

The College of Dental Surgeons of Saskatchewan (CDSS) Policy on ‘Ownership of a Dental Practice’

‘Ownership of a dental practice’ is not directly addressed by the Dental Disciplines Act, 1997 (DDA) and the CDSS Bylaws. However the relevant sections of DDA relating to ownership of a dental practice are: 15(2)(e); 25(1). The relevant CDSS Bylaws that relate to an ownership of a dental practice are: 2.10; 9.2(2).

The CDSS believes that a dentist, whether through contract or employment, must be involved with the provision of DDA authorized practices by allied personnel including Dental Hygienists, Dental Therapists and Dental Assistants.

No member shall enter into any agreement (including a lease of premises) whereby the amount payable is related directly or indirectly to the fee charged to a patient by any regulated health professional. Exempt from this is a contract for services:

- (a) between CDSS members
- (b) between a CDSS member and allied personnel under the DDA (Dental Hygienists, Dental Therapists, Dental Assistants)
- (c) between a CDSS member and a corporation , partnership or other entity controlled by CDSS members. (CDSS Bylaw 9.2 (2)(d))

Appendix I

Relevant Sections of the Dental Disciplines Act Relating to Ownership of a Dental Practice

15(2) Subject to this Act, regulatory bylaws may be made by each council for that association's members pursuant to section 14 for the following purposes:

(e) setting standards regarding the manner and method of practice of its members, including the supervision or direction of staff;

- 25 (1)** For the purposes of this section, “**employer**” means:
- (a) the Government of Saskatchewan;
 - (b) the Government of Canada;
 - (c) a regional health authority or an affiliate as defined in *The Regional Health Services Act*;
 - (d) an association incorporated pursuant to *The Mutual Medical and Hospital Benefit Associations Act*;
 - (e) a municipality;
 - (f) an Indian band within the meaning of the *Indian Act* (Canada);
 - (g) an operator of a personal care home within the meaning of *The Personal Care Homes Act*, a non-profit corporation or a co-operative, that is approved by the minister;
 - (h) a board of education, conseil scolaire or the conseil général within the meaning of *The Education Act, 1995*;
 - (i) The University of Regina, the University of Saskatchewan, the Saskatchewan Indian Federated College and the Saskatchewan Institute of Applied Science and Technology.
- (2) A dental assistant may only perform the practices that he or she is authorized by subsection 23(4) to perform where he or she is employed by or practices under a contract with:
- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or
 - (b) a dentist.
- (3) A dental hygienist may only perform the practices that he or she is authorized by subsection 23(5) to perform where he or she is employed by or practises under contract with:
- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or
 - (b) a dentist.
- (4) A dental therapist may only perform the practices that he or she is authorized by subsection 23(6) to perform where he or she is employed by or practises under a contract with:
- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or

- (b) a dentist.

Appendix II

Relevant CDSS Bylaws Relating to Ownership of a Dental Practice

The CDSS Bylaws that apply:

- 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 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.

- 9.2 (2) No member shall, nor permit a professional corporation in which the member is a director to:

 - (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;