

NSRDHDTD BY-LAWS DRAFT FOR CONSULTATION

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**By-Laws of the Nova Scotia Regulator of
Dental Hygiene, Dental Technology, and Denturism**

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DRAFT

1. DEFINITIONS

- 1.1 All words used in these by-laws that are not otherwise defined in the by-laws have the same meaning as set out in the Act or regulations.
- 1.2 In these by-laws, unless the context requires:
- (a) “additional practice competency” means an advanced practice that
 - (i) has been identified by the Board as necessitating additional education, training or other requirements beyond those identified in practice standards, and
 - (ii) requires approval of the Registrar before a registrant may engage in the advanced practice;
 - (b) “advanced practice” means a professional activity, procedure, or service identified by the Board as requiring competencies beyond entry to practice competencies;
 - (c) “Board”, when used in these by-laws includes the Initial Board and Subsequent Boards, unless the Initial Board or Subsequent Board is specifically identified;
 - (d) “Board Code of Conduct policy” means the policy approved by the Board governing the conduct of Board members;
 - (e) “Board Composition Matrix” means the list of competencies, qualities and other criteria approved by the Board to describe the collective desired composition of the Subsequent Boards;
 - (f) “Chair” means the Chair of the Initial Board or the Chair of a Subsequent Board, as the context requires;
 - (g) “*Dental Hygienists Act*” means the *Dental Hygienists Act*, SNS 2007, c 29;
 - (h) “dental laboratory technician” means a person other than a registrant permitted by the Registrar to engage in 1 or more designated aspects of dental technology;
 - (i) “dental laboratory technician permit” means a permit issued by the Registrar to a person other than a registrant authorizing the person to engage in 1 or more designated aspects of dental technology;
 - (j) “dental laboratory technician permitting process” means the process to permit a person other than a registrant to engage in 1 or more designated aspects of dental technology that is approved by the Board in accordance with subsections 12(2)(d) and (j) of the Act;
 - (k) “*Dental Technicians Act*” means the *Dental Technicians Act*, RSNS 1989, c 126;
 - (l) “*Denturists Act*” means the *Denturists Act*, SNS 2000, c 25;

- (m) “employee” means an individual employed on a full or part-time basis by the Regulator, but does not include an independent contractor, consultant or facilitator who otherwise provides services to the Regulator;
- (n) "good standing" for purposes of appointment as a registrant Board member, means the status of a registrant who:
 - (i) holds a practising licence or a conditional licence, unless there is a condition on the licence restricting the registrant from eligibility to serve on the Board;
 - (ii) is current in their continuing competence requirements;
 - (iii) is current in their practice hour requirements;
 - (iv) does not owe any outstanding fees or costs to the Regulator; and
 - (v) is not subject to any licensing sanction or ongoing regulatory process that in the opinion of the Board, impacts their ability to ethically and competently serve as a member of the Board, or would otherwise be contrary to the objects of the Regulator;
- (o) “Initial Board” means the Initial Board jointly appointed by the Legacy Boards prior to repeal of the *Dental Hygienists Act*, the *Dental Technicians Act*, and the *Denturists Act*;
- (p) “Legacy Boards” mean the Council of the College of Dental Hygienists of Nova Scotia; the Council of the Nova Scotia Dental Technicians Association; and the Board of the Denturist Licensing Board;
- (q) “Meeting Rules” means such rules approved by the Board that govern the conduct of Board meetings that are not inconsistent with these By-laws;
- (r) "officer" or "officers" means any 1 or more persons, respectively, who have been appointed as officers of the Regulator, and includes the Chair and Vice-Chair;
- (s) “professional corporation” means a Nova Scotia company through which one or more registrants engage in practice under a permit issued in accordance with these By-laws;
- (t) “Professional Corporation Permit” means a permit issued and in force pursuant to Section 40 of these By-laws permitting one or more registrants to engage in the practice of dental hygiene, dental technology and denturism, as applicable through a professional corporation;
- (u) “Regulations” include the Regulated Health Professions General Regulations and the Dental Hygiene, Dental Technology, and Denturism Regulations;
- (v) “Regulator” means the Nova Scotia Regulator of Dental Hygiene, Dental Technology, and Denturism;

- (w) "Subsequent Board" includes each Board appointed after the expiry of the term of the Initial Board;
- (x) "Vice-Chair" means the Vice-Chair of the Initial Board or the Vice-Chair of a Subsequent Board, as the context requires.

2. CORPORATE SEAL

- 2.1 The seal of the Regulator shall have the words "Nova Scotia Regulator of Dental Hygiene, Dental Technology, and Denturism" endorsed thereon.

3. HEAD OFFICE

- 3.1 The head office of the Regulator shall be maintained within the province of Nova Scotia and located as to reasonably carry on the business of the Regulator.

