

The Dental Therapists Act

Repealed

by Chapter D-4.1 of the *Statutes of Saskatchewan, 1997* (effective January 1, 1998).

Formerly

Chapter D-6.1 of the *Statutes of Saskatchewan, 1980-81* (effective July 1, 1981) as amended by the *Statutes of Saskatchewan, 1982-83, c.16; 1983, c.11; 1984-85-86, c.16; 1988-89, c.42; 1989-90, c.54; and 1991, c.T-1.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	TITLE		DISCIPLINE
1	Short title	21	Powers of council
	INTERPRETATION	22	Appeal
2	Interpretation	23	Report to minister
	SASKATCHEWAN DENTAL THERAPISTS ASSOCIATION		RULES AND BYLAWS
3	Association established	24	Association, committee may make rules
4	Powers	25	Council may make bylaws
5	Meetings of the association	26	Power to require amendment, repeal, new bylaws
	SASKATCHEWAN DENTAL THERAPISTS COUNCIL	27	Bylaws by council prevail
6	Council established	28	Lieutenant Governor in Council may make regulations
7	Chairman, vice-chairman	29	Regulations by Lieutenant Governor in Council prevail
8	Term of office		GENERAL
9	Vacancy	30	Prohibition <i>re</i> dental therapy services
10	Remuneration	31	Offences and penalties
11	Meetings	32	Non-application of <i>Dental Profession Act, 1978</i>
12	Power <i>re</i> funds	33	Limitation of prosecution
13	Power <i>re</i> examinations	34	Filing of lists of members
	DENTAL THERAPISTS COMMITTEE	35	Filing of bylaws
14	Committee established	36	Review by Assembly
15	Powers	37	Record of revocation and notification
	REGISTRATION AND LICENSING		TRANSITIONAL
16	Appointment of registrar, officers and employees	38	References to dental nurse
17	Register	39	Transitional
18	Appeal from decision of registrar	40	Transfer of documents
19	Licences		REPEAL
20	Registration mandatory in certain cases	41	R.S.S. c.S-13 repealed

CHAPTER D-6.1

An Act respecting Dental Therapists

TITLE

Short title

- 1 This Act may be cited as *The Dental Therapists Act*.

INTERPRETATION

Interpretation

- 2 In this Act:

- (a) **“association”** means the Saskatchewan Dental Therapists Association established under section 3;
- (b) **“committee”**, except in subsection 25(2), means the Dental Therapists Committee established under section 14;
- (c) **“council”** means the Saskatchewan Dental Therapists Council established under section 6;
- (d) **“dental therapist”** means a person who is trained to provide dental therapy services;
- (e) **“dental therapy services”** means the services prescribed in the bylaws as dental therapy services for the purposes of this Act;
- (f) **“dentist”** means a dentist who holds a valid and subsisting licence to practise dentistry under *The Dental Profession Act, 1978*;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) **“registered”** means registered in accordance with this Act;
- (i) **“registrar”** means the registrar appointed under section 16;
- (j) **“Saskatchewan dental therapist”** means a dental therapist who is registered and who holds a valid and subsisting licence issued under this Act.

1980-81, c.D-6.1, s.2; 1989-90, c.54, s.4.

c. D-6.1**DENTAL THERAPISTS****SASKATCHEWAN DENTAL THERAPISTS ASSOCIATION****Association established**

- 3(1)** The Saskatchewan Dental Therapists Association is hereby established.
- (2) The association is a body corporate.
- (3) The membership of the association consists of those persons who are registered under and who hold a valid and subsisting licence under *The Saskatchewan Dental Nurses Act* on the day before the date this section comes into force and those persons who become registered and who hold a licence under this Act.

1980-81, c.D-6.1, s.3.

Powers

- 4(1)** The association may purchase, lease, take, hold or otherwise acquire any property and may sell, mortgage, lease or otherwise dispose of any of that property.
- (2) All fees, fines and penalties receivable or recoverable under this Act are the property of the association.

1980-81, c.D-6.1, s.4.

