

Schedule 7

Profession of Dentists

Continuation of corporation

1 On the coming into force of this Schedule, the corporation known as The Alberta Dental Association is continued as a corporation under the name the Alberta Dental Association and College.

RSA 2000 cH-7 Sched. 7 s1;2005 c13 s4(8)

Use of titles

2 A regulated member of the Alberta Dental Association and College may, as authorized by the regulations, use any of the following titles:

- (a) Dentist;
- (b) Endodontist;
- (c) Oral and Maxillofacial Surgeon;
- (d) Orthodontist and Dentofacial Orthopedist;
- (e) Pediatric Dentist;
- (f) Periodontist;
- (g) Prosthodontist;
- (h) Oral Medicine and Pathology Specialist;
- (i) Oral and Maxillofacial Radiologist;
- (j) repealed 2001 c21 s34;
- (k) Public Health Dentist.
- (l)-(n) repealed 2001 c21 s34.

RSA 2000 cH-7 Sched. 7 s2;2001 c21 s34;2005 c13 s4(8)

Practice

3 In their practice, dentists do one or more of the following:

- (a) evaluate, diagnose and treat, surgically or non-surgically, diseases, disorders and conditions of
 - (i) the mouth, which includes teeth, gums and other supporting structures,
 - (ii) the maxillofacial area, which includes upper and lower jaws and joints, and
 - (iii) the adjacent and associated structures of the head and neck,to maintain and improve a person's physical, psychological and social health, and
- (b) provide restricted activities authorized by the regulations.

Health Professions Act – Schedule 7

11 In sections 12 to 18:

- (a) “accreditation committee” means the dental facilities accreditation committee established by the council;
- (b) “college” means the Alberta Dental Association and College;
- (c) “council” means the council of the college;
- (d) “dental surgical facility” means a facility where dental surgical services are provided;
- (e) “dental surgical services” means any of the following:
 - (i) a professional service that is provided by a regulated member where an anaesthetic is used that renders the patient unconscious or where neuroleptanaesthesia is used;
 - (ii) an insured surgical service as defined in the *Health Care Protection Act* that is provided by a regulated member in a facility that must be accredited under this Schedule;
 - (iii) any other professional service described in the regulations that is provided by a regulated member that in the opinion of the council represents a risk to the patient that is greater than usual for a professional service provided by a regulated member;
- (f) “operator” means
 - (i) in the case of a surgical facility designated under Part 2, Division 1 of the *Health Care Protection Act*, the person named as the operator in the designation, and
 - (ii) in the case of any other dental surgical facility, the registered owner or the person who has apparent care and control of the facility;
- (g) “registrar” means the registrar of the college;
- (h) “regulated member” means a regulated member of the college.

2001 c21 s34;2005 c13 s4(8);2005 c13 s4(8)

12(1) A dental surgical facility must be accredited by the accreditation committee before a regulated member provides dental surgical services in it to the public.

(2) Subject to the *Health Care Protection Act*, subsection (1) does not apply to

- (a) a hospital that is established by or under, or the establishment or operation of which is governed by, the *Hospitals Act*, the *Regional Health Authorities Act*, the *Cancer Programs Act* or the *Workers' Compensation Act*, or
- (b) a hospital or a health care facility that is established by the Government of Alberta or the Government of Canada.

(3) Despite subsection (1), on the coming into force of this Schedule, a dental surgical facility that is accredited by the College of Physicians and Surgeons of Alberta is deemed to be accredited by the accreditation committee for the time period set out in the accreditation given by the College of Physicians and Surgeons of Alberta.

(4) Despite subsection (1) but subject to the *Health Care Protection Act*, a dental surgical facility that is in operation on the coming into force of this Schedule that is not accredited by the College of Physicians and Surgeons of Alberta must be accredited under this Schedule within one year from the date that this Schedule comes into force.

(5) Despite subsection (1), an approval or confirmation of standards of a dental surgical facility is deemed to be an accreditation under this Schedule if

- (a) the approval or confirmation is recognized by the council as being equivalent to an accreditation under this Schedule, and
- (b) the approval or confirmation is granted by an organization that is recognized by the council as equivalent to the accreditation committee under this Schedule,

and the accreditation committee must grant the dental surgical facility an accreditation.

2001 c21 s34;2005 c13 s4(8)

13(1) The council must establish a dental facilities accreditation committee.

(2) The accreditation committee must

- (a) review dental surgical facilities to determine if the provision of dental surgical services meets or will meet the accreditation requirements established by the council;
- (b) carry out its powers and duties under this Schedule;
- (c) advise the council generally on matters relating to the dental surgical facilities accreditation process.

