



College of Dental Surgeons of Alberta

Standard of Practice:

Practice Arrangements and
Provision of Professional
Services

January 2022

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The College of Dental Surgeons of Alberta is now operating under the name College of Dental Surgeons of
Alberta. This name will become official when Alberta's *Health Professions Act* is amended.

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Introduction

The purpose of this Standard of Practice is to identify the professional, regulatory, and legal accountability of every regulated member (Dentist) for all aspects of the Professional Services they provide and the environment in which they are provided.

Every Practice is required to appoint a Responsible Dentist. This is the Dentist with the key responsibility for the Practice and who is ultimately responsible for compliance with Dental Laws by the Practice. The Responsible Dentist will have specific reporting requirements to the College of Dental Surgeons of Alberta (CDSA) under this Standard of Practice.

Dentists are accountable for all aspects of the Professional Services they provide, regardless of the Practice arrangement in which the Professional Services are provided. Being accountable means that a Dentist is ultimately responsible to the CDSA, patients, and the public.

Application of the Standard of Practice

The CDSA maintains jurisdiction to regulate the profession of dentistry and Dentists regardless of the Practice arrangement.

Every Dentist is accountable for all aspects of Professional Services provided by themselves. This responsibility is not affected, modified, or diminished by the Practice arrangements of the Dentist. Even if a Dentist practices as an associate Dentist, or in a relationship other than as the owner, the Dentist remains accountable for all aspects of their Professional Services as described in this Standard of Practice.

The Responsible Dentist is accountable as a Dentist when providing patient care.

The Responsible Dentist does not assume the accountability for the patient care provided by another Dentist.

Professional Services are defined in this Standard of Practice and cover all aspects of the practice of dentistry, including services that may be provided by a non-dentist, such as delegated, ancillary, administrative services, as well as Management Services.

A Dentist must refuse to provide Professional Services where doing so would breach the Dentist's obligations under Dental Laws, including this Standard of Practice.

Ownership of Practice and Delegation

The practice of dentistry is the exclusive domain of Dentists. A Practice must be owned by a Dentist or a Dentist's business interest in accordance with the legislation.

A Dentist may delegate aspects of a Professional Service, as permitted by Dental Laws, but such delegation does not in any way diminish or absolve the Dentist of their obligations.

Regardless of the arrangement entered into by a Dentist with another Dentist, an individual or entity, a Dentist must maintain ownership, custody and control of patient records.

Definitions

In this Standard of Practice, the following terms have the following meaning:

- a. "Dentist" means a regulated member of the CDSA;
- b. "Dental Laws" means the CDSA Standards of Practice, Code of Ethics, Guides, and Bylaws, the *Health Professions Act*, the *Dental Profession Regulation*, the *Health Information Act*, the standard of care and all other legislation, regulations and laws

- applicable to Dentists or Practices;
- c. "Hospital" means
 - i. 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 or the Workers Compensation Act, or
 - ii. A hospital or health care facility that is established by the Government of Alberta or the Government of Canada;
 - d. "Management Services" means services provided for the operation of the Practice, including but not limited to advertising, human resources, accounting and bookkeeping, ordering of products, consumables, sundries, supplies and drugs, billing and collections, equipment, instrument and device maintenance and acquisition, information technology, property management and addressing issues within the Practice or with third parties;
 - e. "Practice" means any practice, facility, clinic, environment or other setting where Professional Services are provided by one or more Dentists;
 - f. "Practice in Association" means practice in association as defined in section 97 of the Health Professions Act;
 - g. "Professional Corporation" means a professional corporation for which the CDSA has issued an annual permit pursuant to the Health Professions Act;
 - h. "Professional Service(s)" means a service that comes within the practice of dentistry and includes:
 - i. services provided by an individual under the supervision or direction of the Dentist;
 - i. delegated, ancillary and administrative services, related to the provision of the service;
 - ii. Management Services;
 - iii. evaluating, diagnosing and treating, surgically or non-surgically, diseases, disorders and conditions of the mouth, including: teeth, gums and other supporting structures; the maxillofacial area, including upper and lower jaws and joints; the adjacent and associated structures of the head and neck, to maintain and improve a person's physical, psychological and social health;
 - iv. providing restricted activities authorized by the regulations; and
 - v. teaching, managing and conducting research in the science, techniques and practice of dentistry;
 - j. "Responsible Dentist" means the Dentist appointed as the Responsible Dentist in accordance with this Standard of Practice.

Responsible Dentist

1. Every Practice must appoint a Responsible Dentist.
2. The Responsible Dentist may be, but is not required to be, the owner of the Practice.
3. The Responsible Dentist must have a continuous and ongoing connection to the Practice including involvement in and knowledge of the operations. While all Dentists in a Practice are accountable for their Professional Services as set out in this Standard of Practice, the Responsible Dentist has the key responsibility for the Practice.

