

# *The Dental Disciplines Act*

*being*

Chapter D-4.1 of the *Statutes of Saskatchewan, 1997*  
(consult Table of Saskatchewan Statutes for effective dates.  
Last proclamation date December 1, 2000) as amended by the  
*Statutes of Saskatchewan, 2001, c.8; 2002, c.R-8.2; 2009,*  
*c.T-23.01; 2010, c.B-12, and c.19 and 20; 2013, c.S-15.1; and*  
*2014, c.E-13.1, c.S-32.21 and c.17.*

## **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

SHORT TITLE AND INTERPRETATION		31	Suspension
1	Short title	32	Discipline committee
2	Interpretation	33	Discipline hearing
ASSOCIATIONS		34	Disciplinary powers
3	Associations continued	35	Criminal conviction
4	Associations autonomous	36	Duty to report
5	Membership	37	Suspension
6	Property	38	Review by court
7	Meetings	39	Effect of appeal
COUNCIL		40	Court of Appeal
8	Council	41	Reinstatement
9	Public appointees	GENERAL	
10	Resignation	42	Exemption
11	Vacancy	43	Immunity
12	Officers and employees	44	Offence and penalty
13	Committees	45	Limitation of prosecution
BYLAWS		46	Report of termination of employment
14	Procedures	47	Review by Legislative Assembly
15	Bylaws	48	Record of revocation and notification
16	Filing of bylaws	49	Annual register
17	Ministerial bylaws	50	Annual report
MEMBERSHIP AND REGISTRATION		51	Compliance
18	Membership	52	Service of notices, etc.
19	Register	REPEAL, TRANSITIONAL AND COMING INTO FORCE	
20	Registration	53	S.S. 1978 (Supp.), c.D-5.1, repealed
21	Delegation and appeal	54	R.S.S. 1978, c.D-6, repealed
PROHIBITIONS		55	R.S.S. 1978, c.D-7, repealed
22	Protection of titles	56	S.S. 1980-81, c.D-6.1, repealed
23	Authorized practices	57	Transitional – College of Dental Surgeons of Saskatchewan
24	Prohibitions	58	Transitional – Dental Technicians Association of Saskatchewan
25	Limitations on certain authorized practices	59	Transitional – Denturists Society of Saskatchewan
DISCIPLINE		60	Transitional – Saskatchewan Dental Assistants Association
25.1	Interpretation re discipline provisions	61	Transitional – Saskatchewan Dental Hygienists' Association
25.2	Proceedings against former members	62	Transitional – Saskatchewan Dental Therapists Association
26	Professional incompetence		
27	Professional misconduct		
28	Professional conduct committee		
29	Investigation		
30	Search and seizure		

## CHAPTER D-4.1

### An Act respecting the Regulation of Dental Disciplines

#### SHORT TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Dental Disciplines Act*.

##### Interpretation

2 In this Act:

- (a) “**administrative bylaw**” means a bylaw made for a purpose set out in subsection 15(1) and, in the case of the College of Dental Surgeons of Saskatchewan, includes a bylaw made pursuant to clause 15(3)(a);
- (b) “**association**” means one of the associations, colleges or societies continued pursuant to section 3, as the case may be;
- (c) “**authorized practice**” means the practices set out in section 23 for members of each of the associations;
- (d) “**bylaws**” means the valid and subsisting bylaws of an association;
- (e) “**council**” means the council of an association;
- (f) “**councillor**” means a person who is a member of a council;
- (g) “**court**” means the Court of Queen’s Bench;
- (h) “**dental assistant**” means a person who is registered as a member of the Saskatchewan Dental Assistants Association;
- (i) “**dental hygienist**” means a person who is registered as a member of the Saskatchewan Dental Hygienists’ Association;
- (j) “**dental technician**” means a person who is registered as a member of the Dental Technicians Association of Saskatchewan;
- (k) “**dental therapist**” means a person who is registered as a member of the Saskatchewan Dental Therapists Association;
- (l) “**dentist**” means a person who is registered as a member of the College of Dental Surgeons of Saskatchewan;
- (m) “**denturist**” means a person who is registered as a member of the Denturist Society of Saskatchewan;
- (n) “**member**” means a member of an association who is in good standing;
- (o) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

## c. D-4.1

## DENTAL DISCIPLINES

- (p) “**practising member**” means a member to whom a current licence to practise has been issued pursuant to section 20;
- (q) “**record**” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media;
- (r) “**register**” means the register kept by an association pursuant to section 19;
- (s) “**registrar**” means the person appointed by an association pursuant to section 12;
- (t) “**regulatory bylaw**” means a bylaw made for a purpose set out in subsection 15(2) and, in the case of the College of Dental Surgeons of Saskatchewan, includes a bylaw made pursuant to clause 15(3)(b).

