

## PART 10 – DELEGATION

---

### Definitions

#### 10.01 In this Part:

**“dental assistant”** means a person other than a licensed dental assistant who assists a dentist or dental hygienist with the provision of health services included in the practice of dentistry or dental hygiene, as applicable;

**“dental radiography module”** means a program providing specific training, in accordance with criteria established by the board, on the competent and safe application of dental x-rays;

**“licensed dental assistant”** means a person who holds a dental assistant licence in accordance with the Dental Assistants Bylaws as amended under section 539 of the Act;

**“orthodontic module”** means a program providing specific training, in accordance with criteria established by the board, on the competent and safe performance of the aspects of practice and restricted activities specified in section 10.05(5);

**“prosthodontic module”** means a program providing specific training, in accordance with criteria established by the board, on the competent and safe performance of the aspects of practice and restricted activities specified in section 10.05(7).

### Requirements for delegation

- 10.02** (1) In addition to complying with section 74(2) of the Act, a licensee who delegates the performance of an aspect of practice or a restricted activity as authorized in this Part must
- (a) issue to the person to whom the delegation is made specific and appropriate instructions on performing the delegated aspect of practice or restricted activity, and
  - (b) be satisfied that the person to whom the delegation is made will perform the delegated aspect of practice or restricted activity in accordance with all standards of ethics and standards of practice that apply when a licensee is performing the same aspect of practice or restricted activity.
- (2) A licensee must not delegate the performance of an aspect of practice or restricted activity if one or both of the following apply:
- (a) the licensee cannot perform the aspect of practice or restricted activity because of a limit or condition on practice under these bylaws or that was imposed under the Act;
  - (b) the performance of the aspect of practice or restricted activity requires a certification under Part 7, and the licensee does not currently hold the necessary certification.

## **Responsibility for delegated health services**

**10.03** A licensee remains responsible for the performance of any aspect of practice or restricted activity that the licensee delegates.

## **Dental hygienist delegation**

- 10.04** (1) A dental hygienist licensee must not delegate the performance of an aspect of practice or a restricted activity except as permitted in this section.
- (2) A dental hygienist licensee may delegate the performance of an aspect of the practice of dental hygiene, provided the delegated aspect of practice is performed under the indirect supervision of a dental hygienist licensee.
- (3) Subject to section 10.07(4), a dental hygienist licensee may delegate the application of intra-oral x-rays for diagnostic or imaging purposes, if
- (a) the delegation is made to one of
    - (i) a dental assistant who has successfully completed a dental radiography module, or
    - (ii) a licensed dental assistant, and
  - (b) the delegated application of x-rays is performed under the indirect supervision of a dental hygienist licensee.

## **Dentist delegation**

- 10.05** (1) A dentist licensee must not delegate the performance of an aspect of practice or a restricted activity except as permitted in this section.
- (2) Subject to section 10.06 and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the following to a licensed dental assistant or a dental assistant:
- (a) dispensing restorative materials into a prepared cavity;
  - (b) applying topical anesthetic;
  - (c) placing and removing dental dams and dental dam clamps;
  - (d) supporting and removing impression materials after the dentist has placed them.
- (3) Subject to section 10.06 and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the following to a licensed dental assistant:
- (a) removing extrinsic stains not associated with calculus on the enamel of teeth using an appropriate hand instrument or slow-speed rotary instrument;
  - (b) applying anticariogenic agents;
  - (c) applying desensitizing agents, acid etch, antibacterial agents, chemical cleansers, primer and bond, and treatment liners (without pulpal involvement);
  - (d) obtaining impressions and occlusal records;

