

# Licensed Dental Assistants Bylaws of the British Columbia College of Oral Health Professionals

Amended under section 539 of the *Health  
Professions and Occupations Act*, SBC 2022, c. 43

These bylaws came into effect on April 1, 2026 to align with the transition to the *Health Professions and Occupations Act*.

April 1, 2026

## Territorial acknowledgement

The offices of BCCOHP are located on the traditional, ancestral and unceded territory of the Coast Salish and Lekwungen Peoples, represented today by the Musqueam, Squamish, Tsleil-Waututh, Songhees and Esquimalt Nations. Acknowledging the territories and the original stewards of these lands is a fundamental responsibility of our organization and in keeping with our commitment to support the provision of safe, effective, culturally sensitive oral health care for British Columbians.

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## PART 1 – INTERPRETATION AND ADMINISTRATION

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### DIVISION 1 – INTERPRETATION

#### Definitions

1.01 In these bylaws:

“**Act**” means the *Health Professions and Occupations Act*;

“**actionable conduct**” has the meaning given to it in section 11(1) of the Act;

“**adverse application decision**” means a decision to refuse to issue, renew or reinstate a licence under section 2.04, 2.10 or 2.11;

“**anti-discrimination measures**” means measures taken, including implementing processes, for the purposes of providing health services in a manner that is consistent with one or more objectives referred to in section 15 of the Act;

“**applicant**” means a person who makes an application;

“**college**” means the “British Columbia College of Oral Health Professionals” continued as a regulatory college under section 342(2) of the Act;

“**CPE**” means a Clinical Practice Evaluation offered by the NDAEB;

“**decision maker**” means a person who conducts a reconsideration or review;

“**disciplinary record**” has the meaning given to it in section 390 of the Act;

“**discrimination**” means discrimination as defined in section 9 of the Act;

“**former bylaws**” means the bylaws of the college under the *Health Professions Act*;

“**former college**” means the College of Dental Surgeons of British Columbia;

“**former licensed dental assistant**” means a person

- (a) who previously was a licensed dental assistant or full certified dental assistant of the college,
- (b) whose licence or certification was not
  - (i) suspended when the person was last a licensed dental assistant or full certified dental assistant of the college,
  - (ii) revoked or cancelled, or
  - (iii) surrendered at a time when an investigation of the person was in process or a citation had been issued with respect to a complaint against the person, and
- (c) who, since last being a licensed dental assistant or full certified dental assistant of the college, has not had a licence, registration or certificate authorizing the provision of health services suspended, revoked or cancelled;

“**full dentist licensee**” means a licensee who holds a full dentist licence established under section 6.02(b) of the Act;

“**Health Professions and Occupations Transitional Regulation (No. 2)**” means the *Health Professions and Occupations Transition Regulation (No. 2)*, B.C. Reg. 125/2025;

“**health service**” means anything that is done to a patient for a therapeutic, preventive, palliative, assessment, diagnostic, cosmetic or other purpose related to health;

“**HPOA bylaws**” means the bylaws of the college under the Act;

“**investigation**” means an investigation of whether a licensed dental assistant has committed an act of actionable conduct;

“**investigator**”, except in section 5.05(1)(e), means a person retained or employed by the registrar under section 5.06(1);

“**licence**” means a licence in the dental assistant class issued under these bylaws;

“**licence application**” means an application to issue, vary, renew or reinstate a licence;

“**licensed dental assistant**” means a person who holds a licence issued under these bylaws;

“**licensed dental assistant education standards**” means the standards for assessing the education of applicants for a licence in the dental assistant class under sections 2.04 and 2.05;

“**licensee**” means a person who holds a licence under the Act;

“**limited (restricted-to-specialty) dentist licensee**” means a licensee who holds a limited (restricted-to-specialty) dentist licence established under section 6.02(c) of the Act;

“**NDAEB**” means the National Dental Assisting Examining Board or another examining body approved by the board;

“**NDAEB certificate**” means a certificate of qualification issued by the NDAEB;

“**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 9.06(5), (11) and (13) of the HPOA bylaws;

“**patient**” means a person to whom health services are provided;

“**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 9.06(7) of the HPOA bylaws;

“**provincial health officer**” has the same meaning as in the *Public Health Act*;

“**quality assurance assessment**” means an assessment of a licensed dental assistant conducted in accordance with section 4.10;

“**quality assurance assessor**” means a person retained or employed under section 363 of the Act to exercise the powers and perform the duties of a quality assurance assessor;

“**quality assurance information**” has the meaning given to it in section 4.14(1);

**“quality assurance officer”** means the following:

- (a) a quality assurance assessor;
- (b) another person within the class of persons who specified in section 11.02(5) of the HPOA bylaws;

**“quality assurance program”** means the program for quality assurance established and administered by the registrar under section 4.08;

**“recognized jurisdiction”** means another Canadian jurisdiction that is recognized by the college board for the purpose of applications for a licence under section 2.05(3) and is specified in Schedule “C”;

**“registrar”** means the registrar for the college appointed under section 359(1)(a) of the Act;

**“regulatory complaint”** means an allegation that a licensed dental assistant has committed an act of actionable conduct;

**“respondent”** means a licensed dental assistant who is the subject of a regulatory complaint.

### **Application of these bylaws**

- 1.02** (1) These bylaws apply to a person holding or applying for a licence as if that person was a certified non-registrant or applicant to become a certified non-registrant under section 539 of the Act.
- (2) All powers that may be exercised under these bylaws against a licensed dental assistant, may be exercised against a former licensed dental assistant.

## **DIVISION 2 – ADMINISTRATION**

### **Administration of these bylaws**

- 1.03** (1) The registrar must publish these bylaws.
- (2) The registrar may, by order, set requirements respecting the form and manner of submitting applications, regulatory complaints, information, records, notices, fees and reports to the registrar by
- (a) licensed dental assistants, and
  - (b) persons making applications or regulatory complaints.

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## **PART 2 – LICENCES**

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### **DIVISION 1 – DENTAL ASSISTANT CLASS**

#### **Dental assistant class of licence**

**2.01** The dental assistant class of licence is established.

### **DIVISION 2 – LICENSING OF DENTAL ASSISTANTS**

#### **Licence applications**

- 2.02** (1) Every applicant must submit to the registrar a licence application in the form and manner ordered by the registrar.
- (2) After receiving a licence application, the registrar may, by order, require an applicant to do one or more of the following:
- (a) comply with an order made under subsection (1);
  - (b) provide additional information or records, including
    - (i) personal information or other types of confidential information, and
    - (ii) proof in a form satisfactory to the registrar of a matter referred to in a licence application;
  - (c) comply with the order on or before a specified date.