1997, c.D-4.1, s.2.

## ASSOCIATIONS

**Associations continued**

- 3(1) The College of Dental Surgeons of Saskatchewan, continued pursuant to *The Dental Profession Act, 1978*, is continued as a corporation.
- (2) The Dental Technicians Association of Saskatchewan, continued pursuant to *The Dental Technicians Act*, is continued as a corporation.
- (3) The Denturist Society of Saskatchewan, continued pursuant to *The Denturists Act*, is continued as a corporation.
- (4) The Saskatchewan Dental Assistants Association, a corporation continued pursuant to *The Non-profit Corporations Act, 1995*, is continued as a corporation.
- (5) The Saskatchewan Dental Hygienists’ Association, a corporation continued pursuant to *The Non-profit Corporations Act, 1995*, is continued as a corporation.
- (6) The Saskatchewan Dental Therapists Association, established pursuant to *The Dental Therapists Act*, is continued as a corporation.

1997, c.D-4.1, s.3.

**Associations autonomous**

- 4(1) Each association mentioned in section 3 is an autonomous entity.
- (2) The provisions of this Act are to be interpreted recognizing the autonomous nature of each association.
- (3) The provisions of this Act are not to be interpreted in a manner that will allow any association to have precedence over another association or to in any way affect the functioning of other associations.

1997, c.D-4.1, s.4.

**Membership**

5(1) The membership of the College of Dental Surgeons of Saskatchewan consists of:

- (a) those persons who are members of the College of Dental Surgeons of Saskatchewan on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the College of Dental Surgeons of Saskatchewan pursuant to this Act and the bylaws.

(2) The membership of the Dental Technicians Association of Saskatchewan consists of:

- (a) those persons who are members of the Dental Technicians Association of Saskatchewan on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the Dental Technicians Association of Saskatchewan pursuant to this Act and the bylaws.

(3) The membership of the Denturist Society of Saskatchewan consists of:

- (a) those persons who are members of the Denturist Society of Saskatchewan on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the Denturist Society of Saskatchewan pursuant to this Act and the bylaws.

(4) The membership of the Saskatchewan Dental Assistants Association consists of:

- (a) those persons who are members of the Saskatchewan Dental Assistants Association on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the Saskatchewan Dental Assistants Association pursuant to this Act and the bylaws.

(5) The membership of the Saskatchewan Dental Hygienists' Association consists of:

- (a) those persons who are members of the Saskatchewan Dental Hygienists' Association on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the Saskatchewan Dental Hygienists' Association pursuant to this Act and the bylaws.

(6) The membership of the Saskatchewan Dental Therapists Association consists of:

- (a) those persons who are members of the Saskatchewan Dental Therapists Association on the day before this subsection comes into force; and
- (b) those persons who are admitted as members of the Saskatchewan Dental Therapists Association pursuant to this Act and the bylaws.

**Property**

- 6(1)** An association may acquire, hold, mortgage, lease, sell or dispose of any property.
- (2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association that assessed the fee, fine or penalty or, in the case of penalties pursuant to section 44, the association that prosecuted the offence.
- (3) An association may:
- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*; and
  - (b) sell or otherwise dispose of those investments and reinvest the proceeds in similar investments.

1997, c.D-4.1, s.6; 2009, c.T-23.01, s.64.

**Meetings**

- 7(1)** An annual meeting for each association is to be held at the time and place that is determined by its council in accordance with its bylaws.
- (2) A special meeting of an association for the transaction of the business that is specified in the resolution or request is to be held:
- (a) on resolution of the council; or
  - (b) on the request, in writing, of the number of members specified in the bylaws.
- (3) The procedure at an annual or special meeting is to be determined by the bylaws.
- (4) Notice of the time, place and purpose of an annual or special meeting is to be given to the members in the manner prescribed by the bylaws.
- (5) Notwithstanding subsection (4), the council shall give notice of a special meeting within 60 days after the request or resolution for a special meeting.

