

Dental Assistants Regulations

made under Section 45 of the

Dental Act

S.N.S. 1992, c. 3

O.I.C. 94-473, N.S. Reg. 92/94

as amended up to O.I.C. 2007-581, N.S. Reg. 424/2007

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**Dental Assistants Regulations
made under Section 45 of the
Dental Act
S.N.S. 1992, c. 3
O.I.C. 94-473 (May 31, 1994), N.S. Reg. 92/94
as amended up to O.I.C. 2007-581 (November 6, 2007), N.S. Reg. 424/2007**

1 These regulations may be cited as the *Dental Assistants Regulations*.

Section 1 added: O.I.C. 2002-6, N.S. Reg. 3/2002.

1A In this regulation

- (a) “Act” means the Dental Act, S.N.S. 1992, c. 3, as amended;
- (b) “accredited dental assistants’ program” means a dental assistants’ training program that at the date of graduation by an applicant for registration has been accredited by the Commission on Dental Accreditation of Canada or its predecessor, the Council on Education of the Canadian Dental Association, or the Commission on Dental Accreditation of the American Dental Association;

Clause 1(b) amended: O.I.C. 97-588, N.S. Reg. 119/97.

- (c) “Association” means the Nova Scotia Dental Assistants Association;
- (d) “Board” means the Provincial Dental Board of Nova Scotia;
- (e) “Dental Assistants’ Register” means the Register of Dental Assistants established and maintained by the Registrar pursuant to the Act;
- (f) “licensed dental assistant” means a dental assistant whose name has been registered in the Dental Assistants’ Register and who holds a current licence issued pursuant to the Act to engage in the practice of dental assisting;
- (g) “registered dental assistant” means a person whose name has been registered in the Dental Assistants’ Register whether or not that person holds a current licence to engage in the practice of dental assisting;
- (h) “Registrar” means the Registrar of the Board;
- (i) “unprofessional conduct” by a dental assistant includes
 - (i) the contravention or violation of any provisions of the Dental Act or regulations made pursuant to the Act,
 - (ii) failure to abide by the terms, conditions or limitations of any licence issued under the Act,
 - (iii) incompetence in the practice of dental assisting,
 - (iv) conduct that is detrimental to the best interests of one or more patients,

- (v) performing services other than those authorized pursuant to the Act or regulations,
- (vi) engaging in the practice of dental assisting while the ability to perform services is impaired by alcohol or other drugs,
- (vii) engaging in the practice of dental assisting while the ability to do so is impaired by an infirmity or reasons of health,
- (viii) failure to comply with a decision of the Discipline Committee or the Board,
- (ix) failure to observe the Code of Ethics for Dental Assistants as prescribed by the Board,
- (x) providing false or misleading information to the Board,
- (xi) conviction for any offence related to or which brings into question the ability to practice dental assisting.

Section 1 renumbered 1A: O.I.C. 2002-6, N.S. Reg. 3/2002.

Designation of dental assistants

- 2** The members of the associate health profession of dental assisting shall be known as “dental assistants” and, subject to the provisions of the Act and this regulation, may engage in the practice of dental assisting as herein defined.
- 3** Only a person who is registered with the Board and who holds a current licence shall be entitled to engage in the practice of dental assisting.
- 4** A dental assistant registered under the Act may use the designation dental assistant, licensed dental assistant or registered dental assistant.

Scope of dental assisting functions and standards of practice

- 5 (1)** A licensed dental assistant may perform the following ~~the~~ intra-oral duties:
 - (a) placing and removing a rubber dam;
 - (b) taking an impression;
 - (c) exposing dental radiographs;
 - (d) preparing a simple bite registration;
 - (e) applying any of the following:
 - (i) anticariogenic agents,
 - (ii) treatment liners where there is no pulpal involvement,
 - (iii) matrices and wedges,

- (iv) pit and fissure sealants,
- (v) disclosing agents,
- (vi) topical anesthetic,
- (vii) desensitizing agents;
- (f) coronal whitening using non-prescription materials;
- (g) reversible dental procedures not listed in clauses (a) to (f) at the direction of the dentist;
- (h) oral health and hygiene instruction;
- (i) subject to Section 10, rubber cup polishing of the coronal surfaces of the teeth;
- (j) dietary counseling related to dentistry;
- (k) any duties that the Board prescribes.

Subsection 5(1) replaced: O.I.C. 2007-581, N.S. Reg. 424/2007.

- (2) Nothing in subsection (1) shall be construed to authorize a licensed dental assistant to undertake or a licensed dentist to delegate any of the following:
 - (a) diagnosis or treatment planning;
 - (b) severing or cutting hard or soft tissue;
 - (c) prescribing or administering drugs;
 - (d) prescribing or designing any intra-oral appliance or prosthesis;
 - (e) placement, condensing, or carving any restorative material;
 - (f) placement or removal of bonded orthodontic appliances or cementation or removal of orthodontic bands or brackets, or the activation of orthodontic archwires;
 - (g) the use of any rotary or mechanical device in the oral cavity except as permitted in subsection (1)(i);
 - (h) scaling of hard or soft deposits on teeth.
- (3) Under no circumstances shall non-registered persons employed in dental offices be permitted to perform any intra-oral duties.
- (4) The standards of practice for dental assistants may be prescribed by the Board.