#### **Licence fees**

- 2.03** (1) Every applicant must submit to the registrar the full amount of all applicable application and licence fees specified in Schedule “A”.
- (2) Application fees are not refundable, including with respect to licence applications that are withdrawn or refused

#### **Licensing of dental assistants**

- 2.04** (1) The registrar must
- (a) issue a licence to every person who, immediately before the coming into force of these bylaws was a full certified dental assistant of the college,
  - (b) subject to section 2.07, issue a licence to every person who, immediately before the coming into force of these bylaws was a temporary certified dental assistant of the college, and
  - (c) subject to section 2.08, issue a licence to every person who, immediately before the coming into force of these bylaws was a limited certified dental assistant of the college.
- (2) The registrar must issue a licence to every person who

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- (a) applies for a licence in accordance with these bylaws, and
  - (b) meets the conditions and requirements for a licence as specified in these bylaws.
- (3) Subject to subsection (4), an applicant must submit the following to the registrar:
- (a) information or records, or both, confirming that the applicant is of good character;
  - (b) any outstanding amount owed or owing by the applicant to the college, including without limitation any amount accrued or accruing to the former college prior to its amalgamation into the college;
  - (c) a criminal record check authorization in the form required by the *Criminal Records Review Act*, together with any required fee;
  - (d) the declaration specified in Schedule “B”;
  - (e) a certificate, letter, or other evidence in a form satisfactory to the registrar, dated within 60 days of the date of the application, from each regulatory or licensing authority in every jurisdiction where the applicant is or was, at any time, certified, registered or licensed to provide the services of a licenced or certified dental assistant or to practise any health profession, certifying that
    - (i) the applicant’s entitlement to provide the services of a licensed or certified dental assistant or practise a health profession has not been cancelled, suspended, limited, restricted or made subject to conditions in the applicable jurisdiction at any time, or specifying particulars of any such cancellation, suspension, limitation, restriction or conditions,
    - (ii) there is no investigation, review, or other proceeding underway in the applicable jurisdiction that could result in the applicant’s entitlement to provide the services of a licensed or certified dental assistant or practise a health profession being cancelled, suspended, limited, restricted or made subject to conditions, or specifying particulars of any such investigation, review or other proceeding, and
    - (iii) the applicant’s entitlement to provide the services of a licensed or certified dental assistant or practise a health profession has not been voluntarily relinquished in the applicable jurisdiction with the effect of preventing the commencement or completion of an investigation, review or other proceeding that could have resulted in the applicant’s entitlement to provide the services of a licensed or certified dental assistant or practise a health profession in the applicable jurisdiction being cancelled, suspended, limited, restricted or made subject to conditions, or specifying particulars of any such relinquishment;
  - (f) all information or records about an applicant, including without limitation notarized copies of government-issued records or other reliable, independent source records, that the registrar reasonably requires for the purpose of
    - (i) verifying the applicant’s identity,

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- (ii) preventing misidentification of applicants, licensed dental assistants or other persons, or
    - (iii) managing access to, or protecting the integrity and security of, the college's records, information systems and online services;
  - (g) a valid email address, individual to the applicant, for the purpose of receiving communications from the college to the applicant, and without limitation, all other personal contact, business contact or emergency contact information for the applicant that the registrar reasonably requires in the circumstances;
  - (h) any supplementary or supporting information or records about the applicant, and relevant to other information or another item required under these bylaws to be included in or with a licence application, that the registrar requires to be submitted in or with licence applications, from time to time.
- (4) Despite subsection (2), the registrar may refuse to issue a licence to an applicant, may issue a licence for a limited period, or may issue a licence and impose limits or conditions on the applicant's provision of the services of a licensed dental assistant, if the registrar determines, after giving the applicant an opportunity to be heard, that
- (a) the applicant's entitlement to provide the services of a licensed or certified dental assistant or practise a health profession has been cancelled or suspended at some time in British Columbia or in another jurisdiction,
  - (b) an investigation, review or other proceeding is underway in British Columbia or in another jurisdiction that could result in the applicant's entitlement to provide the services of a licensed or certified dental assistant or practise a health profession being cancelled or suspended,
  - (c) the applicant's entitlement to provide the services of a licensed or certified dental assistant or to practise a health profession has been voluntarily relinquished in British Columbia or another jurisdiction with the effect of preventing the commencement or completion of an investigation, review or other proceeding that could have resulted in the applicant's entitlement to provide those services or practise that health profession being cancelled or suspended, or
  - (d) the applicant has been convicted of an indictable offence.
- (5) If an applicant for a licence has been convicted of an indictable offence, the registrar must not make a decision under subsection (4) unless satisfied that the nature of the offence or the circumstances under which it was committed give rise to concerns about the applicant's competence or fitness to provide the services of a licensed dental assistant.
- (6) Despite subsection (2), if an applicant for a licence fails to authorize a criminal record check or a criminal record check verification under the *Criminal Records Review Act* or the deputy registrar under that Act has determined that an applicant for a licence presents a risk of physical or sexual abuse to children or a risk of physical, sexual or financial abuse to vulnerable adults and that determination has not been overturned under that Act, the registrar must take the failure or the determination into account

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when deciding whether to grant a licence to the applicant or whether to impose limits or conditions on the applicant's provision of the services of a licensed dental assistant.

### **Conditions and requirements for a licence**

- 2.05** (1) Subject to subsection (2), the conditions and requirements for a licence are
- (a) no more than 10 years before the date of the applicant's licence application under section 2.02(1), graduation from a dental assisting program or dental program that has been
    - (i) accredited by the Commission on Dental Accreditation of Canada, or
    - (ii) accredited by the Commission on Dental Accreditation of the American Dental Association, and determined by the registrar to meet the licensed dental assistant education standards with respect to education and training in any applicable skills not included in that accreditation process,
  - (b) an NDAEB certificate or an NDEB certificate, and
  - (c) receipt by the registrar of
    - (i) information or records, or both, confirming the applicant's graduation referred to in paragraph (a),
    - (ii) information or records, or both, confirming the applicant's certificate referred to in paragraph (b),
    - (iii) if the applicant's date of graduation under paragraph (a) was more than 3 years before the date of the licence application section 2.02(1), information or records, or both, confirming that the applicant has met the requirements of section 2.06, and
    - (iv) the items required under section 2.02, 2.03 and 2.04(3).
- (2) An applicant who graduated from a dental assisting program or dental program that does not satisfy the requirements of subsection (1)(a) may be issued a licence if
- (a) no more than 10 years before the date of the applicant's licence application under section 2.02(1), the applicant graduated from a dental assisting program or dental program that has been determined by the registrar to meet the licensed dental assistant education standards, and
  - (b) the applicant submits to the registrar information or records, or both, confirming
    - (i) the applicant's graduation referred to in paragraph (a),
    - (ii) that the applicant has either
      - (A) successfully completed the CPE and any further examination or course required by the registrar, or
      - (B) met the hours of practice and credit hours requirements under section 2.06(a), and
    - (iii) if the applicant's date of graduation under paragraph (a) was more than 3 years before the date of the applicant's licence application under section

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- 2.02(1), that the applicant has met all of the remaining conditions and requirements in section 2.06, and
- (c) the applicant meets the conditions and requirements in subsection (1)(b) and (c)(ii) and (iv).
- (3) Despite subsection (1)(a), (b) and (c)(i) to (iii), the registrar may issue a licence to an applicant if the applicant
- (a) holds certification, registration or licensure in a recognized jurisdiction as the equivalent of a licensed dental assistant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to licensed dental assistants in British Columbia,
  - (b) meets any applicable continuing competency and quality assurance requirements established by the applicable regulatory or licensing authority in the jurisdiction referred to in paragraph (a),
  - (c) submits to the registrar information or records, or both, confirming the applicant's satisfaction of the conditions and requirements in paragraphs (a) and (b), and
  - (d) meets the requirements in subsection (1)(c)(iv).
- (4) Despite subsection (1)(a), (b) and (c)(i) to (iii), and subject to subsection (5), the registrar may issue a licence to an applicant if
- (a) the registrar determines that the applicant's knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement, and the competencies or other qualifications required for a licence, and
  - (b) the applicant meets the requirements in subsection (1)(c)(iv).
- (5) The registrar must not issue a licence under subsection (4) if the registrar
- (a) determines that issuing a licence to the applicant would pose an undue risk to public health or safety, or
  - (b) is unable to determine, based on evidence provided by the applicant, whether issuing a licence to the applicant would pose an undue risk to public health or safety.