4. FORMS

- 4.1 Any forms not already specified in the Act or Regulations and necessary for the administration of the affairs of the Regulator shall be as approved by the Regulator.

5. INITIAL BOARD

- 5.1 The Initial Board shall consist of the following:
 - (a) 9 registrant members, with at least 2 registrants from each profession,
 - (b) 4 to 6 public representatives.
- 5.2 The Initial Board shall be jointly appointed by the Legacy Boards prior to repeal of the *Dental Hygienists Act, Dental Technicians Act, and Denturists Act*.
- 5.3 A registrant's term on the Initial Board does not count towards any term limit for Board members appointed to Subsequent Boards after the expiry of the term of the Initial Board.
- 5.4 The officers of the Initial Board are the Chair and Vice-Chair.
- 5.5 The Chair of the Initial Board shall be elected by the members of the Initial Board.
- 5.6 The Vice-Chair of the Initial Board shall be elected by the members of the Initial Board.
- 5.7 The term of office for the Chair and Vice-Chair on the Initial Board is the same as the term of the Initial Board.
- 5.8 Where a vacancy occurs due to the resignation, removal or otherwise of a registrant member of the Initial Board who is not an officer, prior to the expiration of the term of the Initial Board, that vacancy may be filled by a registrant in good standing appointed by the Initial Board.
- 5.9 A registrant appointed by the Initial Board to fill a vacant position of a registrant member on the Initial Board pursuant to Article 5.8 shall serve for the duration of the Initial Board's

term. A registrant's replacement term on the Initial Board does not count towards any term limit for Board members appointed after the expiry of the term of the Initial Board.

- 5.10 Where a vacancy occurs due to the resignation, removal or otherwise of the Chair of the Initial Board, the Initial Board shall appoint a replacement Chair, who may be the Vice-Chair of the Initial Board. The time served by the replacement Chair is not considered a term for the purposes of Article 8.2.
- 5.11 Where a vacancy occurs due to the resignation, removal or otherwise of the Vice-Chair of the Initial Board, that vacancy may be filled by the Initial Board with a member from amongst their number, in such manner as determined by the Initial Board. The time served by the replacement Vice-Chair is not considered a term for the purposes of Article 8.3.
- 5.12 The Initial Board shall develop and approve a Board Composition Matrix for Subsequent Boards.

6. SUBSEQUENT BOARDS

- 6.1 The registrant Board members of a Subsequent Board shall be appointed in accordance with the process set out in Article 12.
- 6.2 The officers of a Subsequent Board shall be elected in accordance with the process set out in Article 13.
- 6.3 A Subsequent Board may approve revisions to the Board Composition Matrix from time to time on an as needed basis.

7. TERMS OF OFFICE FOR REGISTRANT BOARD MEMBERS ON A SUBSEQUENT BOARD

- 7.1 The term of office of a registrant Board member on a Subsequent Board is two years.
- 7.2 Subject to Article 11.3, a registrant Board member is eligible to be appointed to a Subsequent Board as a registrant Board member for three consecutive terms.
- 7.3 A registrant Board member who has served three consecutive terms on a Subsequent Board is not eligible for appointment for an additional term as a registrant Board member unless one year has expired since last serving on the Board.
- 7.4 Incumbent registrant Board members who are eligible and seek appointment for an additional term will be subject to the same requirements and process as new candidates as set out in Article 12.
- 7.5 Notwithstanding Article 7.1, for the purpose of establishing a stagger in the terms of office for the registrant Board members appointed after the expiry of the term of the Initial Board, the Initial Board may establish a process to designate that, for one or more specified registrant Board member on the first Subsequent Board, their term of office is one year or two years.
- 7.6 The designation by the Initial Board of a term of office for a registrant Board member under Article 7.5 is only effective if made by a resolution of the Initial Board.

8. TERMS OF OFFICE FOR OFFICERS ON A SUBSEQUENT BOARD

- 8.1 Subject to Articles 9.3 and 10.3, the term of office for the positions of Chair and Vice-Chair on a Subsequent Board is one year.
- 8.2 A person is eligible to serve a maximum of two consecutive terms as Chair.
- 8.3 A person is eligible to serve a maximum of two consecutive terms as Vice-Chair.
- 8.4 The Vice-Chair is eligible for appointment to the position of Chair, subject to the decision of the Board.

