

Qualifications for Registration and Licensing of Dentists Regulations

made under Section 45 of the

Dental Act

S.N.S. 1992, c. 3

O.I.C. 93-858, N.S. Reg. 163/93

as amended to O.I.C. 2015-216, N.S. Reg. 271/2015

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Qualifications for Registration and Licensing of Dentists Regulations
made under Section 45 of the
Dental Act
S.N.S. 1992, c. 3

O.I.C. 93-858 (November 2, 1993), N.S. Reg. 163/93
as amended to O.I.C. 2015-216 (June 26, 2015), N.S. Reg. 271/2015

1 These regulations may be cited as the *Qualifications for Registration and Licensing of Dentists Regulations*.

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

1A In this regulation,

“Act” means the *Dental Act*, S.N.S. 1992, c. 3, and any amendments;

“Board” means the Provincial Dental Board of Nova Scotia;

“Dentists’ Register” means the Register of Dentists established and maintained by the Registrar pursuant to the Act;

“Registrar” means the Registrar of the Board;

“Registration Appeal Committee” means the Registration Appeal Committee appointed under Section 9.

Definition of “Registration Appeal Committee” added: O.I.C. 2015-216, N.S. Reg. 271/2015.

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

Section 1A, clause lettering removed: O.I.C. 2015-216, N.S. Reg. 271/2015.

2 The Dentists’ Register may be in such form as the Registrar determines and may be a book, binders, electronic data base, or other form.

3 The Dentists’ Register shall contain the following information for each dentist:

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

4 (1) The Registrar shall enter the name of a person in the Dentists’ Register who:

- (a) holds a certificate of the National Dental Examining Board of Canada or a Limited Specialty Certificate issued under Section 7A of the *Specialists Regulations* made under the Act;

Clause 4(1)(a) replaced: O.I.C. 2009-266, N.S. Reg. 228/2009.

- (b) pays the registration fee as prescribed by the Board;
- (c) is of good moral character and a fit and proper person to be registered as a dentist;
- (d) is not the subject of any pending complaint or sanctions in another licensing jurisdiction;
- (e) if the subject of a previous written complaint in another licensing jurisdiction, provides full details to the Registrar;
- (f) completes an application in a form satisfactory to the Board; and
- (g) meets any other reasonable conditions of the Board of the Registrar.

Section 4 renumbered 4(1): O.I.C. 2002-6, N.S. Reg. 3/2002.

- (2) 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 movement of persons, goods, services, and investments through Canada.

Subsection 4(2) added: O.I.C. 2002-6, N.S. Reg. 3/2002.

- (3) For the purposes of clause (1)(a) and for the purposes of labour mobility under the Agreement on Internal Trade, an applicant with a non-restricted licence from another Canadian licensing jurisdiction obtained prior to July 1, 2001, who does not hold a National Dental Examining Board of Canada certificate will be recognized as holding a qualification equivalent to a National Dental Examining Board of Canada certificate.

Subsection 4(3) added: O.I.C. 2002-6, N.S. Reg. 3/2002.

Faculty of Dentistry practitioner

- 5** The Registrar may enter a person in the Dentists’ Register on or before July 1, 2008, who is a full-time member of the Faculty of Dentistry at Dalhousie University and who does not hold a certificate from the National Dental Examination Board if they hold a degree in dentistry from a university approved by the Board and meet all the criteria in clauses 4(b) to (f).

Section 5 replaced: O.I.C. 2009-266, N.S. Reg. 228/2009.

Graduate/postgraduate student practitioner

- 6 (1)** An applicant for registration who is a full-time graduate/postgraduate student in the Faculty of Dentistry of Dalhousie University may be registered in the Dentists’ Register without holding a certificate of the National Dental Examining Board if the person holds a degree in dentistry from a university approved by the Board and meets the other requirements of Section 4.

- (2) Where a person is accepted for registration pursuant to subsection (1), the Board may impose such conditions and limitations as it deems appropriate.
- (3) The Board may set registration and licensing fees applicable only to persons registered under subsection (1).
- (4) Where a person registered pursuant to subsection (1) ceases to be a full-time graduate/postgraduate student in the Faculty of Dentistry at Dalhousie University, that person shall no longer be entitled to engage in the practice of dentistry unless such person is registered under Section 4.