### **Additional conditions and requirements for a licence**

- 2.06** An applicant who is required under section 2.05(1)(c)(iii) or (2)(b) to meet the conditions and requirements of this section must, in addition to any other applicable conditions and requirements for a licence, submit to the registrar
- (a) information or records, or both, confirming that, in the 3 years immediately preceding the date of the applicant's licence application under section 2.02(1),
    - (i) the applicant has
      - (A) engaged in a minimum of 600 hours of practice as a licensed or certified dental assistant in accordance with criteria established by the registrar, and

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- (B) completed a minimum of 36 hours of continuing education courses, study clubs, or other continuing education activities, or
  - (ii) the applicant has successfully completed the CPE, an upgrading course, or any other examinations, education, or competency assessment required by the registrar to meet the licensed dental assistant education standards, and
- (b) the assessment fee specified in Schedule “A”.

### **Former temporary certified dental assistants**

- 2.07** (1) A licensed dental assistant who is issued a licence under section 2.04(1)(b) must, on or before the earliest of the following dates, submit to the registrar information or records, or both, confirming the licensed dental assistant holds an NDAEB certificate or an NDEB certificate:
- (a) the March 31 immediately following the date these bylaws come into force;
  - (b) the expiry date for the period of certification or period of extended certification that was last granted to the licensed dental assistant under the former bylaws.
- (2) Until a licensed dental assistant who is issued a licence under section 2.04(1)(b) submits to the registrar the information or records as required under subsection (1),
- (a) the registrar must not issue a certificate to the licensed dental assistant under section 9.08(2) or (3) of the HPOA bylaws confirming the licensed dental assistant’s successful completion of an orthodontic module or prosthodontic module,
  - (b) a full dentist licensee or limited (restricted-to-specialty) dentist licensee must not delegate to the licensed dental assistant the performance of an aspect of practice or a restricted activity that requires successful completion of an orthodontic module or prosthodontic module, and
  - (c) the licensed dental assistant must not accept a delegation of the performance of an aspect of practice or a restricted activity that requires successful completion of an orthodontic module or prosthodontic module.
- (3) If a licensed dental assistant who is issued licence under section 2.04(1)(b) fails to submit to the registrar the information or records as required under subsection (1), the licensed dental assistant’s license expires and must not be renewed.

### **Former limited certified dental assistants**

- 2.08** (1) A licensed dental assistant who is issued a licence under section 2.04(1)(c) must, on or before the earliest of the following dates, submit to the registrar information or records, or both, confirming that the licensed dental assistant meets the conditions and requirements the licensed dental assistant did not meet when the licensed dental assistant was granted certification as a limited certified dental assistant under the former bylaws:
- (a) the March 31 immediately following the date these bylaws come into force;

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- (b) the expiry date for the period of certification or period of extended certification that was last granted to the licensed dental assistant under the former bylaws.
- (2) Until a licensed dental assistant who is issued a licence under section 2.04(1)(c) submits to the registrar the information or records as required under subsection (1),
- (a) a full dentist licensee or limited (restricted-to-specialty) dentist licensee must not delegate to the licensed dental assistant the performance of an aspect of practice or a restricted activity specified in section 9.06(3)(i) and (j) and (4) of the HPOA bylaws, and
  - (b) the licensed dental assistant must not accept a delegation of the performance of an aspect of practice or a restricted activity identified in paragraph (a).
- (3) If a licensed dental assistant who is issued a licence under section 2.04(1)(c) fails to submit to the registrar the information or records as required under subsection (1), the licensed dental assistant's license expires and must not be renewed.

### **Licence expiry date**

**2.09** Subject to section 539(4) of the Act, section 4(2) of the *Health Professions and Occupations Transition Regulation (No. 2)* and sections 2.07(3) and 2.09(3) of these bylaws, a licence expires on the March 31 immediately following the date it was issued or last renewed.

### **Renewal of licence**

- 2.10** (1) The registrar must renew the licence of a licensed dental assistant if, on or before the expiry date specified in section 2.09, the licensed dental assistant submits to the registrar
- (a) any outstanding fine, fee, debt or levy owed to the college,
  - (b) information or records, or both, confirming that the licensed dental assistant has met any applicable requirements of the quality assurance program under Division 2 of Part 4, and
  - (c) the declaration specified in Schedule "B", and
  - (d) the items required under sections 2.02 and 2.03.
- (2) Notice of annual renewal fees must be delivered to each licensed dental assistant by no later than January 31 of each year, and must describe the consequences of a failure to meet the conditions and requirements under subsection (1).

### **Reinstatement**

- 2.11** (1) Subject to subsections (2) and (3) and section 2.04(4) to (6), the registrar must reinstate the licence of a former licensed dental assistant if the former licensed dental assistant submits to the registrar, either within 60 days of the date on which the former licensed dental assistant's previous licence expired or within the time specified by the registrar under subsection (3),
- (a) any outstanding fine, fee, debt or levy owed to the college,

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- (b) a criminal record check authorization in the form required by the *Criminal Records Review Act*, together with any required fee;
  - (c) information or records, or both, confirming the former licensed dental assistant has met any requirements of the quality assurance program under Division 2 of Part 4 that would have applied to the former licensed dental assistant if the former licensed dental assistant had continued to hold a licence or be a full certified dental assistant of the college, as applicable,
  - (d) the declaration specified in Schedule “B”,
  - (e) the items required under sections 2.02 and 2.03, and
  - (f) if applicable, the records or information as required under section 2.07(1) or section 2.08(1).
- (2) Subject to subsection (3), the registrar may extend the time for a former licensed dental assistant to apply for reinstatement under subsection (1) to longer than 60 days if, in addition to the items required under subsection (1), the former licensed dental assistant submits to the registrar
- (a) the certificate, letter, or other evidence referred to in section 2.04(3)(e), and
  - (b) any additional information or records that the registrar may require to be satisfied that the former licensed dental assistant has maintained knowledge, skills and abilities that are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications that initial applicants require to be issued a licence.
- (3) If, on the date of a licence application submitted to the registrar under subsection (1), the former licenced dental assistant has been a former licensed dental assistant for more than 3 years, the registrar may only reinstate the former licensed dental assistant’s licence if the former licensed dental assistant
- (a) meets the conditions and requirements under subsection (1)(a),(b), (d) and (e) and (2), and
  - (b) undertakes to complete, as required by the registrar, one or more of the following:
    - (i) continuing competency and quality assurance requirements as necessary to satisfy subsection (1)(c);
    - (ii) coursework on providing the services of a licensed dental assistant;
    - (iii) a mentoring program that
      - (A) is designed to address any continuing competency and quality assurance concerns identified by the registrar, and
      - (B) includes any limits on providing the services of a licensed dental assistant that the registrar deems necessary while the program is ongoing.

**Before making decision**

- 2.12** Before making a decision with respect to an application under section 2.04, 2.10 or 2.11, the registrar may
- (a) give written notice to the applicant of
    - (i) the decision being considered and the reasons for the decision being considered, and
    - (ii) the processes that apply for the purposes of paragraph (b) and any other information set out in the rules,
  - (b) give to the applicant the choice of either
    - (i) requesting a hearing, or
    - (ii) accepting, if the director is of the opinion that it would be appropriate in the circumstances, registration or an authorization, or both, that is subject to different limits or conditions or that is of a class that is different from the limits, conditions or class requested under the application, and
- (a) if the applicant requests a hearing in accordance with the notice given under paragraph (a)(ii), hold the hearing.