9. VACANCY OF CHAIR ON A SUBSEQUENT BOARD

- 9.1 If the term of the Chair on a Subsequent Board is not completed, the Board shall appoint a replacement Chair, who may be the Vice-Chair.
- 9.2 The replacement Chair will serve for the balance of the term of the outgoing Chair.
- 9.3 Where a person is appointed to fill a vacancy under Article 9.1, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Article 8.2.
- 9.4 Where the Vice-Chair is appointed to fill the role of Chair, the Board shall appoint a new Vice-Chair from among the serving Board members, whose term shall mirror the term of the replacement Chair.
- 9.5 Where a person is appointed to fill a vacancy under Article 9.4, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Article 8.3.

10. VACANCY OF VICE-CHAIR ON A SUBSEQUENT BOARD

- 10.1 If the term of the Vice-Chair on a Subsequent Board is not completed, the Board shall appoint a replacement Vice-Chair from among the serving Board members.
- 10.2 Subject to Article 9.4, the replacement Vice-Chair shall serve for the balance of the unexpired term of the outgoing Vice-Chair.
- 10.3 Where a person is appointed to fill a vacancy under Article 10.1, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Article 8.3.

11. VACANCY OF REGISTRANT BOARD MEMBER ON A SUBSEQUENT BOARD

- 11.1 A registrant Board member on a Subsequent Board shall be considered to have vacated that position in any of the following circumstances:
 - (a) the member resigns from office;
 - (b) the Board removes the member in accordance with Article 17;
 - (c) the member ceases to be in good standing;
 - (d) the member dies;

- (e) the member becomes an employee of the Regulator; or
 - (f) subject to the Regulations, the member becomes an employee, board officer, board member or committee chair at, or holds any position of responsibility with, a professional association.
- 11.2 If a registrant Board member position on a Subsequent Board has been vacated, the Board shall review the Board Composition Matrix and shall appoint another registrant who is in good standing and who in the opinion of the Board best meets the requirements set out in the Board Composition Matrix, to hold office for the unexpired portion of the term.
- 11.3 Where a registrant is appointed to fill a vacancy under Article 11.2, the unexpired term served to fill the vacancy does not count towards the term limit pursuant to Article 7.2.
- 11.4 When filling a vacancy under Article 11.2, the Board may seek the assistance of the Selection Committee.
- 12. APPOINTMENT OF REGISTRANT BOARD MEMBERS TO A SUBSEQUENT BOARD**
- 12.1 The Board shall establish a Selection Committee comprised of at least:
- (a) 2 registrants in good standing not serving on the Board or intending to serve on the Board; and
 - (b) 1 public representative not serving on the Board or intending to serve on the Board.
- 12.2 The members of the Selection Committee shall hold office for such term as set by the Board who appoints them, which shall not be longer than 3 years. A member of the Selection Committee may be appointed for one additional term by the Board.
- 12.3 The Board shall appoint one of the members as Chair of the Selection Committee.
- 12.4 The Board shall approve Terms of Reference of the Selection Committee.
- 12.5 The Selection Committee shall act in accordance with these Bylaws and its Terms of Reference.
- 12.6 With respect to the appointment of registrant Board members to a Subsequent Board, the Selection Committee shall perform the following functions, in accordance with the process and timelines approved by the Board that are not in conflict with these By-laws:
- (a) compare the composition of the Board with the Board Composition Matrix and identify the competencies, qualities, diversity, and other criteria needed to fill identified vacancies;
 - (b) seek candidates to fill current and/or anticipated registrant vacancies on the Board;
 - (c) assess the degree to which candidates fill the desired competencies, qualities, and other criteria identified by the Selection Committee to align with the Board Composition Matrix;

- (d) advance all candidates to the Board where the Selection Committee is satisfied that a registrant is in good standing;
 - (e) make recommendations to the Board regarding candidates who in its opinion best meet the desired competencies, qualities and criteria identified by the Selection Committee to align with the Board Composition Matrix; and
 - (f) perform such other functions related to the appointment of registrant Board members as identified by the Board.
- 12.7 In order for a candidate to be considered by the Selection Committee, the candidate must submit a form approved by the Selection Committee signifying a willingness to serve as a registrant Board member and to abide by the Act, regulations, by-laws and policies of the Regulator.
- 12.8 The form must be submitted within such timelines as approved by the Selection Committee.
- 12.9 If the Selection Committee determines a candidate is not eligible for nomination as a registrant Board member, the Selection Committee shall not advance the candidate's name to the Board.
- 12.10 A decision of the Selection Committee is final.
- 12.11 Upon receipt from the Selection Committee of the names of candidates pursuant to Article 12.6, the Board must consider the names of the candidates and determine which candidates shall be appointed to fill the number of anticipated vacancies on the Board.
- 12.12 For clarity, the registrant Board members of the first Subsequent Board shall be appointed by the Initial Board.
- 12.13 A decision of the Board is final.