Meetings of the association

- 5(1)** A general meeting of the association shall be held annually at the call of and at the place designated by the council.
- (2) Other meetings of the association may be held at any time and place that the association or committee may, by its rules, determine.
- (3) A question voted on at a meeting of the association shall be decided by a majority of the votes of members of the association present or in any other manner that may be determined by rules made by the association or the committee, and each member of the association is entitled to one vote.

1980-81, c.D-6.1, s.5.

SASKATCHEWAN DENTAL THERAPISTS COUNCIL**Council established**

- 6(1)** The Saskatchewan Dental Therapists Council is established consisting of:
- (a) eight persons who are members of the association and who are elected by the association; and
 - (b) the following persons appointed by the Lieutenant Governor in Council:
 - (i) one person employed in connection with the education of ancillary dental personnel under *The Ancillary Dental Personnel Education Act* and who is nominated by the minister responsible for the administration of that Act;

DENTAL THERAPISTS

c. D-6.1

(ii) one person designated by the minister from a list of at least three persons who are employed on the teaching staff of the College of Dentistry of The University of Saskatchewan and who are nominated by that university;

(iii) one person designated by the minister from a list of at least three dentists engaged in the private practice of dentistry and who are nominated by the council of The College of Dental Surgeons of Saskatchewan;

(iv) one person who is an official of the Department of Health; and

(v) one or two other persons, as the minister considers advisable.

(2) Where the minister requests a list of persons nominated for the purpose of subclause (1)(b)(ii) or (iii) and he does not receive that list within 60 days from the date of his request, the Lieutenant Governor in Council may appoint a person who has the qualifications specified in subclause (1)(b)(ii) or (iii), as the case may be, to be a member.

1980-81, c.D-6.1, s.6; 1983, c.11, s.18; 1988-89, c.42, s.18.

Chairman, vice-chairman

7(1) The council shall annually elect one of its members who is a Saskatchewan dental therapist to be chairman of the council and another member to be vice-chairman of the council.

(2) The chairman and vice-chairman elected under subsection (1) hold office until their successors are elected, provided that they continue to be members of the council.

1980-81, c.D-6.1, s.7.

Term of office

8(1) Of the members first elected to the council by the association:

(a) one-third, as nearly as may be, shall be elected for a term of one year;

(b) one-third, as nearly as may be, shall be elected for a term of two years;
and

(c) one-third, as nearly as may be, shall be elected for a term of three years;

and thereafter each member of the council shall be elected for a term of three years.

(2) Those persons who, on the day before the date this section comes into force, were members of the board as defined in *The Saskatchewan Dental Nurses Act* shall constitute the council until persons are elected and appointed as members of the council under this Act.

(3) Unless otherwise specified in this Act, every person appointed pursuant to clause 6(1)(b) holds office for a term of three years.

c. D-6.1**DENTAL THERAPISTS**

(4) Each person appointed under subclauses 6(1)(b)(i) and (iv) holds office at the pleasure of the Lieutenant Governor in Council.

(5) Each member of the council holds office until his successor is elected or appointed, as the case may be, and is eligible for reelection or reappointment, but no member of the council shall hold office for more than two consecutive terms.

1980-81, c.D-6.1, s.8.

Vacancy

9(1) Where a vacancy occurs in the membership of the council due to death, resignation or otherwise:

(a) in the case of a member who was appointed, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the remainder of the term of the person being replaced; or

(b) in the case of a member who was elected, the committee may appoint another person to fill the vacancy until the next meeting of the association.

(2) A vacancy in the membership of the council does not impair the power of the remaining members to act.

1980-81, c.D-6.1, s.9.

Remuneration

10(1) The council may pay each member of the council who is elected by the association or appointed by the committee any remuneration for his services and allowances for expenses in attending to the affairs of the council that the council may determine.

(2) The minister may pay each member of the council who is appointed by the Lieutenant Governor in Council and who is not a member of the public service for the province any remuneration for his services and allowances for expenses in attending to the affairs of the council that the minister considers advisable.

1980-81, c.D-6.1, s.10.

Meetings

11 The first meeting of the council shall be held at the call of the person who is the most recent chairman of the board as defined in *The Saskatchewan Dental Nurses Act*, and he shall preside at that meeting until the council elects a chairman in accordance with this Act.