**Adverse application decision**

- 2.13** (1) Subject to subsection (2), the registrar must not make an adverse application decision unless the registrar first gives notice and an opportunity to be heard as described in section 2.12.
- (2) The registrar may make an adverse application decision with or without notice or a hearing if either of the following circumstances apply:
- (a) a circumstance referred to in section 2.14;
  - (b) the applicant has been determined to be a risk under the *Criminal Records Review Act*.
- (3) Nothing in subsection (2) limits the grounds on which the registrar may make an adverse application decision if the registrar gives notice and an opportunity to be heard under subsection (1).
- (4) If the registrar makes an adverse application decision, the registrar must give to the applicant written notice of the decision and the reasons for the decision.
- (5) Except as required under subsection (1), the registrar is not required to give to an applicant notice or an opportunity to be heard before the registrar exercises a power or performs a duty under these bylaws.

**Administrative refusal**

- 2.14** The registrar may make an adverse application decision if any of the following circumstances apply:

- (a) the applicant fails to submit with the application any information, records, fees or proof of a thing required under these bylaws;
- (b) the applicant fails to comply with an order made under section 2.02(2);
- (c) the applicant is prohibited under a disciplinary order from making the application or has failed to meet the conditions of a disciplinary order.

#### **Notice of changes in information – applicant for licence**

**2.15** An applicant for a licence must give written notice to the registrar within 14 days of any change in the information that the applicant has submitted to the registrar in the course of the applicant's application for a licence including, without limitation, changes in the applicant's name, mailing address, contact information, telephone number or email address.

### **DIVISION 3 – REVOCATION OF LICENCE**

#### **Revocation of a license**

**2.16** The registrar must revoke the licence of a licensed dental assistant on receipt of

- (a) confirmation of the licensed dental assistant's death, or
- (b) a request in writing from the licensed dental assistant to revoke the licence.

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## PART 3 – REGISTRY

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### Keeping a registry

- 3.01** (1) The registrar must establish a registry of licensed dental assistants.
- (2) The registrar must include in the registry, under a licensed dental assistant's name, all of the following:
- (a) the licensed dental assistant's business contact information;
  - (b) if applicable, any limits or conditions that apply to the licensed dental assistant's licence;
  - (c) a notation of any expanded training program successfully completed by the licensed dental assistant for which the registrar has issued a certificate under section 10.07 of the HPOA bylaws.

### Update of registry

- 3.02** (1) In addition to the information that must be included in the registry under section 3.01, the registrar must update the registry to include all of the following:
- (a) if a summary protection order is made against a licensed dental assistant, a summary of the order and of the regulatory complaint on which the order is based and the reasons for the order;
  - (b) if a disciplinary order is made against a licensed dental assistant, a summary of
    - (i) the regulatory complaint on which the order is based, and
    - (ii) the order made and the reasons for the order;
  - (c) any additional information, including protected information that, in the opinion of the registrar, should be disclosed for the purposes of protecting the public from harm.

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## PART 4 – PRACTICE

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### DIVISION 1 – DUTIES OF LICENSED DENTAL ASSISTANTS

#### General duty to comply

- 4.01** (1) When providing health services or when otherwise engaged in practice, a licensed dental assistant must comply with all of the following that apply:
- (a) these bylaws;
  - (b) all referenced provisions of the Act and the HPOA bylaws;
  - (c) the ethics standards and practice standards applicable to practice as a licensed dental assistant set out in Schedule “B” of the HPOA bylaws;
  - (c) any limits or conditions on the licensed dental assistant's licence.
- (2) A licensed dental assistant who provides health services in collaboration with another person remains personally responsible for compliance as described under subsection (1).

#### Duty respecting actionable conduct

- 4.02** A licensed dental assistant must not commit an act of actionable conduct.

#### Duties respecting practice

- 4.03** When providing health services or when otherwise engaged in practice, a licensed dental assistant must act in accordance with the following principles:
- (a) to protect the public from harm and discrimination;
  - (b) to take anti-discrimination measures;
  - (c) to act in a manner that is respectful of the privacy of patients.

#### Duty to cooperate

- 4.04** A licensed dental assistant must cooperate with a person who is exercising powers or performing duties under these bylaws, including by doing all of the following:
- (a) responding promptly to communications and to requests for information or records;
  - (b) appearing and answering questions on request;
  - (c) complying with an order of the registrar or an investigator.

#### Duty to give notice

- 4.05** (1) A licensed dental assistant must give written notice to the registrar within 14 days of any change to the licensed dental assistant's business contact information;

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- (2) For the purposes of subsection (1) a licensed dental assistant's business contact information includes the following:
- (a) the name the licensed dental assistant uses for practice;
  - (b) the mailing address for each facility where the licensed dental assistant practises;
  - (c) each telephone number the licensed dental assistant uses for practice;
  - (d) each email address the licensed dental assistant uses for practice.

### **Continuing duties**

**4.06** A licensed dental assistant must do the following on request of the registrar:

- (a) provide a criminal record check authorization;
- (b) provide proof satisfactory to the director of the licensed dental assistant's continued eligibility to practise as a licensed dental assistant.

### **Duty to provide information**

- 4.07** (1) The registrar may, by order, require a licensed dental assistant to give to the registrar information, including personal information, for the purposes of section 493 of the Act.
- (2) A licensed dental assistant must give to the registrar the information required under subsection (1) in the form and manner, and on or before the date, required by the registrar.

## **DIVISION 2 – QUALITY ASSURANCE PROGRAM**

### **Purposes of quality assurance program**

- 4.08** (1) The registrar must establish and administer a quality assurance program for the following purposes:
- (a) to assist individual licensed dental assistants to improve their own practice performance;
  - (b) to identify issues of practice performance found across multiple licensed dental assistants and recommend measures that may be taken to remedy those issues.
- (2) The registrar must not conduct the quality assurance program established under subsection (1)
- (a) for the purposes of an investigation or disciplinary proceeding, or
  - (b) solely as a type of continuing professional development or a similar type of program.

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**Application of HPOA bylaws to quality assurance program**

**4.09** Sections 11.01, 11.02 and 11.04 to 11.07 of the HPOA bylaws apply to the quality assurance program established under section 4.08 as if licensed dental assistants were licensees under the Act, except that

- (a) a reference to “professional performance” must be read as a reference to “practice performance”,
- (b) a reference to the “licence committee” must be read as a reference to the “registrar”, and
- (c) a reference to “professional activities” must be read as a reference to “practice activities”;

**Conduct of quality assurance assessment**

**4.10** (1) A quality assurance assessment of a licensed dental assistant may be conducted by a quality assurance assessor

- (a) on request of the licensed dental assistant,
- (b) by random selection of the licensed dental assistant,
- (c) based on an assessment of the risk presented by licensed dental assistants, by types of health services provided by licensed dental assistants or by a class of licensed dental assistants established on any other basis, or
- (d) in any circumstance provided for under the HPOA bylaws.

(2) For the purposes of conducting a quality assurance assessment of a licensed dental assistant, a quality assurance assessor may do one or more of the following:

- (a) require the licensed dental assistant to complete a self-assessment;
- (b) observe the licensed dental assistant practising, and give directions for this purpose;
- (c) inspect relevant records of the licensed dental assistant, including records containing the personal information or other types of confidential information of patients;
- (d) take other actions as authorized under the HPOA bylaws.

**Qualifications of quality assurance assessors**

**4.11** A quality assurance assessor must

- (a) be licensed to practice a designated health profession or as a licensed dental assistant without limits or conditions, and
- (b) have training, experience or expertise in one or more of the following:
  - (i) professional performance of a designated health profession;
  - (ii) practice as a licensed dental assistant;
  - (iii) anti-discrimination measures in providing health services.