13. ELECTION OF OFFICERS

- 13.1 The Chair and Vice-Chair shall be elected by the Board members serving on the Board prior to the end of the term of the incumbent Chair and Vice-Chair, from among those Board members who are serving on the Board at that time.
- 13.2 The Chair and Vice-Chair shall be elected in the following manner:
- (a) prior to the completion of the term of the incumbent Chair and Vice-Chair, at such time as directed by the Board, the Selection Committee appointed in accordance with Articles 12.1 and 12.2 must request and encourage expressions of interest from Board members seeking to serve as the next Chair or Vice-Chair;
 - (b) the Selection Committee shall
 - (i) receive and review expressions of interest from Board members;
 - (ii) prepare a recommendation for the position of Chair and a recommendation for the position of Vice-Chair to the Board for approval;

- (c) if the Board approves the recommended candidate for the position of Chair, the Chair is deemed elected, effective the day following the date the incumbents' term expires;
 - (d) if the Board approves the recommended candidate for the position of Vice-Chair, the Vice-Chair is deemed elected, effective the day following the date the incumbents' term expires;
 - (e) if the Board does not approve the recommended candidate for either the Chair or the Vice-Chair, the Selection Committee must consult with all Board members individually prior to advancing the next recommendation for the Board's vote, and such process shall continue until a new Chair and Vice-Chair are elected; and
 - (f) if there are no members of the Board willing to serve as Chair or Vice-Chair, the Board must appoint individuals to fill these positions in such manner as the Board determines.
- 13.3 For clarity, notwithstanding any other provision of these by-laws, the Board may extend the term of a serving Chair or Vice-Chair if no other Board member is willing to serve in these roles, for such time and on such conditions as the Board may determine.
- 13.4 The Board may make election rules and set such deadlines as it deems appropriate, as long as such rules are not inconsistent with these by-laws.
- 13.5 A decision of the Board is final.
- 14. APPOINTMENT OF REGISTRANT COMMITTEE MEMBERS**
- 14.1 With respect to the appointment of registrants to Committees of the Regulator, the Selection Committee may:
- (a) seek candidates to fill current and/or anticipated registrant vacancies on a Committee of the Regulator;
 - (b) advance all candidates to the Board where the Selection Committee is satisfied that a registrant is in good standing; and
 - (c) perform such other functions related to the appointment of registrants to Committees of the Regulator as identified by the Board.
- 14.2 In order for a registrant to be considered by the Selection Committee, the registrant must submit a form approved by the Selection Committee signifying a willingness to serve as a Committee member and to abide by the Act, regulations, by-laws and policies of the Regulator.
- 14.3 The form must be submitted within such timelines as approved by the Selection Committee.
- 14.4 If the Selection Committee determines a registrant is not eligible for nomination as a Committee member, the Selection Committee shall not advance the registrant's name to the Board.

- 14.5 A decision of the Selection Committee is final.
- 14.6 Upon receipt from the Selection Committee of the names of registrants pursuant to Article 14.1, the Board must consider the names of the registrants and determine which registrants shall be appointed to fill the number of anticipated registrant vacancies on a Committee of the Regulator.
- 14.7 A decision of the Board is final.

15. APPOINTMENT OF PUBLIC REPRESENTATIVE COMMITTEE MEMBERS

- 15.1 With respect to the appointment of public representatives to Committees of the Regulator, the Selection Committee shall:
- (a) seek members of the public to fill current and/or anticipated public representative vacancies on a Committee of the Regulator;
 - (b) publicly advertise to invite expressions of interest in serving as a public representative on a Committee of the Regulator for at least 30 days, except when the Board seeks to appoint a public representative from a pool established under Section 25 of the Act;
 - (c) advance all expressions of interest to the Board;
 - (d) perform such other functions related to the appointment of public representative Committee members as identified by the Board.
- 15.2 Except when the Board seeks to appoint a public representative from a pool established under Section 25 of the Act, in order for a member of the public to be considered by the Selection Committee, the member of the public must submit a form approved by the Selection Committee signifying a willingness to serve as a Committee member and to abide by the Act, regulations, by-laws and policies of the Regulator.
- 15.3 The form must be submitted within such timelines as approved by the Selection Committee.
- 15.4 Upon receipt from the Selection Committee of the expressions of interest pursuant to Article 15.1 the Board must consider the names and determine which members of the public shall be appointed to fill the number of anticipated public representative vacancies on a Committee of the Regulator.
- 15.5 A decision of the Board is final.

16. BOARD MEETINGS

- 16.1 The Chair of the Board shall call general meetings of the Board, with no less than 4 general meetings in a fiscal year.
- 16.2 The Registrar shall ensure notice of general Board meetings is given to Board members at least 14 days in advance of the general meeting, stating the time and whether the meeting is in-person, virtual, or hybrid.