- 6 (1) A licensed dentist may employ a licensed dental assistant to engage in the practice of dental assisting.
- (2) Subject to the provisions of Section 7 of this regulation and subject to Section 17(2)(b) of the Act, a person entitled to engage in the practice of dental assisting may do so only in the employ and under the supervision of a licensed dentist.
- (3) A licensed dentist shall be responsible for all aspects of care given by a licensed dental assistant employed or working under supervision of a licensed dentist and the licensed dentist shall be held accountable for the quality and delivery of that care.
- (4) For the purposes of this regulation, “supervision of a licensed dentist” means the dentist is physically present with the office premises while the licensed dental assistant engages in the practice of dental assisting.
- 7 (1) Any authority, institution or board, having the written permission of the Board, may employ as a dental assistant a person specifically named in such written permission who holds a current licence to engage in the practice of dental assisting.
- (2) Such written permission shall be given by the Board only to an authority, institution, or board which retains the services of a licensed dentist.
- (3) A person entitled to engage in the practice of dental assisting and who is named in such written permission may engage in the practice of dental assisting in the employ of the authority, institution or board, but may only do so
- (a) under the supervision of a licensed dentist; or
- (b) with the written permission of the Board granted pursuant to Section 17(2)(b) of the Act.

Qualifications and registration

- 8 (1) A person who has completed an accredited dental assistants’ program and who holds the National Dental Assisting Examination Board Certificate is eligible to be registered in the Dental Assistants’ Register.
- (2) A person who satisfies the Registrar that the person has graduated from an accredited dental assistants’ program is eligible to be granted a conditional licence to practise dental assisting for a period of 1 year from the date of issuance of the licence.
- (3) A conditional licence referred to in subsection (2) shall not be renewed and the holder of such a licence is not eligible to continue the practice of dental assisting unless the person holds the National Dental Assisting Examination Board Certificate and satisfies the other requirements for registration.

- (4) A person who has graduated from a non-accredited dental assistants' program is required to hold the National Dental Assisting Examination Board Certificate and, in addition, may be required to pass a clinical examination, complete an upgrade program or both, in order to be eligible to be registered in the Dental Assistants' Register.
- (5) In this Section, "Agreement on Internal Trade" means the agreement signed by the federal, provincial, and territorial governments of Canada, which came into force on July 1, 1995, to facilitate the free movements of persons, goods, services, and investments throughout Canada.
- (6) For the purposes of labour mobility under the Agreement on Internal Trade, a person who has a non-restricted licence obtained in any Canadian licensing jurisdiction before July 1, 2001, and who has 900 hours of clinical practice experience in the field of dental assisting during the last 3 years is recognized as holding the necessary qualifications for licensure as a dental assistant and is eligible to be registered in the Dental Assistants' Register.

Section 8 replaced: O.I.C. 2007-581, N.S. Reg. 424/2007.

- 9 (1) The Registrar shall enter the name of a person in the Dental Assistants' Register who
 - (a) meets the qualification requirements of Section 8;
 - (b) completes an application in a form satisfactory to the Board;
 - (c) pays the registration fee as prescribed by the Board;
 - (d) is of good moral character;
 - (e) is not the subject of any pending complaint or sanction in another licensing jurisdiction;
 - (f) if the subject of a pending complaint in another licensing jurisdiction, provides full details to the Registrar and satisfies the Registrar that such complaint is not a reason to refuse registration;
 - (g) meets any other reasonable conditions of the Board or the Registrar.
 - (2) Where an applicant has not fulfilled all the requirements for registration as set out in the Act and this regulation, the Board may take such action and impose such conditions of registration and licensing as the Board deems appropriate in the circumstances.
- 10 A licensed dental assistant shall not perform rubber cup polishing of the coronal surfaces of the teeth of any patient without first satisfying the Registrar that he or she has completed a training program on the subject approved by the Board.

10A Effective April 30, 2001, no person shall qualify for an annual licence and no person shall be qualified to have his or her name in the Dental Assistants' Register unless the person has successfully completed a training program approved by the Board in rubber cup polishing of the coronal surfaces of the teeth.

Section 10A added: O.I.C. 2000-402, N.S. Reg. 136/2000.

Assistants' register and registration

11 The Dental Assistants' Register may be in such form as the Registrar determines and may be a book, binders, electronic database, or other form.

12 The Dental Assistants' Register shall contain the following information for each dental assistant:

- (a) name;
- (b) address;
- (c) date of registration;
- (d) unique registration number;
- (e) academic qualifications;
- (f) additional qualifications;
- (g) record of discipline proceedings, if applicable.

Annual licensing

13 (1) For the purpose of this Section, "licensing year" means the period from May 1st to the following April 30th.

(2) The Board shall determine the annual licensing fee for a Licensed Dental Assistant for the ensuing licensing year.

(3) Notice of the annual license fee shall be sent to each Licensed Dental Assistant by April 1st immediately preceding the commencement of the licensing year.

(4) A Dental Assistant applying for a license for the ensuing year shall pay the annual license fee to the Registrar on or before April 30th immediately preceding the commencement of the licensing year.

(5) The annual fee for membership in the Association shall be determined by the Association.

(6) The Association shall on or before April 30th in each year notify the Registrar of the names of the Dental Assistants who have not paid the annual membership fee for the Association's current year.

(7) A Dental Assistant who has been struck from the Dental Assistants' Register pursuant to subsection 24(2) of the Act for late payment of Association

membership dues or the annual licensing fee payable to the Board shall be reinstated effective the first day of the current licensing year upon payment of the amounts owing together with the reinstatement fee set by the Board.

- (8) Every Dental Assistant who holds a current license issued by the Board shall, at the time of paying the annual licensing fee referred to in subsection (2), provide the Board with a signed statement indicating whether or not the person has been engaged as a Dental Assistant within the preceding twelve months.
- (9) A Dental Assistant who has not been engaged in the practice of dental assisting with[in] the preceding five years at the date of license renewal shall be required to pass examinations prescribed by the Board and meet the requirements of the Board before the license shall be issued.

Section 13 replaced: O.I.C. 97-588, N.S. Reg. 119/97.

Discipline

- 14** The provisions of the Discipline Regulation pursuant to the Act shall apply to licensed dental assistants.