1997, c.D-4.1, s.7.

## COUNCIL

**Council**

- 8(1)** The affairs and business of an association are to be managed and regulated by its council.
- (2) Each council consists of:
- (a) the number of councillors prescribed in the bylaws, which is to be not less than five, elected by the membership in accordance with this Act and the bylaws; and
  - (b) the persons appointed pursuant to section 9.

- (3) No member is eligible to be elected as a councillor unless that member resides in Saskatchewan.
- (4) Elected councillors are entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.
- (5) Elected councillors hold office for the term prescribed in the bylaws.

1997, c.D-4.1, s.8.

#### **Public appointees**

- 9(1) The Lieutenant Governor in Council may appoint three persons who reside in Saskatchewan as councillors for each association.
- (2) Where the Lieutenant Governor in Council appoints a person as a councillor, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), a councillor appointed pursuant to this section holds office until that person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.
- (4) A councillor appointed pursuant to this section ceases to hold office if that person ceases to be a resident of Saskatchewan.
- (5) A councillor appointed pursuant to this section may exercise rights and serve on committees of the association to the same extent as other councillors.
- (6) In each association, at least one councillor appointed pursuant to this section shall serve on the discipline committee.
- (7) The absence or inability to serve on the discipline committee by a councillor appointed pursuant to this section or the failure to appoint a councillor pursuant to this section does not impair the ability of a discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the councillors appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1997, c.D-4.1, s.9.

#### **Resignation**

- 10(1) An elected councillor may resign by giving written notice of his or her resignation to the council.
- (2) A councillor appointed pursuant to section 9 may resign by giving written notice of his or her resignation to the minister and council.
- (3) The resignation of a councillor is effective on the date stated in the written notice or, if no date is stated in the written notice:
  - (a) in the case of an elected councillor, on the date the written notice is received by the council; or
  - (b) in the case of a councillor appointed pursuant to section 9, on the date the written notice is received by the minister.

1997, c.D-4.1, s.10.

**Vacancy**

**11(1)** When a vacancy occurs in the elected membership of a council, the remaining councillors may appoint another member, who resides in Saskatchewan, to fill the vacancy until the earlier of:

- (a) the expiry of the term of office of the person who ceased to be a councillor; and
  - (b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.
- (2) A vacancy in the membership of a council does not impair the power of the remaining councillors to act.
- (3) A councillor appointed pursuant to this section is deemed to be an elected councillor.

1997, c.D-4.1, s.11.

**Officers and employees**

**12(1)** The officers of an association are to be those that are:

- (a) designated in the bylaws; and
  - (b) appointed or elected in accordance with the bylaws.
- (2) The council of each association shall appoint a registrar.
- (3) A council may engage any employees that it considers necessary to carry out the duties and functions of the association.
- (4) Subject to this Act and the bylaws, a council shall determine the duties, responsibilities and remuneration of its officers and employees.

1997, c.D-4.1, s.12.

**Committees**

**13(1)** A council may establish any committees that are provided for by its bylaws or that it considers necessary.

- (2) Each council shall appoint persons to any committees that are provided for by this Act or by its bylaws or that it has established pursuant to subsection (1).
- (3) A council, on any terms or conditions that it may determine, may delegate any of its powers or duties to a committee provided for by this Act, its bylaws or established pursuant to this section.
- (4) A council shall not delegate the power to make bylaws.
- (5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1997, c.D-4.1, s.13.



## BYLAWS

**Procedures**

- 14(1)** A council, with the approval of not less than three-quarters of its councillors, may make bylaws for any purpose set out in section 15.
- (2) The registrar shall notify each member of each bylaw made pursuant to subsection (1) within 60 days after the bylaw is made.
- (3) Failure to comply with subsection (2) does not invalidate a bylaw.
- (4) No regulatory bylaw comes into force until it is:
- (a) approved by the minister pursuant to section 16; and
  - (b) published in the Gazette.
- (5) An administrative bylaw comes into force on the date specified in the bylaw, which may not be prior to the date it is made.
- (6) If an administrative bylaw does not specify the date on which it is to become effective, the administrative bylaw becomes effective on the day it is passed by council.