4. The Responsible Dentist must provide to the Registrar, in form approved by Council:
 - a. their name and contact information;
 - b. the trade name of the Practice;
 - c. the address of the Practice;
 - d. information about the structure of the Practice, such as sole Dentist, partnership of Dentists, Professional Corporation, Practice in Association and so on, including:
 - i. the names of all Dentists working at the Practice;
 - ii. the names of all Professional Corporations involved in the Practice;
 - iii. the names of all partnerships;
 - iv. the names of each individual or entity providing Management Services, the name of the contact person for the entity and the roles and responsibilities of each individual or entity;
 - v. for any Practice in Association: the name of each individual or entity in the Practice in Association, the name of the contact person for the entity and the roles and responsibilities of each individual or entity in the Practice in Association;
 - vi. for any other arrangement: the nature of the arrangement, the name of each individual or entity involved, the name of the contact person for the entity and the roles and responsibilities of each individual or entity (other than an individual who is an employee of a Dentist or Professional Corporation of that Practice); and
 - vii. any other information requested by the Registrar.
5. The Responsible Dentist must advise the Registrar of any changes to the information provided in paragraph 4 above within 15 days of such change, in the form approved by Council.
6. In the Practice, the Responsible Dentist is responsible for:
 - a. the supervision and performance of all staff, whether regulated or non-regulated, and any other individuals or entities involved in the Practice;
 - b. setting appropriate roles and responsibilities for each individual or entity;
 - c. ensuring appropriate permits, registrations, qualifications and training of each individual or entity;
 - d. ensuring the safety and regulatory compliance of all equipment, instruments, products, consumables, sundries, supplies, drugs and medical devices of the Practice;
 - e. ensuring that ownership, custody, control and maintenance of patient records, including all financial records are with a Dentist in the Practice;
 - f. advertising and marketing of the Practice and individual Dentists;
 - g. ensuring fees for Professional Services are not divided, shared, split, allocated, either directly or indirectly, with any person who is not a Dentist. Dentists can pay bona fide (fair market value) costs and expenses incurred in the operation of a Practice;

- h. setting of fees for Professional Services or ensuring a Dentist in the Practice has set fees for their Professional Services;
 - i. submitting the completed Forms that are approved by Council, as needed; and
 - j. compliance of the Practice with all Dental Laws.
7. Where a Dentist provides Professional Services in an arrangement where an individual or entity also provides services to some or all of the same patients of the Practice in a Practice in Association or other arrangement, the Responsible Dentist must:
- a. ensure that patients are made aware of the nature of the relationship between the Dentist and the other individual or entity; and
 - b. disclose any financial interest of the Dentist in such entity or arrangement.
8. The Responsible Dentist must provide clear notice to patients and members of the public coming into a Practice about the qualifications of all service providers, including:
- a. for regulated members, their names and professional designation; and
 - b. for non-regulated individuals or entities, their names and unregulated standing.

Accountability of all Dentists

1. Every Dentist is accountable for their Professional Services, regardless of the arrangement or whether they are an owner. For clarity, the Responsible Dentist will also have the accountabilities set out below for all their Professional Services.
2. In the provision of their Professional Services, a Dentist is accountable for:
 - a. the exercise of professional judgment;
 - b. all aspects of the Dentist-patient relationship, including: patient appointments, scheduling patients, patient interactions, informed consent, patient communications, the maintenance of patient records and confidentiality, privacy obligations relating to patient records, billing patients, third party insurer billing and communications, receipt of payments and collection of accounts;
 - c. supervision of non-dentist staff. This includes all staff, whether regulated or not, who assist in the provision of Professional Services (for example: receptionists, dental assistants, dental hygienists, office managers, treatment coordinators). This accountability exists regardless of who employs or pays the individual, and whether the individual is an employee, contractor or in another arrangement;
 - d. the safe delivery of Professional Services;
 - e. the safety and regulatory compliance of all equipment, instruments, products, consumables, sundries, supplies, drugs and medical devices;
 - f. the setting of fees for Professional Services or ensuring the Responsible Dentist has set those fees;
 - g. ensuring fees for their Professional Services are not divided, shared, split, allocated, either directly or indirectly, with any person who is not a Dentist. Dentists can pay bona fide (fair market value) costs and expenses incurred in the operation of a Practice;
 - a. ownership, custody, control and maintenance of patient records, including all financial records; or ensuring a Dentist in the Practice owns, has custody, control

- and maintenance of those patient records;
- b. advertising and promotion;
- c. ensuring that the appropriate amount and type of professional liability insurance are in place; and
- d. compliance with all Dental Laws.

Exemption from the Standard of Practice and Professional Services in Hospital

1. Subject to the paragraph below, this Standard of Practice does not apply to a Dentist providing Professional Services in a Hospital.
2. Every Dentist providing Professional Services in a Hospital remains accountable for:
 - a. The exercise of professional judgement;
 - b. All aspects of the Patient-Dentist relationship in which the Dentist is directly involved;
 - c. The safe delivery of Professional Services;
 - d. advertising and promotion of Professional Services provided in a Hospital
 - e. ensuring that the appropriate amount and type of professional liability insurance are in place; and
 - f. compliance with all Dental Laws.



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