**If individual performance matter identified**

- 4.12** (1) If, based on a quality assurance assessment, a quality assurance assessor is of the opinion that a licensed dental assistant's practice performance could be improved, the assessor may give notice to the licensed dental assistant, in writing, and do one or more of the following in the notice:
- (a) give advice to the licensed dental assistant;
  - (b) recommend that the licensed dental assistant
    - (i) undergo clinical or other evaluations,
    - (ii) undertake further education, training or other remedial activities, or
    - (iii) take one or more anti-discrimination measures;
  - (c) recommend actions to prevent potential harm or discrimination while the deficiency is being remedied.
- (2) A licensed dental assistant's failure to comply with advice or a recommendation given under this section is not actionable conduct or sufficient cause to begin an investigation or disciplinary proceeding.

**If general issue of practice performance identified**

- 4.13** (1) If, based on one or more quality assurance assessments, a quality assurance assessor is of the opinion that there are issues of practice performance across multiple licensed dental assistants, the assessor may make a report that includes recommendations respecting one or more of the following:
- (a) further education, training or other remedial activities that licensed dental assistants should undertake;
  - (b) types of anti-discrimination measures that licensed dental assistants should take;
  - (c) actions to prevent potential harm or discrimination while the issues are being remedied.
- (2) A report under subsection (1) must be made as required under section 11.07 (2) of the HPOA bylaws.

**Protecting confidentiality**

- 4.14** (1) All of the following is quality assurance information for the purposes of these bylaws:
- (a) the personal information of a patient or a person who sought health services from a licensed dental assistant;
  - (b) information or records prepared or obtained by any person or body for the purposes of a quality assurance assessment;

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- (c) information or records that identify or may identify, directly or indirectly, a person or body who gave information or records to a quality assurance assessor for the purposes of a quality assurance assessment.
  - (2) A quality assurance officer must not disclose quality assurance information except as follows:
    - (a) to other quality assurance officers for the purposes of a quality assurance program;
    - (b) as provided for under this Division.
  - (3) Subsection (2) applies despite
    - (a) section 490 (2) and (3) of the Act, and
    - (b) the *Freedom of Information and Protection of Privacy Act*, other than section 44 (2) or (3) of that Act.

### **Failure to cooperate**

- 4.15** (1) A quality assurance officer may give written notice to the registrar that a licensed dental assistant has contravened section 4.04 if the officer is of the opinion that the licensed dental assistant is interfering with the conduct of a quality assurance assessment, which may include the opinion that the licensed dental assistant
- (a) is not participating adequately, or
  - (b) has lied or given false information to, or is refusing to comply with a direction given by, a quality assurance assessor for the purposes of the assessment.
- (2) A quality assurance officer may disclose quality assurance information to the registrar as necessary for the purposes of taking an action under Part 5 with respect to the matters referred to in the notice given under subsection (1).
- (3) Quality assurance information that a licensed dental assistant provides under a quality assurance program, including a self-assessment prepared by a licensed dental assistant, must not be received as evidence in a proceeding under this Act or in a civil proceeding, or used against the licensed dental assistant, except for the purpose referred to in subsection (2).

### **Protecting the public**

- 4.16** (1) A quality assurance officer may give written notice to the registrar if the officer has reasonable grounds to believe that
- (a) the licensed dental assistant is not fit to practise, or
  - (b) the licensed dental assistant has committed an act of actionable conduct and giving the notice is necessary to protect the public from harm.
- (2) On receipt of a notice under subsection (1), the registrar may, based on the notice, make a regulatory complaint under section 5.01.

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- (3) A quality assurance officer may disclose quality assurance information in a notice given under this section as necessary for the purposes of an investigation, disciplinary action or disciplinary proceeding conducted as a result of the notice.

### **Notice of health hazard**

- 4.17** (1) A quality assurance officer may give written notice to the provincial health officer or a medical health officer if the quality assurance officer has reasonable grounds to believe that
- (a) a health hazard within the meaning of the *Public Health Act* exists or may exist, and
  - (b) there is a risk of significant harm to the public or a group of people.
- (2) A quality assurance officer who gives a notice under subsection (1)
- (a) must provide the information referred to in section 11 of the *Public Health Act* as if the notice were a report made under that section, and
  - (b) may disclose quality assurance information, if necessary to comply with a request made under section 11(e) of that Act.

## **DIVISION 3 – TITLES**

### **Licensed dental assistant titles**

- 4.18** (1) A person may only use a title or abbreviation referred to in this section
- (a) if the person holds a licence that is not suspended, and
  - (b) in the manner authorized under this section.
- (2) A licensed dental assistant may use one or both of the following:
- (a) the title “licensed dental assistant”;
  - (b) the abbreviation “LDA”.

## **DIVISION 4 – HEALTH MONITORING**

### **Eligibility for health monitoring**

- 4.19** (1) Subject to subsection (2), licensed dental assistants are eligible for health monitoring under Part 15 of the HPOA bylaws as if they were licensees.
- (2) For the purposes of subsection (1),
- (a) a reference in Part 15 of the HPOA bylaws to “a designated health profession” must be read as “the practice of a licensed dental assistant”, and
  - (b) a health monitoring program officer submitting information to the registrar under section 15.07 of the HPOA bylaws must do so under section 5.01(a) of these bylaws.

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## PART 5 – COMPLAINTS AND INVESTIGATIONS

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### DIVISION 1 – COMPLAINTS

#### Regulatory complaints by registrar

- 5.01** The registrar may make a regulatory complaint based on information from any source, including, without limitation, any of the following:
- (a) information obtained from or prepared by a person exercising a power or performing a duty under these bylaws;
  - (b) information from another regulatory college, including an extrajurisdictional regulatory college;
  - (c) information that gives the registrar reasonable grounds to believe that the licensed dental assistant has been determined to be a risk under the *Criminal Records Review Act*;
  - (d) information from the media or another public source.

#### Regulatory complaints by others

- 5.02** (1) A person may do one or both of the following:
- (a) make a regulatory complaint by submitting to the registrar the complaint and all information and records required under these bylaws;
  - (b) apply for an identity protection order in accordance with section 235(1)(a) of the Act.
- (2) If a person makes a regulatory complaint but does not provide contact information or information that is sufficient to identify the person, the registrar may do one or both of the following:
- (a) make an order to dismiss the complaint;
  - (b) make, based on the complaint, a new regulatory complaint under section 5.01.

#### Gathering information and records

- 5.03** (1) On making or receiving a regulatory complaint, the registrar must retrieve the respondent's disciplinary record, if any, and assess the complaint in accordance with these bylaws.
- (2) To obtain information or records that may be relevant to the investigation of a regulatory complaint, the registrar may order the complainant or the respondent, or both, to provide additional information and records, including personal information or other types of confidential information, by the date stated in the order.

**Summary actions**

- 5.04** (1) After receiving a regulatory complaint, the registrar may make a summary dismissal order in accordance with section 258 of the Act or a summary protection order in accordance with 259 of the Act.
- (2) The following sections of the Act apply when the registrar makes a summary protection order under subsection (1):
- (a) sections 259(2) as if the registrar was a health occupation director;
  - (b) section 260;
  - (c) sections 261 and 262 as if the registrar was a health occupation director.
- (3) The registrar may transfer a regulatory complaint to another regulatory college if
- (a) the complaint is with respect to the practice of a designated profession or occupation governed by the other college, and
  - (b) the complainant consents to the transfer.
- (4) If a regulatory complaint is not dismissed or transferred, the registrar must investigate the complaint.