1980-81, c.D-6.1, s.11.

Power re funds

12 The council may make any necessary arrangements with the association and the committee for determining the manner in which revenues derived from the payment of registration fees and licence fees shall be retained, and payments shall be made from that revenue for meeting the expenditures of the council, of the association and of the committee.

1980-81, c.D-6.1, s.12.

DENTAL THERAPISTS

c. D-6.1

Power *re* examinations

13(1) The council may appoint a board of examiners, make rules for the conduct of examinations for the purposes of this Act and prescribe the fees for those examinations.

(2) The council may enter into an agreement with the minister responsible for the administration of *The Education Act* for the purpose of his arranging for examinations to be held under this Act.

1980-81, c.D-6.1, s.13; 1983, c.11, s.18; 1988-89, c.42, s.18.

DENTAL THERAPISTS COMMITTEE

Committee established

14 The Dental Therapists Committee is established consisting of all members of the council who are members of the association.

1980-81, c.D-6.1, s.14.

Powers

15 The committee may:

- (a) conduct and promote activities concerned with the continuing education of dental therapists;
- (b) conduct and encourage activities for promoting the well-being, standing and status of dental therapists and the association;
- (c) do anything that it considers advisable in promoting the dental health of residents of the province, either alone or in conjunction with any other professional group or body.

1980-81, c.D-6.1, s.15.

REGISTRATION AND LICENSING

Appointment of registrar, officers and employees

16 The council may appoint a person to be registrar of the association and any other officers and employees of the association and of the council, as it considers necessary, and may pay any remuneration to those officers and employees that it considers advisable.

1980-81, c.D-6.1, s.16.

Register

17(1) The registrar shall maintain a register in which he shall enter the name of every person who is registered.

(2) Every person who, on the day before the date this section comes into force, is registered as a dental nurse under *The Saskatchewan Dental Nurses Act* shall be registered under this Act.

c. D-6.1**DENTAL THERAPISTS**

(3) Every person who makes an application for registration, who is of good character and who fulfills the requirements of the council may be registered.

1980-81, c.D-6.1, s.17.

Appeal from decision of registrar

18(1) Every person whose application pursuant to subsection 17(3) is refused by the registrar may appeal to the council from the decision of the registrar, and the council shall hear and determine the matter in question.

(2) Where an application for registration or for reinstatement to the register is made in compliance with this Act and the bylaws and is refused, the council shall, within seven days from the date of the refusal, forward to the minister, by registered mail or by any other means that the council considers appropriate, a report stating the circumstances of and the reason for the refusal.

1980-81, c.D-6.1, s.18; 1989-90, c.54, s.4.

Licences

19 The council may annually issue a licence to practise as a Saskatchewan dental therapist to every person who:

- (a) is registered;
- (b) pays the fee prescribed in the bylaws for the licence; and
- (c) where he has previously held a licence, has complied with any restrictions, conditions or limitations imposed by the bylaws with respect to the provision of services by a dental therapist or in accordance with clause 21(1)(b) and has otherwise complied with this Act and the bylaws.

1980-81, c.D-6.1, s.19; 1989-90, c.54, s.4.

Registration mandatory in certain cases

20(1) Notwithstanding the other provisions of this Act, the registrar shall register and the council shall issue a licence to a person where:

- (a) in the case of a person who does not possess all the qualifications entitling him to be registered pursuant to section 17, he has completed a course in dental therapy in Canada approved by the minister for the purpose of this section;
- (b) the minister informs the council that he is of the opinion that the services of any person who has completed a course described in clause (a) are required in a part of the province that he may specify;
- (c) he proves to the satisfaction of the council that he is of good character; and
- (d) he pays the registration and licence fees prescribed in the bylaws.

DENTAL THERAPISTS

c. D-6.1

(2) Where the minister is of the opinion that and informs the council that a person described in subsection (1) is no longer providing the services in compliance, with clause (1)(b), the registrar shall strike his name from the register and the licence of that person immediately becomes invalid and has no effect.