1997, c.D-4.1, s.14.

**Bylaws**

- 15(1)** Subject to this Act, administrative bylaws may be made by each council for that association's members pursuant to section 14 for the following purposes:
- (a) prescribing the seal of the association;
  - (b) providing for the execution of documents by the association;
  - (c) respecting the banking and financial dealings of the association;
  - (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
  - (e) respecting the management of the property of the association;
  - (f) prescribing the number and terms of office of elected councillors;
  - (g) prescribing the officers of the association and governing the procedure for the appointment or election of those officers;
  - (h) prescribing the duties of councillors, and officers and employees of the association;
  - (i) governing the procedures for the election of the council of the association;
  - (j) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;
  - (k) respecting the holding and procedures of meetings of the council and annual and special meetings of the association;

**c. D-4.1****DENTAL DISCIPLINES**

- (l) prescribing the amount of registration, licensing and other fees payable to the association, the times of payment and penalties for late payment;
  - (m) providing for the receipt, management and investment of contributions, donations or bequests;
  - (n) regulating joint participation by the association with any educational institution or any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
  - (o) establishing any committees that the council considers necessary, determining the duties of committees, establishing procedures for the operation of committees and prescribing the manner of election or appointment of committee members;
  - (p) prescribing the remuneration and reimbursement for expenses for elected councillors and committee members;
  - (q) prescribing any other thing that is necessary for the effective administration of the association.
- (2) Subject to this Act, regulatory bylaws may be made by each council for that association's members pursuant to section 14 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
    - (i) the registration of persons or any category of persons as members;
    - (ii) the issuing of licences;
  - (b) prescribing:
    - (i) the procedures governing registration of persons or any category of persons as members;
    - (ii) the procedures governing the issuing of licences;
    - (iii) the terms and conditions of licences;
  - (c) setting standards of professional conduct, competency and proficiency of its members;
  - (d) providing for a code of ethics for its members;
  - (e) setting standards regarding the manner and method of practice of its members, including the supervision or direction of staff;
  - (f) prescribing procedures for:
    - (i) the review, investigation and disposition of complaints by the professional conduct committee or the mediation of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
    - (ii) hearings by the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
    - (iii) reviews pursuant to subsection 21(4);

- (g) establishing categories of membership and licences and prescribing the rights and privileges of each category;
- (h) prescribing the circumstances under which its members are required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (i) governing the approval of education programs for the purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
- (j) establishing programs for the assessment of the competency of its members;
- (k) setting standards for continuing education and the participation of its members in continuing education;
- (l) governing the reinstatement of a member who has been expelled;
- (m) setting requirements for maintenance of membership;
- (n) defining activities that constitute a conflict of interest and prohibiting the participation of members in those activities;
- (o) regulating advertising by its members;
- (p) prescribing the number of its members required to request a special meeting of the association;
- (q) prescribing the minimum amount of liability protection that its members are required to obtain or providing for a scheme of insurance to indemnify its members for professional liability and respecting the payment or remittance of premiums in connection with it;
- (r) prescribing the form, content and maintenance of the register and the information to be provided by its members for the purposes of the register;
- (s) respecting the reporting and publication of decisions and reports of the council and committees;
- (t) respecting the types of notices that may be served electronically and the manner of service of those notices;
- (u) respecting the delegation of an authorized practice and any restrictions or conditions on any delegation;
- (v) prescribing any requirements or orders that must be met prior to performance of an authorized practice by each one of its members;
- (w) prescribing any other matters considered necessary for the better carrying out of this Act.

(3) Subject to this Act, the council of the College of Dental Surgeons of Saskatchewan may make:

(a) administrative bylaws permitting the College of Dental Surgeons of Saskatchewan to establish dental services plans to be operated by the College of Dental Surgeons of Saskatchewan directly or through a non-profit corporation controlled by it for the purposes of providing dental services in conjunction with:

- (i) the Government of Canada or any of its agencies;
- (ii) any provincial government or any of its agencies;
- (iii) any municipal government;
- (iv) any board of education, conseil scolaire or the conseil général; or
- (v) any other corporation; and

(b) regulatory bylaws:

- (i) defining specialist categories of dentistry;
- (ii) prescribing the qualifications, standards and tests of competency required for each specialty.