(3) Subject to section 51(4) of this Act, a member of the accreditation committee has the powers and duties of a member of a competence committee under section 51(3) of this Act to carry out a review under subsection (2)(a) and section 15 of this Schedule.

2001 c21 s34

14(1) An operator must apply to the registrar in accordance with the regulations for accreditation with respect to providing dental surgical services and for renewal of that accreditation.

(2) On receipt of an application under subsection (1) the accreditation committee must review the application in accordance with the regulations and

- (a) may grant or renew or refuse to grant or to renew, a dental surgical facility accreditation;
- (b) may impose conditions on an accreditation of a dental surgical facility and must state the dental surgical services that may be provided in the dental surgical facility;
- (c) may, before granting or renewing an accreditation, direct the dental surgical facility to make changes;
- (d) may, subject to subsection (3), grant or renew accreditation for a specified time period.

(3) An accreditation may be granted for up to 4 years.

(4) The accreditation committee must provide the operator with a written copy of its decision and the reasons for it.

(5) An operator of a dental surgical facility

- (a) must notify the registrar of any intended change to the dental surgical services the dental surgical facility has been accredited to provide in the dental surgical facility and obtain approval from the accreditation committee before implementing the change, and
- (b) must notify the registrar of any intended change of the operator of the dental surgical facility.

2001 c21 s34;2007 c32 s1(36)

15(1) If the accreditation committee has reason to believe that there may be a health risk to the public, the accreditation committee may review a dental surgical facility to determine whether the accreditation requirements are being met.

(2) On completion of the review, the accreditation committee may decide to direct the operator to make changes as directed within a specified time period.

(3) If the accreditation committee believes that the health risk is immediate, it may decide to direct the operator to cease providing dental surgical services and causing dental surgical services to be provided and, if applicable, direct the operator to make changes as directed within a specified time period.

(4) The accreditation committee must provide a copy of a decision made under this section to the registrar and the operator of the dental surgical facility.

2001 c21 s34

16(1) An operator may appeal an accreditation committee's decision under section 14 or 15 to the council by written notice to the registrar within 15 days of receiving a copy of the decision.

(2) A notice under subsection (1) must state the grounds for the appeal.

(3) The council must schedule an appeal hearing within 30 days from the day the notice of appeal was received by the registrar.

(4) The chair of the accreditation committee and the appellant may be represented by counsel at the appeal hearing.

(5) An appeal hearing is open to the public unless an application is granted in accordance with section 78 of this Act.

(6) Following an appeal hearing the council may

- (a) vary, quash or confirm the findings and decision of the accreditation committee;
- (b) make any other finding that in its opinion ought to have been made;
- (c) order that the matter be referred back to the accreditation committee for receipt of further evidence and for further assessment and that the accreditation committee report back to the council for the council's consideration on the appeal;
- (d) grant adjournments or reserve determination of matters for a future meeting of the council.

(7) The council must issue its decision at or within a reasonable time after the conclusion of the appeal hearing.

2001 c21 s34

17(1) A regulated member shall not provide dental surgical services, or cause dental surgical services to be provided, in a dental surgical facility requiring accreditation under this Schedule if the dental surgical facility is not accredited.

(2) It is unprofessional conduct for a regulated member

- (a) to contravene subsection (1),
- (b) to provide dental surgical services or cause dental surgical services to be provided in a facility that is operated in a manner that contravenes Part 2 of the *Health Care Protection Act*, or

(c) to fail or refuse to co-operate with the accreditation committee.

(3) The accreditation committee or a member of the accreditation committee must make a referral to the complaints director if, on the basis of information obtained pursuant to carrying out powers and duties under this Schedule, the accreditation committee or member is of the opinion that a regulated member may be guilty of unprofessional conduct.

2001 c21 s34

18(1) The council may make regulations

- (a) describing dental surgical services for the purposes of section 11(e)(iii) of this Schedule;
- (b) respecting the establishment and operation of dental surgical facilities;
- (c) respecting accreditation requirements, including the adoption of published standards, codes or rules for accreditation purposes;
- (d) respecting applications for granting of and renewal of accreditation;
- (e) respecting the review of dental surgical facilities by the accreditation committee.

(2) A regulation under subsection (1) does not come into force unless it is approved by the Lieutenant Governor in Council.

2001 c21 s34

(NOTE: Schedule 7 sections 1 to 10 proclaimed in force December 31, 2001. Schedule 7 sections 11 to 18 proclaimed in force January 1, 2003.)