

## Professional Conduct Committee – Terms of Reference

Policy Number:	Next Review Date:
Approved by: NSRDDA Board	Approval Date:

### 1. Purpose

The Professional Conduct Committee is a statutory committee established under the authority of the *Regulated Health Professions Act, 2023 (NS)*, responsible for holding formal hearings into allegations of professional misconduct, incompetence, or incapacity involving registrants of the NSRDDA when such allegations are not resolved at the level of the Registrar or the Complaints Committee.

The Committee operates in a manner that reflects the NSRDDA's commitment to EDIRA (equity, diversity, inclusion, reconciliation and accessibility), by recognizing diverse cultural experiences and removing barriers to participation to support fairness for all.

### 2. Mandate

Subject to the *Act*, regulations and NSRDDA bylaws, the Professional Conduct Committee's mandate generally includes the following:

- Conduct fair and impartial hearings into matters referred to it by the Complaints Committee
- Determine whether a registrant has committed an act of professional misconduct, engaged in conduct unbecoming the profession, or is incompetent or incapacitated
- Refer appropriate cases of incapacity to the Fitness-to-Practice Committee if the Registrar and Respondent agree
- Render written decisions with reasons regarding whether any proven allegations amount to professional misconduct, conduct unbecoming the profession, incompetence or incapacity
- Impose appropriate orders, penalties, or conditions to protect the public and uphold the integrity of the profession, in accordance with the governing statute

### 3. Authority

The Professional Conduct Committee derives its authority from the *Act*, regulations and NSRDDA bylaws.

### 4. Membership and Terms

- The Committee shall be composed of at least the following:
  - (a) Two public representatives
  - (b) Seven Dentists in good standing, each having at least 5 years' experience as a Dentist, and

(c) Two Dental Assistants in good standing, each having at least 5 years' experience as a Dental Assistant

- Members shall be appointed by the Board in accordance with applicable legislative requirements.
- In appointing members to the Committee, the NSRDDA strives to reflect a diversity of professional backgrounds, lived experiences, and perspectives that support equitable and inclusive decision-making.
- The Board may, in its discretion, appoint alternates to the members of the Professional Conduct Committee, consistent with the *Act*.
- No member involved in the investigation or referral of the matter shall sit on the hearing Panel for that matter.
- The term of a member of the Professional Conduct Committee shall not exceed three years. The Board may reappoint a member of the Professional Conduct Committee for further terms.

## 5. Chair and Vice-Chair

- The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee, both of whom must be Dentists. The term of the Chair or Vice-Chair of the Professional Conduct Committee shall not exceed 3 years. The Board may reappoint the Chair or Vice-Chair of the Committee for further terms.
- The Chair is responsible for presiding over meetings and coordinating decision-making processes.
- The Vice-Chair acts for the Chair in the absence of the Chair.
- The Chair shall be entitled to vote on all matters before the Professional Conduct Committee and in the event of a tied vote, the Chair shall have an additional casting vote.

## 6. Panel Appointments

- The Chair or Vice-Chair of the Professional Conduct Committee shall appoint a Panel for a hearing that consists of at least three members of the Committee, and include a public representative and at least one member from the same profession as the registrant in question.
- If the Chair or Vice-Chair of the Professional Conduct Committee is not appointed to a Panel, the Chair must appoint a Dentist, who is also a member of the Professional Conduct Committee, to act as the Chair for the Panel.
- The Panel Chair shall be entitled to vote on all matters before the Panel and in the event of a tied vote, the Panel Chair shall have an additional casting vote.

## 7. Meetings, Hearings and Quorum

- A Meeting of the Professional Conduct Committee may be in-person, virtual, or hybrid.
- Meetings or hearings are conducted in accordance with the *Act* and applicable rules of procedure established by the Committee.
- The quorum for a meeting or hearing of the Professional Conduct Committee is:
  - a) If the matter relates to a Dentist: three members, consisting of one public member and at least one Dentist
  - b) If the matter relates to a Dental Assistant: three members consisting of at least one public member and at least one Dental Assistant.

## 8. Decision-Making

- The Committee's decisions shall be guided by principles of procedural fairness and informed by the NSRDDA's commitment to EDIRA.
- After each hearing, the Committee shall issue a written decision with reasons.
- Decisions shall be rendered within a reasonable timeframe in accordance with any standards established by the Board in this regard.

## 9. Confidentiality

Deliberations and all documents related to matters before the Committee are confidential. Public access to complaint-related outcomes is governed by statute and applicable regulations, bylaws or Board policies. Confidential information must be protected in accordance with the *Act* and applicable privacy legislation.

## 10. Conflict of Interest

Members must declare any actual or perceived conflicts of interest and recuse themselves where impartiality may be compromised.

## 11. Reporting and Records

- The Committee shall ensure that the NSRDDA maintains confidential records of all of its proceedings and outcomes.
- An annual report summarizing anonymized activity, trends, and outcomes shall be submitted to the Board.
- The Committee may recommend changes to the Board regarding NSRDDA standards, policies, or education based on its findings.

## 12. Legal Support

The Committee may obtain independent legal counsel to ensure fair process and compliance with the law.

## 13. Review and Amendment

These Terms of Reference shall be reviewed by the Board periodically and updated as required to reflect changes in legislation, best practices, or organizational needs.

## 14. Accountability

The Chair of the Professional Conduct Committee is accountable for ensuring the Committee's compliance with these Terms of Reference and any requirements of the *Act*, its regulations or the NSRDDA's Bylaws.