(4) *The Saskatchewan Insurance Act* does not apply to the operator of a dental service plan established pursuant to subsection (3).

1997, c.D-4.1, s.15.

#### **Filing of bylaws**

**16(1)** Each association shall file with the minister two copies, certified by its registrar to be true copies, of:

- (a) all regulatory bylaws; and
- (b) any amendment to a regulatory bylaw together with two certified copies of the regulatory bylaw to which the amendment relates.

(2) Where the minister does not advise an association in writing within 90 days after receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.

(3) Where the minister approves a regulatory bylaw or an amendment to a regulatory bylaw, the minister shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of the regulatory bylaw or amendment.

(4) Where an amendment to a regulatory bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the registrar to be true copies, of the regulatory bylaw with the amendment.

(5) Within 30 days after administrative bylaws or amendments to administrative bylaws are made, the council shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of all administrative bylaws and all amendments made to those bylaws.

## DENTAL DISCIPLINES

## c. D-4.1

(6) Where an amendment to an administrative bylaw is filed pursuant to subsection (5), the council shall also file two copies, certified by the registrar to be true copies, of the administrative bylaw with the amendment.

(7) An administrative bylaw or an amendment to an administrative bylaw that is not filed within the time required by subsection (5) is deemed to be revoked on the expiration of the 30 days mentioned in subsection (5).

1997, c.D-4.1, s.16; 2010, c.B-12, s.27.

**Ministerial bylaws**

17(1) The minister may request a council to amend or revoke a regulatory bylaw or to make a new regulatory bylaw if the minister is satisfied that it is necessary or advisable to do so.

(2) Where the minister makes a request pursuant to subsection (1), the council shall be provided with the reasons for the amendment and, if appropriate, a draft of the amendment.

(3) If the council does not comply with a request pursuant to subsection (1) within 90 days after the date of the request, the minister may amend or revoke the existing regulatory bylaw or make the new regulatory bylaw in accordance with that request.

(4) A regulatory bylaw made pursuant to this section or an amendment or a revocation of a regulatory bylaw pursuant to this section comes into force when it is published in the Gazette.

(5) Where the minister makes, amends or revokes a regulatory bylaw, the minister shall file with the Director of Corporations two copies of the regulatory bylaw, amendment or revocation.

(6) Where an amendment to or revocation of a regulatory bylaw is filed pursuant to subsection (5), the minister shall file two copies of the regulatory bylaw with the amendment or revocation.

1997, c.D-4.1, s.17; 2010, c.B-12, s.27.

## MEMBERSHIP AND REGISTRATION

**Membership**

18(1) Each council, in accordance with this Act and its bylaws, may register persons as members of its association.

(2) Each council, in accordance with this Act and its bylaws, may issue licences to members of its association.

1997, c.D-4.1, s.18.

**Register**

**19(1)** In accordance with its bylaws, the council of each association shall keep a register in which the name and address of its members are to be recorded.

(2) The register is to be:

- (a) kept at the head office of the association; and
- (b) open for inspection by all persons, without fee, during normal office hours of the association.

(3) A certificate purporting to be signed by the registrar stating that a named person was or was not, on a specified day or during a specified period, a member or a suspended member according to the register or an extract from the register that is certified by the registrar is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the registrar's appointment or signature.

1997, c.D-4.1, s.19.

**Registration**

**20(1)** A council may register as a member, and issue a licence to, a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) has paid the prescribed fees;
- (b) has complied with the bylaws with respect to registration as a member;
- (c) has successfully completed:
  - (i) in the case of a person applying for registration as a dentist, an educational program in dentistry recognized by the council of the College of Dental Surgeons of Saskatchewan;
  - (ii) in the case of a person applying for registration as a dental technician, an educational program in dental technology recognized by the council of the Saskatchewan Dental Technicians Association;
  - (iii) in the case of a person applying for registration as a denturist, an educational program in denturism recognized by the council of the Denturist Society of Saskatchewan;
  - (iv) in the case of a person applying for registration as a dental assistant, an educational program in dental assisting recognized by the council of the Saskatchewan Dental Assistants Association;
  - (v) in the case of a person applying for registration as a dental hygienist, an educational program in dental hygiene recognized by the council of the Saskatchewan Dental Hygienists' Association; or
  - (vi) in the case of a person applying for registration as a dental therapist, an educational program in dental therapy recognized by the council of the Saskatchewan Dental Therapists Association; and
- (d) has successfully completed any examination requirements prescribed in the bylaws.