Annual licensing

- 7 For the purposes of subsection 25(2) of the Act, the minimum time period that a person must engage in dentistry to qualify for annual license renewal is 450 hours within the immediately preceding three year period, calculated as of the time of annual license renewal.
- 8 (1) For the purposes of this Section, “licensing year” means the period from December 1st to the following November 30th.
- (2) A licensed dentist applying for license renewal shall pay the annual licensing fee to the Registrar on or before November 30th immediately preceding the commencement of the licensing year.
- (3) Notice of the annual licensing fee shall be sent to each licensed dentist by November 1st immediately preceding the commencement of the licensing year.
- (4) A licensed dentist who has been struck from the Dentists’ Register pursuant to subsection 24(2) of the Act for late payment of Dental Association membership fees 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 a reinstatement fee set by the Board.

Section 8 replaced: O.I.C. 97-588, N.S. Reg. 119/97.

Composition of Registration Appeal Committee

- 9 (1) In this Section, “public representative” means a person appointed to the Registration Appeal Committee in accordance with subsection (4).
- (2) The Board must appoint a Registration Appeal Committee to hear and determine appeals under Section 31 of the Act.
- (3) The Registration Appeal Committee consists of at least the following persons:
- (a) 2 public representatives;
 - (b) 2 licensed dentists;
 - (c) 2 licensed dental assistants.

- (4) To be appointed as a public representative, a person must meet all of the following criteria:
 - (a) they must not be and must not ever have been a licensed dentist or a licensed dental assistant;
 - (b) they must be able and willing to serve impartially, in the public interest.
- (5) The Board must appoint a chair and may appoint a vice-chair of the Registration Appeal Committee, both of whom must be licensed dentists.
- (6) The Vice-chair of the Registration Appeal Committee must act as chair in the absence of the Chair.
- (7) If neither the Chair nor the Vice-chair is available, the Registrar must name a member of the Registration Appeal Committee to act as the chair.
- (8) The Chair of the Registration Appeal Committee may appoint a panel of 3 persons from the Committee as follows to act as the Registration Appeal Committee in hearing an appeal:
 - (a) for an appeal that concerns a licensed dentist, 1 public representative and 2 licensed dentists;
 - (b) for an appeal that concerns a licensed dental assistant, 1 public representative, 1 licensed dentist, and 1 licensed dental assistant.
- (9) If the Chair of the Registration Appeal Committee is not appointed to a panel, the Chair must appoint a licensed dentist to act as the chair for the panel.
- (10) A quorum of a panel of the Registration Appeal Committee is all of the panel members.

Section 9 added: O.I.C. 2015-216, N.S. Reg. 271/2015.

Appeals to be heard by Registration Appeal Committee

- 10** Unless an agreement is reached under the *Regulated Health Professions Network Act* to use the collaborative registration review process under that Act, an appeal from a decision of the Registrar related to the imposition of terms and conditions on a licensed dentist's or licensed dental assistant's licence must be conducted by the Registration Appeal Committee.

Section 10 added: O.I.C. 2015-216, N.S. Reg. 271/2015.

Deadline for filing appeal to Registration Appeal Committee

- 11** Notice of an appeal to the Registration Appeal Committee must be filed in writing with the Registrar no later than 30 days after the date of service of the Registrar's decision that is being appealed.

Section 11 added: O.I.C. 2015-216, N.S. Reg. 271/2015.

Registration appeal procedure

- 12 (1)** On receipt of notice of an appeal under Section 11, the Registration Appeal Committee must

- (a) set a date for the hearing of the appeal; and
 - (b) serve written notice of the date, time, and place of the hearing of the appeal on the appellant and the Registrar.
- (2) The date set for the hearing of an appeal must be no later than 90 days after the date the written notice of the appeal is received.
- (3) The parties to an appeal before the Registration Appeal Committee are the Board and the appellant.
- (4) An appeal to the Registration Appeal Committee is limited to the matters set out in the notice of appeal filed with the Registrar.
- (5) An appellant may be heard in person, by counsel or both in person and by counsel.
- (6) The procedure of the Registration Appeal Committee must be consistent with the requirements of the *Fair Registration Practices Act*.

Section 12 added: O.I.C. 2015-216, N.S. Reg. 271/2015.

Registration Appeal Committee powers and decisions

- 13** (1) The Registration Appeal Committee may make any determination that could have been made by the Registrar under clause 20(ba) of the Act for the protection of the public and for appropriate patient care, and must do one of the following:
- (a) direct the Registrar to register the appellant, with or without conditions;
 - (b) direct the Registrar to issue a licence to the appellant, with or without conditions;
 - (c) dismiss the appeal.
- (2) The Registration Appeal Committee must give its decision in writing within a reasonable time after a hearing concludes and must send a copy of the written decision by registered mail or personal service to the Registrar and to the appellant.

Section 13 added: O.I.C. 2015-216, N.S. Reg. 271/2015.