1980-81, c.D-6.1, s.20; 1982-83, c.16, s.10; 1989-90, c.54, s.4.

DISCIPLINE

Powers of council

21(1) The council may, with respect to every Saskatchewan dental therapist or registered dental therapist whom it finds guilty of professional misconduct, professional incompetence or a violation of any of the provisions of this Act or the bylaws, order that:

- (a) he be reprimanded;
- (b) a restriction, limitation or condition be imposed on his practice;
- (c) his licence be suspended for any period that it considers appropriate; or
- (d) his name be removed from the register and his licence be revoked.

(2) The council may find a Saskatchewan dental therapist or registered dental therapist guilty of professional incompetence for the purposes of subsection (1) where it finds that he has displayed, in his professional care of a patient, a lack of knowledge, skill or judgment or a disregard for the welfare of the patient of a nature or to an extent which demonstrates to the council that he is unfit to continue in his practice or to provide any of the services that he ordinarily provides as part of his practice.

1980-81, c.D-6.1, s.21; 1989-90, c.54, s.4.

Appeal

22(1) A person against whom an order has been made under section 21 may, within 30 days from the date of the order, appeal to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan who may, upon hearing the appeal, make any order:

- (a) confirming, reversing or varying the order made under section 21;
- (b) requesting a further inquiry by the council into the facts of the case; or
- (c) respecting costs.

(2) An appeal pursuant to subsection (1) shall be by motion, notice of which shall be served on the council within 30 days from the date of the order made under section 21 and not less than 10 days before the date on which the motion is returnable.

(3) Upon receipt of the copy of a notice pursuant to subsection (2), the council shall forward to the appropriate local registrar a certified copy of all documents in the possession of the council relating to the order from which the appeal is taken.

c. D-6.1**DENTAL THERAPISTS**

- (4) There is no further appeal.

1980-81, c.D-6.1, s.22.

Report to minister

23(1) Where the licence of a Saskatchewan dental therapist is suspended or revoked or the name of any dental therapist is removed from the register, the council shall, within 14 days from that date, forward to the minister by registered mail, or by any other means that the council considers appropriate:

- (a) a copy, certified by the registrar to be a true copy, of the complaint;
 - (b) a report with respect to the conduct of that dental therapist and the decision taken; and
 - (c) any relevant information that the minister may require.
- (2) Where the minister is of opinion that the action of the council is unjust or contrary to the public interest, he may:
- (a) request the council to reconsider the case and its findings;
 - (b) if the council and the person whose conduct is under inquiry agree, appoint a board of arbitration, consisting of one person nominated by the council, one person nominated by the person whose conduct is under inquiry and one person appointed by the Lieutenant Governor in Council, to review or rehear the case and render a decision; or
 - (c) institute an appeal to a judge of Her Majesty's Court of Queen's Bench for Saskatchewan in chambers.
- (3) Nothing in this section shall prejudice any right of appeal conferred by this Act.

1980-81, c.D-6.1, s.23.

RULES AND BYLAWS**Association, committee may make rules**

24(1) The association or the committee may make rules:

- (a) prescribing the seal of the association;
- (b) providing for the execution of documents by the association;
- (c) respecting the banking and financial dealings by the association;
- (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
- (e) providing for the holding and conduct of the meetings of the association and of the committee;
- (f) prescribing the duties of officers and members of the committee;
- (g) respecting the election of Saskatchewan dental therapists as members of the council;

DENTAL THERAPISTS

c. D-6.1

- (h) prescribing the extent to which students in dental therapy may participate in the affairs of the association; and
 - (i) generally, for attending to the affairs of the association and of the committee.
- (2) Where there is a conflict between rules made by the association and rules made by the committee, the rules of the association prevail.

1980-81, c.D-6.1, s.24.