(1.1) Notwithstanding subsection (1), a council may register as a member, and issue a licence to, a person who produces evidence establishing to the satisfaction of the council that the person:

- (a) has paid the prescribed fees;
- (b) has complied with the bylaws with respect to registration as a member; and
- (c) is registered as:
  - (i) in the case of a person applying for registration as a dentist, the equivalent of a dentist in good standing pursuant to the legislation of another jurisdiction in Canada;
  - (ii) in the case of a person applying for registration as a dental technician, the equivalent of a dental technician in good standing pursuant to the legislation of another jurisdiction in Canada;
  - (iii) in the case of a person applying for registration as a denturist, the equivalent of a denturist in good standing pursuant to the legislation of another jurisdiction in Canada;
  - (iv) in the case of a person applying for registration as a dental assistant, the equivalent of a dental assistant in good standing pursuant to the legislation of another jurisdiction in Canada;
  - (v) in the case of a person applying for registration as a dental hygienist, the equivalent of a dental hygienist in good standing pursuant to the legislation of another jurisdiction in Canada;
  - (vi) in the case of a person applying for registration as a dental therapist, the equivalent of a dental therapist in good standing pursuant to the legislation of another jurisdiction in Canada.

(2) Notwithstanding that a person does not comply with the requirements of subsection (1), a council may register the person as a member of its association, and issue a restricted licence to practise to a person who produces evidence establishing to the satisfaction of the council that he or she:

- (a) is eligible, according to its bylaws, to be a member;
- (b) has paid the prescribed fees;
- (c) has complied with its bylaws with respect to registration as one of its members; and
- (d) agrees to practise in accordance with the conditions or restrictions specified on the restricted licence.

(3) A person issued a restricted licence shall comply with the bylaws governing members who practise with restricted licences.

**Delegation and appeal**

**21(1)** A council may delegate to its registrar the power to:

- (a) register persons as members of its association;
- (b) issue licences to its members; or
- (c) do both of the things mentioned in clauses (a) and (b).

(2) Where a power is delegated pursuant to this section, the exercise of that power by the registrar is deemed to be an exercise of the power by the council.

(3) A council may impose any terms and conditions that it considers appropriate on a delegation of its powers.

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that the council considers appropriate; or
- (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

(7) A council shall cause the applicant to be informed in writing of its decision regarding the review.

1997, c.D-4.1, s.21.

**PROHIBITIONS****Protection of titles**

**22(1)** No person other than a dentist shall use the title "dentist" or "dental surgeon" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the College of Dental Surgeons of Saskatchewan.

(2) No person other than a dental technician shall use the title "dental technician" or "dental technologist" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the Saskatchewan Dental Technicians Association.

(3) No person other than a denturist shall use the title "denturist" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the Denturist Society of Saskatchewan.

(4) No person other than a dental assistant shall use the title "dental assistant" or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the Saskatchewan Dental Assistants Association.



(5) No person other than a dental hygienist shall use the title “dental hygienist” or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the Saskatchewan Dental Hygienists’ Association.

(6) No person other than a dental therapist shall use the title “dental therapist” or “dental nurse” or any word, title or designation, abbreviated or otherwise, to imply that the person is a member of the Saskatchewan Dental Therapists Association.

1997, c.D-4.1, s.22.

**Authorized practices**

**23(1)** A dentist is authorized, subject to the terms, conditions and limitations of that person’s licence:

- (a) to communicate a conclusion, identifying a disease, disorder or dysfunction of the oral-facial complex as the cause of a person’s symptoms;
- (b) to perform a procedure on tissues of the oral-facial complex below the dermis, below the surface of a mucous membrane or in or below the surfaces of the teeth, including the scaling of teeth;
- (c) to harvest tissue for the purpose of surgery on the oral-facial complex;
- (d) to correct a fracture of a bone of the oral-facial complex or correct a dislocation of a joint of the oral-facial complex;
- (e) to administer a substance by injection or inhalation in the provision of dental treatment;
- (f) to prescribe or dispense drugs in the provision of dental treatment;
- (g) to fit or dispense a dental prosthesis, or an orthodontic appliance or a device used inside the mouth to protect teeth from abnormal functioning; and
- (h) to expose, process and mount dental radiographs in accordance with Part V of *The Saskatchewan Employment Act*.