- (e) applying and adjusting fissure sealants with an appropriate hand instrument or slow-speed rotary instrument;
  - (f) placing and removing dental dam clamps, matrices and wedges;
  - (g) using and maintaining coronal whitening systems where the concentration of bleaching agents poses minimal risk of patient harm;
  - (h) removing sutures, periodontal dressings and retraction cords.
- (4) Subject to section 10.06 and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the following to a licensed dental assistant, if the licensed dental assistant has provided the services of a licensed dental assistant on a full-time basis for a minimum of one year and has sufficient training to provide the applicable service in accordance with section 10.02(1)(b) and section 74(2) of the Act:
- (a) intra-oral fabrication of single unit extra-coronal provisional restorations, including try-in, adjusting occlusion extra-orally, temporary cementation, removing provisional cement, and removing provisional restorations, provided that provisional restorations are assessed by a full dentist licensee or limited (restricted-to-specialty) dentist licensee before cementation and again after removal of provisional cement;
  - (b) gross removal of supragingival permanent cement using an appropriate hand instrument and excluding the use of dental handpieces.
- (5) Subject to sections 10.06 and 10.07(2) and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the following to a licensed dental assistant who has successfully completed an orthodontic module:
- (a) applying appropriate materials to irritating components;
  - (b) removing irritating components;
  - (c) placing and removing orthodontic separators;
  - (d) preparing teeth for bonding or cementing of orthodontic attachments or bands;
  - (e) subject to subsection (6), fitting, placing, and light curing orthodontic bands or bondable attachments, with assessment by a full dentist licensee or limited (restricted-to-specialty) dentist licensee after fitting and again before light curing;
  - (f) removing excess adhesive material using appropriate hand instruments, or ultrasonic or slow-speed rotary instruments, following banding/bonding or debanding/debonding procedures;
  - (g) fitting and adjusting orthodontic appliances and archwires followed by assessment by a full dentist licensee or limited (restricted-to-specialty) dentist licensee;
  - (h) placing and ligating archwires after assessment by a full dentist licensee or limited (restricted-to-specialty) dentist licensee;
  - (i) removing ligating materials and archwires;

- (j) removing orthodontic bands and bonded attachments using appropriate hand instruments;
  - (k) the instructing of patients on the use and care of orthodontic appliances.
- (6) Despite subsection (5)(e), only a full dentist licensee or limited (restricted-to-specialty) dentist licensee may perform attachment by self-curing materials.
- (7) Subject to sections 10.06 and 10.07(3) and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the following to a licensed dental assistant who has successfully completed a prosthodontic module:
  - (a) fabricating and trying-in provisional restorations intra-orally, including intra-coronal direct provisionals, and adjusting occlusion extra-orally, followed by assessment by a full dentist licensee or limited (restricted-to-specialty) dentist licensee before cementation;
  - (b) temporary cementation of provisional restorations and removal of temporary cement followed by assessment by a full dentist licensee or limited (restricted-to-specialty) dentist licensee;
  - (c) performing non-surgical gingival retraction techniques excluding the use of epinephrine;
  - (d) removing temporary and permanent cements using an appropriate hand instrument and excluding the use of dental handpieces;
  - (e) removing provisional restorations.
- (8) Subject to sections 10.06 and 10.07(4) and subsection (9), a full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the application of intra-oral x-rays for diagnostic or imaging purposes to
  - (a) a licensed dental assistant, or
  - (b) a dental assistant who has successfully completed a dental radiography module.
- (9) A licensed dental assistant or dental assistant must perform any aspect of practice or restricted activity delegated under subsections (2) to (5), (7) and (8) under the indirect supervision of a full dentist licensee or limited (restricted-to-specialty) dentist licensee.

### **60-day rule**

- 10.06** (1) A full dentist licensee or limited (restricted-to-specialty) dentist licensee must not delegate the performance of a restricted activity under section 10.05(2) to (5), (7) and (8), unless the full dentist licensee or limited (restricted-to-specialty) dentist licensee
- (a) ensures that the delegated restricted activity will be provided or performed within
    - (i) 60 days of issuing specific and appropriate instructions in accordance with section 10.02, or

- (ii) such shorter period of time after receipt of those instructions as may be required under the practice standards or as the full dentist licensee or limited (restricted-to-specialty) dentist licensee may otherwise specify, and
- (b) examines the patient, or ensures that another full dentist licensee or limited (restricted-to-specialty) dentist licensee examines the patient
  - (i) during the course of the appointment at which the restricted activity is performed, unless the patient is returning for treatment that was authorized by a full dentist licensee or limited (restricted-to-specialty) dentist licensee who examined the patient within the previous 60 days and no further examination is required in accordance with the practice standards, or
  - (ii) at the beginning of the appointment at which the restricted activity is performed, if required under the practice standards or otherwise specified by the full dentist licensee or limited (restricted-to-specialty) dentist licensee.
- (2) For certainty, subsection (1) applies to delegation of the performance of a restricted activity under the following subsections and paragraphs of section 10.05:
  - (a) paragraphs (a) and (b) of subsection (2);
  - (b) paragraphs (a) to (d), (f) and (i) of subsection (3);
  - (c) paragraphs (a) and (b) of subsection (4);
  - (d) paragraphs (a) to, (j) of subsection (5);
  - (e) paragraphs (a) to (e) of subsection (7);
  - (f) subsection (8).
- (2) Subsection (1) does not apply to a restricted activity performed in the context of a dental assisting education program, to the extent necessary to allow students in the program to practise on each other.