- 16.3 The Chair of the Board may call a special Board meeting at any time as required by the Chair or upon the written request of one-third of Board members indicating the subject(s) to be considered.
- 16.4 Where possible, at least 3 days prior to a special Board meeting, notice shall be issued to each Board member. The notice shall state the purpose of the meeting. No matter shall be discussed at any special Board meeting apart from that specified in the Notice.
- 16.5 Meetings may be conducted by such electronic means as determined by the Board.
- 16.6 Notice of and voting at Board meetings may take place by such electronic means as determined by the Board.
- 16.7 Accidental omission to deliver notice of meetings does not invalidate proceedings at the meeting.
- 16.8 Notice requirements for meetings may be waived by majority vote of those participating in the meeting.
- 16.9 Board meetings will be conducted in accordance with these By-laws and any Meeting Rules approved by the Board.
- 16.10 Where not inconsistent with the By-laws or Meeting Rules, the Chair may make procedural rulings or determinations on any matter relevant to the meeting.

17. REMOVAL OF OFFICERS AND REGISTRANT BOARD MEMBERS

- 17.1 Notwithstanding any other provisions of the By-laws, the Board may, by a two-thirds majority vote of the quorum participating at any Board meeting or a special meeting called for the purpose, remove any officer or registrant Board member before the expiration of their term of office, where the Board believes it is consistent with the objects of the Regulator to do so.
- 17.2 Examples where the Board may believe it consistent with the objects of the Regulator to remove an officer or registrant Board member include, but are not limited to:
 - (a) failing to attend 3 consecutive Board meetings, without sufficient cause accepted by the Board; and
 - (b) acting contrary to the Board Code of Conduct policy.
- 17.3 A decision of the Board under this Article is final.

18. COMPOSITION OF SUBSEQUENT BOARDS

- 18.1 Each Subsequent Board following the expiry of the term of the Initial Board shall consist of 11 persons, including:
 - (a) 6 registrant members, with at least 1 registrant from each profession,
 - (b) 5 public representatives.

18.2 The officers of each Subsequent Board are the Chair and the Vice-Chair.

19. CHAIR

19.1 The Chair shall:

- (a) unless otherwise delegated, preside at all meetings of the Board;
- (b) act as the official spokesperson for the Board, unless this function is otherwise delegated;
- (c) perform all acts related to the office; and
- (d) perform such other functions as directed by the Board.

19.2 The Chair shall not vote at any meeting of the Board, except in the case of a tie, where the Chair shall cast the deciding vote.

20. VICE-CHAIR

The Vice-Chair shall:

- (a) perform the duties of the Chair in the absence of the Chair;
- (b) perform all acts related to the office; and
- (c) perform other duties as delegated by the Chair.

21. LICENSING EXAMINATIONS

21.1 The examinations required for licensing as a registered dental hygienist are:

- (a) the entry to practice examination(s) for registered dental hygienists approved by the Board; and
- (b) the jurisprudence exam approved by the Board.

21.2 The examinations required for licensing as a registered dental technologist are:

- (a) the entry to practice examination(s) for dental technologists approved by the Board;
- (b) the jurisprudence exam approved by the Board.

21.3 The examinations required for licensing as a denturist are:

- (a) the entry to practice examination(s) for denturists approved by the Board;
- (b) the jurisprudence exam approved by the Board.

22. CONTINUING COMPETENCE PROGRAM

- 22.1 The Board shall approve a continuing competence program for each licensing category and designation, with the exception of the non-practising licensing category for registered dental hygienists.
- 22.2 The Board shall approve reporting requirements for registrants respecting the continuing competence program.
- 22.3 Where applicable, a registrant must retain documentation and records related to continuing competence program activities for at least the immediately previous 6 years.
- 22.4 For the purpose of verifying a registrant's compliance with the continuing competence program, the Regulator may at any time conduct an audit of the documentation and records kept under Article 22.3.

23. PRACTICE HOURS

- 23.1 Where applicable, a registrant must keep a record of the hours that the registrant worked for at least the immediately previous five years.
- 23.2 The Regulator may at any time conduct an audit of records kept under Article 23.1.

24. CURRENCY OF PRACTICE REQUIREMENTS

- 24.1 An applicant for a licence must provide satisfactory proof to the registration and licensing decision maker that the applicant meets one or more of the following currency of practice requirements, unless exempted from these requirements in accordance with a policy approved by the Board:
 - (a) current licensure in an equivalent category of licence in another Canadian jurisdiction;
 - (b) graduated from:
 - (i) an approved education program for registered dental hygienists no later than three years prior to applying to the Regulator;
 - (ii) an approved education program for registered dental technologists no later than three years prior to applying to the Regulator;
 - (iii) an approved education program for denturists no later than three years prior to applying to the Regulator; or
 - (c) engaged in practice for a minimum of 600 hours within the previous three years prior to applying to the Regulator;
 - (d) successfully completed a re-entry program or competence assessment and/or bridging education as approved by the Board within the previous one year prior to applying to the Regulator.