(2) A dental technician is authorized, subject to the terms, conditions and limitations of that person’s licence:

- (a) to make, produce, reproduce, construct, furnish, supply, alter and repair a denture, bridge or prosthetic appliance, or thing to be used in, on, in connection with, or in the treatment of a human tooth, jaw or associated structure or tissue for a person in accordance with a prescription of a dentist to perform any of these services for the person, if the practices can be performed without intraoral procedures or the taking of impressions;
- (b) to make structural repairs to a removable dental prosthesis or replace teeth in a dental prosthesis, if these practices can be performed without intraoral procedures or the taking of impressions; and

## c. D-4.1

## DENTAL DISCIPLINES

- (c) to take shades for proper colour, including performing the necessary intraoral procedures.
- (3) A dentist is authorized, subject to the terms, conditions and limitations of that person's licence, to make, repair, reline, alter, replace or furnish a removable dental prosthesis, and for that purpose carry out non-surgical intraoral procedures, including the taking of impressions that are necessary to make, repair, reline, alter, replace or furnish a removable dental prosthesis.
- (4) A dental assistant is authorized, subject to the terms, conditions and limitations of that person's licence, to assist and to perform intraoral assisting services that include:
- (a) the introduction and manipulation of dental materials and devices in the mouth;
  - (b) orthodontic and restorative procedures consistent with an approved education program in dental assisting; and
  - (c) the exposure, processing and mounting of dental radiographs in accordance with *The Radiation Health and Safety Act, 1985*.
- (5) A dental hygienist is authorized, subject to the terms, conditions and limitations of that person's licence:
- (a) to communicate an assessment and treatment plan regarding periodontal health;
  - (b) to perform supragingival and subgingival debridement;
  - (c) to perform orthodontic and restorative procedures consistent with an approved education program in dental hygiene;
  - (d) to administer local anaesthesia in the provision of dental treatment; and
  - (e) to expose, process and mount dental radiographs in accordance with *The Radiation Health and Safety Act, 1985*.
- (6) A dental therapist is authorized, subject to the terms, conditions and limitations of that person's licence:
- (a) to communicate a conclusion identifying dental caries or dental abscesses as the cause of a person's symptoms;
  - (b) to perform a procedure in or below the surface of the teeth, conduct simple extractions of primary and permanent teeth and perform space maintenance on teeth;
  - (c) to administer local anaesthesia in the provision of dental treatment; and
  - (d) to expose, process and mount dental radiographs in accordance with *The Radiation Health and Safety Act, 1985*.

**Prohibitions**

**24(1)** No person shall perform an authorized practice unless:

- (a) the person is a member of an association whose members are authorized to perform the authorized practice and his or her licence does not prevent that member from performing that authorized practice;
  - (b) the performance of the authorized practice has been delegated by a member mentioned in clause (a) to a person employed by that member, in accordance with the bylaws of his or her association; or
  - (c) the authorized practice is carried out by a person who is authorized to perform those functions pursuant to the authority of any other Act.
- (2) The performance of an authorized practice is not a contravention of subsection (1) if it is done in the course of:
- (a) rendering first aid or temporary assistance in an emergency; or
  - (b) fulfilling the requirements to become a member of an association and the practice is performed under the direction or supervision of a member of the association who is authorized to perform the authorized practice.

1997, c.D-4.1, s.24.

**Limitations on certain authorized practices**

**25(1)** For the purposes of this section, “**employer**” means:

- (a) the Government of Saskatchewan;
- (b) the Government of Canada;
- (c) a regional health authority or an affiliate as defined in *The Regional Health Services Act*;
- (d) **Repealed**, 2014, c.17, s.6.
- (e) a municipality;
- (f) an Indian band within the meaning of the *Indian Act* (Canada);
- (g) an operator of a personal care home within the meaning of *The Personal Care Homes Act*, a non-profit corporation or a co-operative, that is approved by the minister;
- (h) a board of education, conseil scolaire or the conseil général within the meaning of *The Education Act, 1995*;
- (i) The University of Regina, the University of Saskatchewan, the Saskatchewan Indian Federated College and the Saskatchewan Polytechnic.