**DIVISION 2 – INVESTIGATIONS****General powers**

- 5.05** (1) At any time during an investigation, the registrar may do one or more of the following:
- (a) make, vary or terminate a summary protection order;
  - (b) make a suspension order or a termination order in accordance with section 263 of the Act;
  - (c) make an order to dispose of the regulatory complaint by making
    - (i) a summary dismissal order, or
    - (ii) one or more disciplinary orders under section 269 (a), (b), (c) or (d) (i), (ii) or (iii) of the Act, if the respondent consents to the making of the order;
  - (d) merge all or part of an investigation with another investigation or divide an investigation into parts;
  - (e) collaborate with investigators employed or retained by other regulatory colleges who are investigating the same, similar or related matters;
  - (f) make a new regulatory complaint with respect to a matter found in the course of an investigation, whether or not the matter is related to the complaint that is the subject of the investigation.
- (2) Before making a summary dismissal order under subsection (1)(c)(i) because the complainant has failed to provide information or records as required under an order

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made under section 5.09(1), the registrar must seek to obtain the information or records necessary to fairly investigate the regulatory complaint from other sources.

- (3) The registrar must obtain the respondent's consent in writing before making an order under subsection (1)(c)(ii).
- (4) If an investigation has been divided into more than one investigation and part of the complaint is disposed of under these bylaws, the part that was not disposed of may continue to be investigated.

### **Investigators**

- 5.06**
- (1) The registrar may, on behalf of the college, retain or employ persons to exercise the powers and perform the duties of investigators for the purposes of these bylaws.
  - (2) A person retained or employed as an investigator under subsection (1) may be an inspector retained or employed by the registrar under section 363 of the Act.
  - (3) The registrar
    - (a) may appoint an investigator to conduct all or part of the investigation, and
    - (b) may, at any time during the investigation,
      - (i) give directions for the purposes of the investigation, including limiting or putting conditions on the exercise of a power or performance of a duty by the investigator, and
      - (ii) require the investigator to make reports to the registrar, including imposing a reporting schedule.

### **Duty to proceed in timely manner**

- 5.07** The registrar and an investigator must conduct an investigation in a timely manner.

### **Limits on investigation powers**

- 5.08**
- (1) The registrar and an investigator must not exercise a power under this Division except for the purposes of an investigation.
  - (2) An investigator must not exercise a power under this Division except in accordance with the directions, if any, of the registrar.

### **Investigation powers**

- 5.09**
- (1) The registrar and an investigator may make an information and production order in accordance with section 257 of the Act.
  - (2) The failure of a person to comply with an information and production order made under subsection (1) does not prevent the registrar or investigator from continuing the investigation.
  - (3) If a respondent fails to comply with an information and production order made under subsection (1), the registrar or investigator may give written notice to the respondent

that, if the order is not complied with by the date stated in the notice, the registrar may

- (a) draw an adverse inference from the failure to comply,
- (b) make a finding that the respondent has committed an act of actionable conduct, and
- (c) make any order that the registrar may make under section 232 of the Act with respect to the finding under paragraph (b) of this subsection.

### **DIVISION 3 – DECISION AFTER INVESTIGATION**

#### **What registrar must decide**

- 5.10** (1) Unless a regulatory complaint has been dismissed, the registrar must, on completion of the investigation and on receiving the investigator's final report, if any, do both of the following:
- (a) review all information and records obtained during the course of the investigation, including the respondent's disciplinary record;
  - (b) decide if the registrar has reasonable grounds to believe that the respondent has committed an act of actionable conduct.
- (2) For the purposes of subsection (1)(b), the registrar must
- (a) consider the context in which the respondent's conduct occurred, and
  - (b) consider, with respect to allegations of discrimination,
    - (i) the perspective of the respondent and of the persons, if any, who experienced the respondent's alleged conduct, and
    - (ii) the influence of those perspectives on the respondent's actions and how those actions were perceived by the persons, if any, who experienced the respondent's alleged conduct.

#### **Decision**

- 5.11** (1) If the registrar decides that a respondent has committed an act of actionable conduct, the registrar must dispose of the regulatory complaint by
- (a) making an order to dismiss the complaint, if a disciplinary order is not appropriate in the circumstances, or
  - (b) making one or more disciplinary orders described in section 269(a), (b), (c) or (d)(i), (ii) or (iii) or section 270 of the Act.
- (2) Sections 265 and 266 of the Act apply to the registrar as a decision maker for the purposes of making a disciplinary order under subsection (1)(b).
- (3) The registrar may make an order described in section 273 of the Act if the registrar disposes of a regulatory complaint under subsection (1) by an order other than an order to dismiss the complaint.

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- (4) If subsection (1) does not apply, the registrar must do both of the following:
- (a) rescind any summary protection orders that apply;
  - (b) dispose of the regulatory complaint by making an order to dismiss the complaint.

### **Investigation expenses**

**5.12** Subject to section 273 of the Act, an order for investigation expenses under section 5.11(3) must be determined in accordance with Schedule “J” of the HPOA bylaws.

### **Reconsideration**

**5.13** A respondent who is subject to an order made under section 5.11 may apply in accordance with section 5.14 for a reconsideration by the registrar.

## **DIVISION 4 – RECONSIDERATION**

### **Application for reconsideration**

- 5.14** (1) An application for a reconsideration must be made by submitting to the registrar an application for reconsideration in the form and manner ordered by the registrar.
- (2) Subject to section 5.04(2)(c) and, by reference, section 261(2) of the Act, an application for a reconsideration may be made once only, and only within 30 days after the date that notice of the order that is the subject of the application is received.
- (3) An application for a reconsideration of an order may be made on one or more of the following grounds only:
- (a) the order was made contrary to this Act or the regulations, bylaws or rules;
  - (b) the order was not made in accordance with the principles of procedural fairness;
  - (c) new information is available that is material and relevant and that
    - (i) was not available or could not reasonably have been discovered through the exercise of due diligence before the order was made, or
    - (ii) relates to a change in circumstances since the order was made and, because of the change, the order is no longer appropriate.

### **Processing reconsideration applications**

- 5.15** (1) On receipt of an application for reconsideration under section 5.14(1), the registrar must
- (a) as soon as reasonably practical, confirm receipt of the application with the person submitting it, and
  - (b) give written notice of the hearing to that person.
- (2) The notice given under subsection (1)(b) must

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- (a) describe the matter that is to be the subject of the hearing,
  - (b) specify timelines for providing written submissions, or if the reconsideration or review will proceed by a different form of hearing, such information as is necessary respecting the date, time, and if applicable, location for that hearing, and
  - (c) inform the person who submitted the application of the registrar's authority to act under section 5.17(5).

### **Conduct of reconsideration**

- 5.16**
- (1) The registrar must conduct a reconsideration in accordance with these bylaws.
  - (2) The registrar may reconsider multiple orders during a single reconsideration, if the orders all relate to the same matter.
  - (3) If the registrar is of the opinion that an application for a reconsideration is trivial, frivolous, vexatious, an abuse of process or made in bad faith, the registrar may, at any time, make an order to dismiss the application.
  - (4) Unless the registrar orders otherwise, a reconsideration does not operate as a stay of the order that is under reconsideration.
  - (5) If the registrar permits a stay under subsection (4), the registrar may impose, by order, limits or conditions on the applicant's practice authority until the reconsideration is concluded.
  - (6) For the purposes of a reconsideration, the registrar must do all of the following that apply:
    - (a) hold a hearing;
    - (b) consider all information and records that were
      - (i) prepared or obtained under these bylaws, by any person, with respect to the order that is under reconsideration, or
      - (ii) provided with the application for the reconsideration;
    - (c) consider the applicant's disciplinary record.
  - (7) A hearing under subsection (6)(a) must be conducted by written submissions only, unless the registrar determines there are exceptional circumstances requiring a different form of hearing
  - (8) The standard of review to be applied to an order under reconsideration is correctness.

