORMATION

A dentist is obligated to provide to the patient fair comment and opinion of their oral health.

ARTICLE 12: RECORDS

A dentist must establish and maintain adequate records of medical-dental history, clinical findings, diagnosis and treatment of each patient. Such records or reports of clinical information must be released to the patient or to whomever the patient directs, when requested by the patient. Original records should be retained and a duplicate provided.

B. RESPONSIBILITIES TO THE PUBLIC**ARTICLE 1: REPRESENTATION**

Dentists should represent themselves in a manner that contributes to the esteem of the profession. Dentists shall not represent their education, qualifications or competence in any way that would be false or misleading.

ARTICLE 2: CONTRACTUAL SERVICES

A dentist, by entering into a contract with an organization or other party involving the practice of dentistry, neither reduces personal professional responsibilities nor transfers any part of those ethical or legal responsibilities to that organization or other party.

ARTICLE 3: CHOICE OF DENTIST

A dentist shall at all times respect and support the public's right to a free choice of dentist. A dentist must not participate in any plan, scheme or arrangement which might limit or interfere with a person's freedom or ability to choose a dentist.

ARTICLE 4: FEES AND COMPENSATION FOR SERVICE

A dentist is responsible to establish justifiable fees for professional services performed. While a dentist is entitled to reasonable compensation for services performed, a dentist may not enter into an arrangement with another dentist, or person, whereby one receives part of the fee paid to the other, or by way of commission or discount, for the referral of patients.

ARTICLE 5: THIRD PARTY FEES

Dentists must ensure that any claims for services to third party insurers accurately reflect the services rendered. A dentist must not increase fees to a patient solely because that patient has a dental plan or third party coverage, nor shall a dentist decrease fees to a patient solely because that patient does not have a dental plan or third party coverage.

ARTICLE 6: COMMUNITY ACTIVITIES

Dentists by virtue of their education and role in society, are encouraged to support and participate in community affairs, particularly when these activities promote the health and well-being of the public.

ARTICLE 7: MARKET ADVOCACY

Dentists must not lend their name or provide written testimonial for reward or not, to any product or material offered to the public.

C. RESPONSIBILITIES TO THE PROFESSION

ARTICLE 1: SUPPORT OF THE PROFESSION

Society provides the profession the privilege of self-regulation. This responsibility is borne and implemented by professional associations and licensing bodies. Therefore, dentists have an obligation to participate in the advancement of the profession, support of its professional organizations and to observe applicable Codes of Ethics.

ARTICLE 2: INAPPROPRIATE CONDUCT

A dentist has an obligation to report to the appropriate review body, unprofessional conduct or failure to provide treatment in accordance with currently accepted professional standards.

ARTICLE 3: ADVERTISING

Dentists should build their reputation on their professional ability and integrity. Dentists should participate in health promotion programs that are in the best interest of the public and supported by the profession. Dentists shall conduct any promotional activity in accordance with acceptable professional standards and within applicable legislation.

ARTICLE 4: PROFESSIONAL EQUALITY

The profession should be viewed as a partnership of equals. Although interests and expertise may vary, all dentists are colleagues that have equal moral status and obligation in the decision making process of the activities of the profession.

ARTICLE 5: PATENTS AND COPYRIGHTS

Dentists have the obligation of making the results of their investigative efforts available to all when they are useful in safeguarding or promoting the health and well-being of the public. Patents and copyrights may be secured by a dentist provided that they and the remuneration derived from them are not used to restrict research, practice, or the benefits of the patented or copyrighted material.

D. RESPONSIBILITIES OF COLLEAGUES**ARTICLE 1: CONSULTATION AND REFERRAL**

When a patient is referred to another dentist for consultation and/or treatment, a dentist, upon completion of the care contemplated in the referrals, shall return the patient to the referring dentist.

ARTICLE 2: JUDGMENTS IN PEER RELATIONS

A dentist should not make disparaging comments of the procedures or qualifications of a colleague to a patient or the public. In the interest of the public dentists are encouraged to consult with a previous dentist, concerning treatment rendered. Through discussion, it should be possible to advise a patient how to achieve an appropriate resolution.