25. ADDITIONAL LICENSING CATEGORY

- 25.1 Every person who holds a non-practising licence issued under the *Dental Hygienists Act* on the date the Regulator is established is deemed to hold a non-practising licence under the Act with the same privileges, and subject to the same conditions or restrictions, under the licence issued under the *Dental Hygienists Act*.
- 25.2 Each non-practising licence under the Act expires at the conclusion of the Regulator's first renewal period.

26. BOARD APPROVAL OF DENTAL LABORATORY TECHNICIAN PERMITTING PROCESS

- 26.1 The Board shall approve the requirements of the dental laboratory technician permitting process, and may establish any of the following as part of those approvals;
- (a) application requirements, including fees;
 - (b) the designated aspects of dental technology eligible to be practised by a dental laboratory technician;
 - (c) restrictions and conditions under which a dental laboratory technician must adhere to when engaging in 1 or more designated aspects of dental technology, including in relation to employment, practice setting and supervision requirements;
 - (d) educational, training and work experience requirements;
 - (e) currency requirements;
 - (f) continuing competence requirements;
 - (g) professional liability insurance requirements;
 - (h) standards of practice a dental laboratory technician must adhere to when engaging in 1 or more designated aspects of dental technology;
 - (i) any other requirements an applicant must meet to ensure that they possess the capacity, competence and character to safely and ethically to engage in 1 or more designated aspects of dental technology.

27. APPLICATION FOR DENTAL LABORATORY TECHNICIAN PERMIT

- 27.1 An applicant seeking a dental laboratory technician permit must submit all of the following to the Registrar:
- (a) a completed application in a form approved by the Registrar;
 - (b) the applicable fee, within the time determined by the Registrar and using a method acceptable to the Registrar;
 - (c) proof satisfactory to the Registrar that the applicant meets all of the following criteria:

- (i) they have completed educational, training and/or work experience as required by the Board;
 - (ii) they have demonstrated proficiency in the English language, in the manner prescribed by the Registrar;
 - (iii) they are a Canadian citizen or legally entitled to live and work in Canada;
 - (iv) they have the capacity, competence and character to safely and ethically engage in 1 or more designated aspects of dental technology with conditions or restrictions;
 - (v) they are the person named in the documentation submitted in support of the application;
 - (vi) they have professional liability insurance or another form of malpractice coverage or liability protection in the form and amount set by the Board;
 - (vii) they meet the requirements of the continuing competence requirements set by the Board;
 - (viii) they meet the currency requirements set by the Board;
 - (ix) they have agreed to conditions or restrictions that limit their ability to engage in 1 or more designated aspects of dental technology;
- (d) any additional information required by the Registrar to assess whether the applicant meets the criteria described in Article 27.1.

28. PERMITTING DECISIONS BY REGISTRAR

- 28.1 After receiving the information required from an applicant for a dental laboratory technician permit or for renewal of the applicant's permit, the Registrar shall do 1 or more of the following:
- (a) approve the application and issue the permit if the Registrar determines that the criteria have been met;
 - (b) impose conditions or restrictions on the permit in accordance with restrictions or conditions approved by Board;
 - (c) approve 1 or more designated aspects of dental technology that the dental laboratory technician can engage in accordance with the designated aspects approved by the Board;
 - (d) deny the application if the Registrar determines that the applicant does not meet the criteria.
- 28.2 When issuing a permit under this Article, the Registrar shall decide the effective term of the permit.

28.3 Where the Registrar issues a permit under Article 28.1, the Registrar shall include the applicable information at subsection 27(2) of the Act in the register for dental technologists. The Registrar shall also include the approved designated aspects and the conditions or restrictions under which the dental laboratory technician is permitted.

29. REQUIRED ACTIVITIES – DENTAL LABORATORY TECHNICIAN

29.1 A dental laboratory technician must do all of the following:

- (a) engage in only those designated aspects of dental technology as approved by the Registrar;
- (b) engage in designated aspects of dental technology in accordance with any restrictions and conditions imposed by the Registrar.

30. TERM – DENTAL LABORATORY TECHNICIAN

30.1 A dental laboratory technician permit remains in effect until the end of the permitting term in which it is issued or such earlier expiry date specified on the permit by the Registrar.

30.2 A dental laboratory technician permit ceases to be valid if it is suspended or revoked by the Registrar.

30.3 The Registrar may suspend or revoke a dental laboratory technician permit if the dental laboratory technician ceases to meet the criteria set out in these By-laws.