### **Reconsideration hearings**

- 5.17**
- (1) Except as otherwise required by these bylaws, the registrar
    - (a) has the power to control the process for a hearing under section 5.16(6)(a), and
    - (b) without limiting paragraph (a), may do one or both of the following:
      - (i) adjourn the hearing;

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- (ii) make orders to facilitate the timely, just and orderly conduct of the hearing.
- (2) The registrar may act under subsection (1) on the registrar's own initiative or on the request of a party to a hearing.
  - (3) If a hearing under section 5.16(6)(a) proceeds in person or by electronic means,
    - (a) the person submitting the application for reconsideration and the college may appear as parties and with legal counsel, and
    - (b) the registrar may allow for the person submitting the application for reconsideration and the college to call evidence and for witnesses to provide testimony.
  - (4) If the registrar allows for witnesses to provide testimony under subsection (3)(b),
    - (a) that testimony must be taken on oath, or using a form of affirmation that confirms a witness's commitment to speak the truth and is culturally appropriate, and
    - (b) the person who submitted the application for reconsideration and the college have the right to cross-examine the witnesses.
  - (5) If the person who submitted the application for reconsideration does not attend a hearing under section 5.16(6)(a) conducted in person or by electronic means, or fails to provide written submissions by a specified deadline, the registrar may, subject to section 5.16.
    - (a) proceed with the hearing in absence of the person who submitted the application for reconsideration or review on proof the registrar gave the person notice in accordance with section 5.14(2), and
    - (b) without further notice to the person, take any action that it is authorized to take under section 5.18.

### **After reconsideration**

- 5.18** (1) Unless an application for reconsideration is dismissed, the registrar must do one of the following after the reconsideration is complete:
- (a) confirm, vary, rescind or terminate the order that is under reconsideration;
  - (b) rescind the order that is under reconsideration and substitute a new order.
- (2) The registrar must give to the applicant written notice of the registrar's decision and the reasons for the decision.
  - (3) The registrar must refund to the applicant the fee paid with the application if the decision maker
    - (a) rescinds or terminates an order on the basis that it was not appropriate to make the order, or
    - (b) is of the opinion that a refund is appropriate in the circumstances.

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## DIVISION 5 – DISCLOSURE OF INVESTIGATION INFORMATION

### Identity protection

**5.19** Division 1 of Part 5 of the Act applies to an investigation as if

- (a) the investigation was a matter with respect to a regulated health service provider, and
- (b) the registrar was the health occupation director of the regulatory program that applies to the designated health occupation practised by the regulated health service provider.

### Protected information

**5.20** (1) In this Division and subject to subsection (2), "**protected information**" means the following:

- (a) the personal information of a patient or a person who sought health services from a licensed dental assistant;
- (b) information or records that must be protected further to an identity protection order under section 5.19, and by reference, Division 1 of Part 5 of the Act;
- (c) the personal health information of a licensed dental assistant, including information or records from which personal health information may be inferred;
- (d) information or records prepared or obtained by any person in the course of or for the purposes of an investigation;
- (e) information or records that identify or may identify, directly or indirectly, a person who gave information or records to an investigator or for the purposes of an investigation;
- (f) quality assurance information.

### Disclosure of protected information

**5.21** (1) A person who exercises a power or performs a duty under these bylaws must not disclose protected information except as follows:

- (a) the person may disclose to another person the other person's own personal information;
  - (b) the person may disclose protected information as necessary to exercise a power or perform a duty under these bylaws;
  - (c) the person may disclose protected information if authorized under this Division.
- (2) Nothing in this Division is intended to limit the power to disclose protected information under subsection (1)(a) or (b).

### Disclosure may be refused

**5.22** (1) This section applies despite

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- (a) a requirement under this Division to disclose information or records to a person, and
  - (b) the *Freedom of Information and Protection of Privacy Act*, other than section 44(2) or (3) of that Act.
- (2) The registrar may refuse to disclose information with respect to a summary protection order if the registrar has reasonable grounds to believe that disclosure of the information
    - (a) may present a risk of harm to any person, or
    - (b) may cause a significant loss of evidence, if disclosure occurs before an investigation is complete.
  - (3) The registrar may refuse to disclose information with respect to a regulatory complaint or investigation if the registrar has reasonable grounds to believe that the information must be kept confidential to protect the interests of the complainant or another person affected by the investigation.

### **Investigation information to complainants**

- 5.23** (1) This section applies with respect to complainants for whom the registrar has contact information.
- (2) The registrar must give to a complainant all of the following with respect to the complainant's regulatory complaint:
    - (a) written notice that the complaint was received;
    - (b) if a summary protection order is made, varied or terminated, written notice of the order, variation or termination and the reasons for the order, variation or termination;
    - (c) if the complaint was disposed of by the registrar, a summary of the disposition of the complaint and the reasons for the disposition.
  - (3) The registrar may disclose protected information respecting an investigation for the purposes of complying with a duty under this section.

### **Investigation information to respondents**

- 5.24** (1) This section applies with respect to respondents for whom the registrar has contact information.
- (2) The registrar must give to a respondent all of the following with respect to a regulatory complaint made against the respondent:
    - (a) written notice of the complaint;
    - (b) a copy of the records given to a complainant;
    - (c) if an order is made, varied or terminated by the registrar,
      - (i) written notice of the order as made, varied or terminated, and the reasons for the order, variation or termination, and

- (ii) the reconsideration process, if applicable.
- (d) copies of the decision made by the registrar under section 5.11 and the reasons for the decision.
- (3) The registrar may disclose protected information respecting a regulatory complaint or investigation for the purposes of complying with a duty under this section.

### **If identity protection order made**

- 5.25** (1) A person who exercises a power or performs a duty under these bylaws may disclose information protected under an identity protection order as follows:
- (a) as authorized under the order;
  - (b) to a person authorized, in writing, by the person whose identity is protected under the order.
- (2) For certainty, a complainant, respondent or other person who may have an interest in a disciplinary proceeding is not entitled to information protected under an identity protection order.

### **Personal health information**

- 5.26** A person who discloses protected information under this Division must not disclose a respondent's personal health information unless the person is satisfied that disclosing the personal health information is necessary to protect the public from harm.

### **Notice to employers**

- 5.27** (1) This section applies if
- (a) a summary protection order is made against a respondent, or
  - (b) a disciplinary order is made against a respondent and the order limits, suspends or revokes the respondent's licence.
- (2) As soon as reasonably practicable after an order referred to in subsection (1) is made, the registrar must give written notice of the order as follows:
- (a) to a person who employs the respondent to provide health services, other than on contract or as a volunteer;
  - (b) if the registrar is of the opinion that it would be appropriate to do so, to one or both of the following:
    - (i) a person who employs the respondent to provide health services on contract or as a volunteer;
    - (ii) a person who employs or formerly employed the respondent for any purpose.
- (3) The registrar must, as soon as reasonably practicable, give to a person who received a notice under subsection (2) notice of any subsequent variation, rescindment or termination of the order described in the first notice.

**Content of notice to employers**

- 5.28** (1) The registrar must include with a notice given under section 5.27 any protected information that is authorized to be disclosed under subsection (2).
- (2) The registrar may disclose protected information to the recipient of a notice if the registrar is satisfied that disclosing the information is necessary for the recipient to
- (a) take steps to prevent or reduce the risk of harm,
  - (b) effectively monitor the respondent's practice for indications of harm, or
  - (c) identify and respond appropriately to any harm that may have occurred already.