Council may make bylaws

25(1) The council may make bylaws:

- (a) prescribing the duties of officers of and members of the council;
 - (b) providing for the holding and conduct of meetings of the council;
 - (c) for otherwise attending to the administration of the council.
- (2) Subject to subsection (3), the council may make bylaws:
- (a) prescribing the requirements for the registration and licensing of dental therapists;
 - (b) prescribing the fees for registration and licences, the times when fees must be paid and the penalty for the late payment of fees;
 - (c) establishing standards of professional conduct to be maintained by Saskatchewan dental therapists;
 - (d) defining professional misconduct and prescribing procedures for the investigation of complaints or allegations of professional misconduct or professional incompetence against a Saskatchewan dental therapist or registered dental therapist or complaints or allegations that he has violated any of the provisions of this Act or the bylaws;
 - (e) prescribing the circumstances under which a Saskatchewan dental therapist must undergo specified courses of training;
 - (f) defining the activities which constitute a conflict of interest on the part of a Saskatchewan dental therapist and prohibiting his involvement in those activities;
 - (g) providing for the appointment of committees and assigning duties and powers to those committees;
 - (h) providing for the removal of the name of any dental therapist from the register for reasons other than discipline; and
 - (i) governing any other matters that the council considers necessary to give effect to the provisions of this Act.
- (3) No bylaw made under subsection (2) becomes effective until it has been approved by the minister and published in the Gazette.

1980-81, c.D-6.1, s.25; 1989-90, c.54, s.4.

c. D-6.1**DENTAL THERAPISTS****Power to require amendment, repeal, new bylaws**

26(1) The minister may, where he considers it to be in the public interest, request the council to amend or repeal a bylaw made pursuant to subsection 25(2) or to make new bylaws.

(2) Where the minister makes a request pursuant to subsection (1) and the council fails to comply with the request within 60 days from the date of that request, the Lieutenant Governor in Council may amend or repeal the bylaws or make new bylaws as requested.

1980-81, c.D-6.1, s.26; 1989-90, c.54, s.4.

Bylaws by council prevail

27 Where there is a conflict between a bylaw made by the council and a rule made by the association or the committee, the bylaw made by the council prevails.

1980-81, c.D-6.1, s.27; 1989-90, c.54, s.4.

Lieutenant Governor in Council may make regulations

28 The Lieutenant Governor in Council may, after consultation with the council, make regulations:

- (a) prescribing services as dental therapy services for the purposes of this Act;
- (b) classifying Saskatchewan dental therapists and prescribing the dental therapy services that a Saskatchewan dental therapist or each class of Saskatchewan dental therapists may provide;
- (c) specifying the classes of persons who may employ a Saskatchewan dental therapist and prohibiting a Saskatchewan dental therapist from being self-employed or being employed by any other class of persons; and
- (d) specifying the dental therapy services that a person who is undergoing training as a dental therapist under *The Ancillary Dental Personnel Education Act* may provide while receiving clinical training under that Act and prescribing the conditions under which those services may be provided.

1980-81, c.D-6.1, s.28.

Regulations by Lieutenant Governor in Council prevail

29 Where there is a conflict between a regulation made by the Lieutenant Governor in Council and a bylaw made by the council, the regulation made by the Lieutenant Governor in Council prevails.

1980-81, c.D-6.1, s.29; 1989-90, c.54, s.4.

GENERAL**Prohibition re dental therapy services**

30(1) Subject to subsection (2), no person other than a Saskatchewan dental therapist shall provide dental therapy services in Saskatchewan.

DENTAL THERAPISTS

c. D-6.1

(2) Subsection (1) does not apply to any person practising his profession under the authority of any other Act or to a person providing dental therapy services in accordance with the other provisions of this Act or the bylaws.

1980-81, c.D-6.1, s.30; 1989-90, c.54, s.4.

Offences and penalties

31 Every person who contravenes subsection 30(1) or who, when he is not so entitled, uses a name, title or designation to imply or signify that he is registered, licensed and in good standing as a dental therapist under this Act or otherwise holds himself out as a Saskatchewan dental therapist is guilty of an offence and liable on summary conviction:

- (a) for a first offence, to a fine of not more than \$100; and
- (b) for a subsequent offence, to a fine of not more than \$400.

1980-81, c.D-6.1, s.31; 1984-85-86, c.16, s.3.