### **Expanded training programs**

- 10.07** (1) On the successful completion of an orthodontic module or prosthodontic module, a licensed dental assistant must deliver to the registrar evidence satisfactory to the registrar of the successful completion of that module.
- (2) A full dentist licensee or limited (restricted-to-specialty) dentist licensee must not delegate the performance of an aspect of practice or a restricted activity to a licensed dental assistant under section 10.05(5) unless
- (a) the licensed dental assistant has delivered to the registrar
    - (i) evidence of the successful completion of an orthodontic module under subsection (1), and
    - (ii) the fee specified in Schedule X for the issuing of a certificate under paragraph (b), and

- (b) the registrar has issued the licensed dental assistant a certificate confirming the licensed dental assistant's completion of an orthodontic module.
- (3) A full dentist licensee or limited (restricted-to-specialty) dentist licensee must not delegate the performance of an aspect of practice or a restricted activity to a licensed dental assistant under section 10.05(7) unless
  - (a) the licensed dental assistant has delivered to the registrar
    - (i) evidence of the successful completion of a prosthodontic module under subsection (1), and
    - (ii) the fee specified in Schedule X for the issuing of a certificate under paragraph (b), and
  - (b) the registrar has issued the licensed dental assistant a certificate confirming the licensed dental assistant's completion of a prosthodontic module.
- (4) A dental hygienist licensee, full dentist licensee or limited (restricted-to-specialty) dentist licensee, must not delegate the application of intra-oral x-rays for diagnostic or imaging purposes to a dental assistant unless
  - (a) the dental assistant has delivered to the registrar evidence satisfactory to the registrar of the dental assistant's successful completion of a dental radiography module, and
  - (b) the registrar has written to the dental assistant confirming that a dental hygienist licensee, full dentist licensee or limited (restricted-to-specialty) dentist licensee may delegate the application of such x-rays to the dental assistant.

### **Dental technician delegation**

- 10.08** (1) A dental technician must not delegate the performance of an aspect of practice to a person who is not a dental technician except as permitted in subsections (2) to (4).
- (2) Subject to subsections (3) and (4), a dental technician licensee may delegate the performance of an aspect of dental technology practice to a person who is not a dental technician, provided the person performs the delegated aspect of practice under the indirect supervision of a dental technician licensee.
  - (3) A supervising dental technician licensee does not need to be present at the same location while a person who is not a dental technician is performing a delegated aspect of practice under subsection (2).
  - (4) A dental technician licensee must not authorize or permit a person who is not a dental technician to deliver or release any dental prosthesis or oral device until the prescription for that prosthesis or device has been signed and dated by a dental technician licensee.

### **Denturist delegation**

- 10.09** (1) A denturist must not delegate the performance of an aspect of practice to a person who is not a denturist except as permitted in subsections (2) to (4).

- (2) A full denturist licensee may delegate the performance of the following aspects of practice to a person who is not a denturist, provided the person performs them under the indirect supervision of a full denturist licensee:
  - (a) supporting and removing impression materials after the denturist has placed them;
  - (b) supporting and removing tissue conditioners after the denturist has placed them;
  - (c) placing and removing dentures, without any involvement in the assessment of fit.
- (3) Subject to subsection (4), a full denturist licensee may delegate the making or altering of a denture to a person who is not a denturist, provided the person makes or alters the denture under the indirect supervision of a full denturist licensee.
- (4) A supervising full denturist licensee does not need to be present at the same location while a person who is not a denturist is making or altering a denture under subsection (3), but the supervising full denturist licensee must review the denture before it is provided to a patient.

#### **Delegation for education purposes**

- 10.10** (1) Despite any provision to the contrary in this Part, a dental hygienist licensee, full dentist licensee, limited (restricted-to-specialty) dentist licensee, limited (academic) dentist licensee, dental technician licensee, denturist licensee or temporary licensee in the designated health professions of dental hygiene, dentistry, dental technology or denturism may delegate the performance of an aspect of practice or restricted activity within the scope of practice of the licensee's designated health profession to a person enrolled in, an education program for an applicable designated health profession, if the person performs the aspect of practice or restricted activity
- (a) for the purpose of fulfilling the education program, and
  - (b) in a facility operated by or affiliated with the applicable education program.
- (2) For certainty, sections 10.02 to 10.03 apply to a delegation made under subsection (1).
  - (3) A person to whom an aspect of practice is delegated under subsection (1) must perform the aspect of practice under the indirect supervision of a licensee who may delegate that aspect of practice.
  - (4) Subject to section 10.09(4), a person to whom a restricted activity is delegated under subsection (1) must perform the restricted activity under the direct supervision of a licensee who may delegate that restricted activity.