**Public notice of certain matters**

- 5.29** (1) The registrar may disclose that a regulatory complaint has been received.
- (2) The registrar may, in response to a request made by any person, disclose that a regulatory complaint has been dismissed.
- (3) The registrar
- (a) may disclose protected information under this section if, in the opinion of the registrar, disclosing the information is necessary to protect the public from harm, and
  - (b) must not disclose the respondent's name unless the respondent's name has already been made public or paragraph (a) applies.

**Publication of certain matters**

- 5.30** (1) The registrar must publish a copy of each summary protection order and disciplinary order and the reasons for the orders.
- (2) Publication under subsection (1) must occur as soon as reasonably practicable after the order is made.
- (3) The registrar may include protected information with an order or request published under this section if, in the opinion of the registrar, the information is necessary to protect the public from harm.

**DIVISION 6 – SUPPORT PROGRAMS****Applicability of support programs**

- 5.31** (1) Subject to subsection (2), Division 5 of Part 5 of the Act and Part 13 of the HPOA bylaws apply in respect of regulatory complaints against licensed dental assistants as if they were regulatory complaints against licensees.
- (2) Despite section 13.20(4)(b) of the HPOA bylaws, if a support worker is assigned to a recipient in respect of a regulatory complaint against a licensed dental assistant, the assistance of the support worker will terminate on the earliest of the following dates, as applicable:

- (a) the date on which the registrar makes a termination order or otherwise disposes of the regulatory complaint under section 5.05;
- (b) if the regulatory complaint is disposed of under section 5.11,
  - (i) the date that is 30 days after the deadline for the respondent to apply for reconsideration under section 5.14, or
  - (ii) if the respondent applies for reconsideration under section 5.14, the date on which the registrar decides the reconsideration under section 5.18.

# **SCHEDULES**

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## SCHEDULE A – Fees

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*All “application” fees specified in this schedule are non-refundable.*

*All “half year” fees specified in this schedule apply only when an applicant submits an application for a licence after October 1.*

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### APPLICATION AND LICENSING FEES (PART 2)

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- 1. An applicant for a licence must pay the following:**

(a) application fee .....	\$372
(b) licence fee	
(i) full year .....	\$166
(ii) half year .....	\$89
- 2. If an applicant for a licence must complete an assessment, the applicant must pay the assessment fee:.....** \$105
- 3. A licensed dental assistant applying for renewal must pay the following renewal fee:** \$166
- 4. A former certified dental assistant applying for reinstatement must pay the following:**

(a) application fee .....	\$25
(b) reinstatement fee	
(iii) within 60 days of becoming a former certified dental assistant .....	\$87
(iv) more than 60 days after becoming a former certified dental assistant .....	\$167
(c) renewal fee .....	\$166

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### FEES FOR EXPANDED TRAINING PROGRAMS (PART 11)

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Orthodontic Module Certificate .....	\$53
Prosthodontic Module Certificate .....	\$53
Dental Radiography Module Authorization .....	\$53

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### ADMINISTRATION FEES

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NSF cheque .....	\$63
Letter of standing .....	\$26

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## SCHEDULE B – Licence Declarations

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### Declaration for applicants for licence

1. Under section 2.04(3)(d) of the Licensed Dental Assistants Bylaws of the British Columbia College of Oral Health Professionals, an application for a licence must be accompanied by the following declaration:

Further to my application to the British Columbia College of Oral Health Professionals for licensing as a licensed dental assistant, I solemnly declare the following:

1. I understand that I must remain at all times in compliance with the Licensed Dental Assistant Bylaws of the British Columbia College of Oral Health Professionals and the ethics standards and practice standards relevant to practice as a licensed dental assistant in Schedule “B” of the bylaws of the BCCOHP under the *Health Professions and Occupations Act*.
2. I am a person of good character, meeting the ethical qualities expected of a licensed dental assistant of the BCCOHP, including integrity and commitment to caring for others.
3. I do not know of any reason, condition or circumstance why I should not be granted a licence with the BCCOHP.
4. I will promptly notify the BCCOHP of any complaint, investigation, review or disciplinary proceeding that may affect my authority to provide the services of a licensed or certified dental assistant or to practice a regulated profession in British Columbia or any other jurisdiction and will provide any relevant information requested by the BCCOHP.
5. All information provided in my application for a licence is true and complete.
6. I understand that the submission of false or incomplete information in support of an application for a licence constitutes actionable conduct and may result in cancellation of the licence.

I make this solemn declaration, conscientiously believing all the above statements to be true, and knowing that it is of the same force and effect as if made under oath.

### Declaration for applicants for renewal of a licence

2. Under section 2.10(2)(c) of the Licensed Dental Assistants Bylaws of the British Columbia College of Oral Health Professionals, an application for renewal of a licence must be accompanied by the following declaration:

Further to my application to the British Columbia College of Oral Health Professionals to renew my dental assistant licence, I solemnly declare the following:

1. I understand that I must remain at all times in compliance with the Licensed Dental Assistant Bylaws of the British Columbia College of Oral Health Professionals and the ethics standards and practice standards relevant to practice as a licensed dental assistant in Schedule “B” of the bylaws of the BCCOHP under the *Health Professions and Occupations Act*.
2. I am a person of good character, meeting the ethical qualities expected of a licensed dental assistant of the BCCOHP, including integrity and commitment to caring for others.
3. I do not know of any reason, condition or circumstance why my licence should not be renewed with the BCCOHP.
4. I will promptly notify the BCCOHP of any complaint, investigation, review or disciplinary proceeding that may affect my authority to provide the services of a licensed or certified dental assistant or to practice a regulated profession in British Columbia or any other jurisdiction, and will provide any relevant information requested by the BCCOHP.
5. All information provided in my application for renewal of my licence is true and complete.

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6. I understand that the submission of false or incomplete information in support of an application for renewal of a licence constitutes actionable conduct and may result in cancellation of the licence.

I make this solemn declaration, conscientiously believing all the above statements to be true, and knowing that it is of the same force and effect as if made under oath.

### **Declaration for applicants for reinstatement of a licence**

3. Under section 2.11(1)(d) of the bylaws, an application for reinstatement of a dental assistant licence must be accompanied by the following declaration:

Further to my application to the British Columbia College of Oral Health Professionals for reinstatement of a dental assistant licence, I solemnly declare the following:

1. I understand that I must remain at all times in compliance with the *Health Professions Act*, the regulations under the *Health Professions Act*, the BCCOHP bylaws, and the standards of practice and standards of professional ethics established by the board of the BCCOHP.
2. I am a person of good character, meeting the ethical qualities expected of a licensed dental assistant of the BCCOHP, including integrity and commitment to caring for others.
3. I do not know of any reason, condition or circumstance why I should not be granted reinstatement of my licence with the BCCOHP.
4. I will promptly notify the BCCOHP of any complaint, investigation, review or disciplinary proceeding that may affect my certification, registration or licensure to provide the services of a licensed or certified dental assistant or for the practice a regulated profession in British Columbia or any other jurisdiction, and will divulge any relevant information requested by the BCCOHP.
5. All information provided in my application for reinstatement of my licence is true and complete.
6. I understand that the submission of false or incomplete information in support of an application for reinstatement of a licence constitutes actionable conduct and may result in cancellation of the licence.

I make this solemn declaration, conscientiously believing all the above statements to be true, and knowing that it is of the same force and effect as if made under oath.

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## **SCHEDULE C – Recognized Jurisdictions for Licensing of Licensed Dental Assistants**

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The following are recognized jurisdictions under section 2.05(3):

Alberta

Saskatchewan