31. RENEWAL – DENTAL LABORATORY TECHNICIAN

31.1 In addition to paying the applicable fee and any penalties incurred for late application, a dental laboratory technician applying to renew a permit shall submit a completed application in a form approved by the Registrar together with proof satisfactory to the Registrar that the dental laboratory technician continues to meet the criteria set out in these By-laws.

32. REVIEW OF REGISTRAR DECISION

32.1 If the Registrar denies an application from a person seeking a dental laboratory technician permit or imposes conditions or conditions on a permit, the Registrar shall advise the person of the right to seek review of the Registrar's decision by the Registration and Licensing Review Committee, if the person provides a notice in writing to the Registrar to this effect within 30 days of the Registrar's decision.

33. WAIVER

33.1 The Registrar may waive any of the criteria for permitting if:

- (a) required by law; or
- (b) it is consistent with the objects of the Regulator.

34. TRANSCRIPTS OF REGULATORY PROCEEDINGS

- 34.1 A registrant who requests that a transcript be made of a regulatory proceeding is responsible for paying the full cost of the transcript.

35. FINES AND PENALTIES

- 35.1 The fine that may be imposed by the Registrar for a registrant who has practised without a licence shall be the equivalent of double the annual licensing fee for each month, or a portion thereof, the registrant practised without a licence.
- 35.2 The fine that may be imposed for the reinstatement of a suspended licence in accordance with section of 154 of the Act shall be the equivalent of double the annual licensing fee.

36. CODE OF ETHICS

- 36.1 The Code of the Ethics for Dental Hygienists are those approved by the Council of the College of Dental Hygienists of Nova Scotia prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.
- 36.2 The Code of the Ethics for Dental Technologists are those approved by the Council of the Nova Scotia Dental Technicians Association prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.
- 36.3 The Code of the Ethics for Denturists are those approved by the Board of the Denturist Licensing Board prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.

37. STANDARDS OF PRACTICE

- 37.1 The Standards of Practice for Dental Hygienists are those approved by the Council of the College of Dental Hygienists of Nova Scotia prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.
- 37.2 The Standards of Practice for Dental Technologists are those approved by the Council of the Nova Scotia Dental Technicians Association prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.
- 37.3 The Standards of Practice for Denturists are those approved by the Board of the Denturist Licensing Board prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.

38. COMPETENCIES

- 38.1 The Competencies for Dental Hygienists are those approved by the Council of the College of Dental Hygienists of Nova Scotia prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.

- 38.2 The Competencies for Dental Technologists are those approved by the Council of the Nova Scotia Dental Technicians Association prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.
- 38.3 The Competencies for Denturists are those approved by the Board of the Denturist Licensing Board prior to the establishment of the Regulator under the Act, and may be revised, as approved by the Board, from time to time, as necessary.

39. ADVANCED PRACTICE AND ADDITIONAL PRACTICE COMPETENCIES

- 39.1 The Board shall:
- (a) identify whether any professional activity, procedure or service within the scope of practice of dental hygiene, dental technology, or denturism constitutes advanced practice, and
 - (b) determine if practice standards are required to establish expectations for registrants in the performance of such advanced practice.
- 39.2 Where the Board determines that practice standards are required under Article 39.1, the Board shall approve such practice standards.
- 39.3 The Board shall decide whether any advanced practice identified under Article 39.1 should be designated as an additional practice competency.
- 39.4 Where an additional practice competency has been identified by the Board under Article 39.3, the Board must approve the additional education, training, or other requirements beyond entry to practice competencies that must be completed by a registrant before the registrant is allowed to engage in the additional practice competency.
- 39.5 A registrant must seek the approval of the Registrar prior to engaging in an additional practice competency.
- 39.6 The Registrar shall establish the procedure for applying for approval to engage in an additional practice competency.
- 39.7 If the Registrar denies an application from a registrant to engage in an additional practice competency, the Registrar shall advise the applicant of a right to seek review of the Registrar's decision by the Registration and Licensing Review Committee, if the registrant provides a notice in writing to the Registrar to this effect within 30 days of the Registrar's decision.
- 39.8 The procedure for a review shall be conducted as set out in sections 51-58 of the Act.
- 39.9 The decision of the Registration and Licensing Review Committee is final.

40. PROFESSIONAL CORPORATIONS

- 40.1 A professional corporation may engage in one, but not more, of (i) the practice of dental hygiene, (ii) the practice of dental technology, or (iii) the practice of denturism (collectively,

the “designated professions”) upon being issued a Professional Corporation Permit for such practice pursuant to these By-laws, and registrants of the corresponding profession may be employed by a professional corporation for the purpose of engaging in such practice.