Non-application of *Dental Profession Act, 1978*

32 No provision of *The Dental Profession Act, 1978* or of any bylaws made under that Act applies to a Saskatchewan dental therapist except while and to the extent that he is employed by a dentist.

1980-81, c.D-6.1, s.32; 1989-90, c.54, s.6.

Limitation of prosecution

33 No prosecution shall be commenced for an offence against this Act or the bylaws after the expiration of one year from the date of the commission of the alleged offence.

1980-81, c.D-6.1, s.33; 1989-90, c.54, s.4.

Filing of lists of members

34 The council shall, prior to February 1 in each year, file with the Minister of Justice lists, certified by the registrar to be correct, stating:

- (a) the name and address shown on the records of the council of every member of the association in good standing as of December 31 in the preceding year and the date upon which he was admitted to membership;
- (b) the name of every person whose name was removed from the register or whose licence was suspended or revoked or who otherwise ceased to be a member of the association in good standing during the preceding year; and
- (c) the name of every person who was reinstated as a member of the association during the preceding year.

1980-81, c.D-6.1, s.34; 1991, c.T-1.1, s.14.

c. D-6.1**DENTAL THERAPISTS****Filing of bylaws**

35 Where the minister has approved a bylaw under subsection 25(3) or where the Lieutenant Governor in Council has repealed or amended a bylaw or made a new bylaw under section 26, the minister shall file with the Department of Justice two copies, certified by him to be true copies, of the bylaw or amendment.

1980-81, c.D-6.1, s.35; 1989-90, c.54, s.4; 1991, c.T-1.1, s.14.

Review by Assembly

36(1) One copy of each bylaw and amendment filed pursuant to section 35 is to be laid before the Assembly by the Minister of Justice in accordance with *The Tabling of Documents Act, 1991*.

(2) Where a bylaw or amendment laid before the Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have effect and is deemed to have been revoked.

1991, c.T-1.1, s.14.

Record of revocation and notification

37(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall immediately forward two copies of those Votes and Proceedings to the Deputy Minister of Justice and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall file one copy with the bylaw or amendment to which it relates and immediately forward the other copy to the council and advise the council that the copy is forwarded pursuant to this subsection.

1980-81, c.D-6.1, s.37; 1989-90, c.54, s.4; 1991, c.T-1.1, s.14.

TRANSITIONAL**References to dental nurse**

38 Where the expression “dental nurse” is mentioned in any Act or in any bylaw, rule or regulation made under any Act, that expression, upon the coming into force of this section, is deemed to refer to a dental therapist and, where reference is made to *The Saskatchewan Dental Nurses Act* in any other Act, bylaw, rule or regulation, that reference, upon the coming into force of this section, is deemed to be a reference to this Act.

1980-81, c.D-6.1, s.38.

Transitional

39(1) Notwithstanding the repeal by this Act of *The Saskatchewan Dental Nurses Act*, a licence issued under that Act and in force upon the coming into force of this section continues in force and effect until December 31 in the year in which it was issued, unless cancelled sooner in accordance with this Act.

DENTAL THERAPISTS

c. D-6.1

(2) The regulations in force under *The Saskatchewan Dental Nurses Act* on the day immediately preceding the day this section comes into force continue in force until the expiration of one year from the date this section comes into force or until the council repeals those regulations, whichever occurs first.

(3) The bylaws and rules of The Saskatchewan Dental Nurses Association in force under *The Saskatchewan Dental Nurses Act* on the day immediately preceding the day on which this section comes into force are, on the day this section comes into force, deemed to be bylaws and rules of the association and those bylaws and rules continue in force until they are amended or repealed or rendered ineffective by or pursuant to this Act.

1980-81, c.D-6.1, s.39.

Transfer of documents

40 Upon the coming into force of this Act those persons who were officials of the board as defined in *The Saskatchewan Dental Nurses Act* shall furnish and give over to the council all of the documents and records in their possession concerned with the administration of that Act.

1980-81, c.D-6.1, s.40.

REPEAL

R.S.S. c.S-13 repealed

41 *The Saskatchewan Dental Nurses Act* is repealed.

1980-81, c.D-6.1, s.41.