40.2 An application for a Professional Corporation Permit must be made to the Registrar.

40.3 The Registrar may issue a permit to a professional corporation that:

- (a) files a completed application in accordance with a form approved by the Registrar;
- (b) pays the fee approved by the Board;
- (c) provides the Registrar with a certificate of incorporation of the company issued pursuant to the *Companies Act* (Nova Scotia) and satisfies the Registrar that the company is a company limited by shares in good standing under the *Companies Act* (Nova Scotia) and the *Corporations Registration Act* (Nova Scotia);
- (d) provides the Registrar with the memorandum of association of the company which has for its purpose exclusively carrying on one of the three designated professions;
- (e) has a fit and proper name for a professional corporation engaged in the designated profession, including compliance with any naming policy that may be approved by the Board from time to time;
- (f) provides all necessary information and documents as reasonably requested by the Registrar in order to satisfy the Registrar that:
 - (i) a majority of the issued voting shares are legally and beneficially owned, directly or indirectly, by one or more registrants who hold a current license to practice the designated profession of the professional corporation; and
 - (ii) a majority of the directors and the president or most senior officer of the professional corporation and any other incorporated entity that owns voting shares of the professional corporation, directly or indirectly, are registrants who hold a current license to practice the designated profession of the professional corporation.

In the event that voting shares of the professional corporation are legally owned, directly or indirectly, by a trust, in order for such shares to be considered beneficially owned by a registrant for purposes of meeting the above-noted requirements, all the trustees must be registrants of the designated profession and all the beneficiaries must be registrants of the designated profession or their spouse/children.

40.4 A Professional Corporation Permit issued pursuant to Article 40 is valid for the licensing year in which it is issued, or such other time period as may be specified by the Registrar on the Professional Corporation Permit.

40.5 A Professional Corporation Permit may be renewed upon application to the Registrar in accordance with a form approved by the Registrar, upon payment of a renewal fee

approved by the Board, and upon satisfying the Registrar that the professional corporation continues to meet the conditions specified in Article 40. An application to renew a Professional Corporation Permit shall be made at least 30 days prior to the expiry date of the current Professional Corporation Permit.

- 40.6 If the Registrar determines at any time that the professional corporation fails to meet, or continue to meet, any of the requirements specified in Article 40, the Registrar may, after giving written notice to the professional corporation, suspend, revoke, terminate or refuse to renew a Professional Corporation Permit issued pursuant to this Article 40.
- 40.7 The professional corporation shall at all times display the current Professional Corporation Permit issued to it in a conspicuous place at its premises.
- 40.8 No owner of voting shares of a professional corporation shall pledge, mortgage or grant to any other person who is not a registrant licensed to practice the designated profession of the professional corporation the authority to exercise the voting rights attached to any or all of the owner's shares.
- 40.9 Where a professional corporation proposes to change any of the information submitted to the Registrar in support of its application for a Professional Corporation Permit, including without limitation its name, the directors, officers or shareholders of the professional corporation, it shall first notify the Registrar of the proposed changes and obtain the Registrar's written consent to the proposed changes.
- 40.10 The Registrar shall maintain a register of professional corporations for each designated profession and enter the name, address, and contact information of the professional corporation upon issuance or renewal of a Professional Corporation Permit therein.
- 40.11 Where a professional corporation practices its designated profession only through the services of one registrant, and that registrant dies, retires, becomes incompetent or is no longer licensed under the Act, or is suspended under the Act, the Professional Corporation Permit is deemed to be immediately revoked, and such professional corporation shall cease to practice the designated profession.
- 40.12 Where a professional corporation practices its designated profession through the services of more than one registrant and such professional corporation ceases to fulfil any requirement prescribed in this Article 40 by reason of
 - (a) the death of a registrant;
 - (b) the incompetency of a registrant;
 - (c) the revocation of the licence of a registrant pursuant to this Act;
 - (d) the suspension of the licence of a registrant pursuant to this Act; or
 - (e) the retirement from practice by a registrant,

such professional corporation shall immediately notify the Registrar and shall fulfil the requirements in question within one hundred and twenty days from the date of the triggering event designated above, failing which the Professional Corporation Permit is

deemed to be revoked and such professional corporation shall cease to practice its designated profession effective upon the expiration of the one hundred and twenty-day period.

- 40.13 Where the permit of a professional corporation is deemed to be revoked under this Article 40 and thereafter the professional corporation is able to demonstrate that it is in compliance with the requirements of Article 40, the professional corporation may apply to the Registrar to have its Professional Corporation Permit re-instated and the Registrar may, in the Registrar's discretion, re-instate the Professional Corporation Permit subject to such conditions as the Registrar may direct.

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