**c. D-4.1****DENTAL DISCIPLINES**

(2) A dental assistant may only perform the practices that he or she is authorized by subsection 23(4) to perform where he or she is employed by or practices under a contract with:

- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or
- (b) a dentist.

(3) A dental hygienist may only perform the practices that he or she is authorized by subsection 23(5) to perform where he or she is employed by or practises under contract with:

- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or
- (b) a dentist.

(4) A dental therapist may only perform the practices that he or she is authorized by subsection 23(6) to perform where he or she is employed by or practises under a contract with:

- (a) an employer that employs or has established a formal referral or consultation process with a dentist; or
- (b) a dentist.

1997, c.D-4.1, s.25; 2002, c.R-8.1, s.72; 2014, c.17, s.6; 2014, c.S-32.21, s.34.

**DISCIPLINE****Interpretation re discipline provisions**

**25.1** In sections 25.2 to 41, “**member**” includes a former member.

2010, c.20, s.22.

**Proceedings against former members**

**25.2(1)** No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 29(1), is requested by its council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.22.

**Professional incompetence**

**26** Professional incompetence is a question of fact, but the display by a member of a lack of knowledge, skill or judgment, or a disregard for the welfare of a member of the public served by the profession of a nature or to an extent that demonstrates that the member is unfit to:

- (a) continue in the practice of that member's profession; or
- (b) provide one or more services ordinarily provided as a part of the practice of that member's profession;

is professional incompetence within the meaning of this Act.

1997, c.D-4.1, s.26.

**Professional misconduct**

**27** Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- (a) it is harmful to the best interests of the public or the members of the association;
- (b) it tends to harm the standing of the member's profession;
- (c) it is a breach of this Act or the bylaws of that member's association; or
- (d) it is a failure to comply with an order of the professional conduct committee, discipline committee or council of that member's association.

1997, c.D-4.1, s.27.

**Professional conduct committee**

**28(1)** Each association shall establish a professional conduct committee consisting of at least three persons appointed by the council, the majority of whom are to be practising members of that association.

(2) Discipline committee members are not eligible to serve on the professional conduct committee.

1997, c.D-4.1, s.28.

**Investigation**

**29(1)** Where the professional conduct committee is requested by its council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence, the committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint or assessing the member's competence.

## c. D-4.1

## DENTAL DISCIPLINES

- (2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending:
- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
  - (b) that no further action be taken with respect to the matter under investigation because:
    - (i) the matter has been resolved, with the consent of the complainant and the member who is the subject of the investigation; or
    - (ii) in the opinion of the professional conduct committee no further action is warranted on the facts of the case.
- (3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or any other matter that comes to the attention of the professional conduct committee during the course of an investigation conducted pursuant to subsection (1) that appears to constitute professional misconduct or professional incompetence.
- (4) A report signed by a majority of the professional conduct committee is the decision of that committee.
- (5) The professional conduct committee shall provide, or cause the registrar to provide, a copy of a written report made pursuant to subsection (2) to:
- (a) the council;
  - (b) the person, if any, who made the complaint; and
  - (c) the member whose conduct is the subject of the complaint.

1997, c.D-4.1, s.29.

**Search and seizure**

**30(1)** In this section, “**judge**” means a judge of the Provincial Court of Saskatchewan.

(2) Every member and every person who keeps any member’s records or other property shall comply with the demand of a person designated by that member’s council to produce any of a member’s records or other property that the person designated by the council reasonably believes are required for the purposes of an investigation pursuant to this Act.

(3) On an *ex parte* application by an association, a judge may make an order described in subsection (4) where the judge is satisfied by the sworn evidence of a person designated by the council that the person believes, on reasonable grounds, that:

- (a) the member whose records or other property have been demanded pursuant to subsection (2), or a person who keeps records or other property of that member, has:
  - (i) refused to comply with a demand pursuant to subsection (2); or
  - (ii) failed to comply with a demand pursuant to subsection (2) within a reasonable time following the demand; and

- (b) the records or other property that are the subject of a demand pursuant to subsection (2):
  - (i) are required for the purposes of an investigation pursuant to this Act; and
  - (ii) are likely to be found in a specified place.
- (4) An order pursuant to subsection (3) authorizes the person named in the order, together with any peace officer that the person may call on for assistance, to enter at any reasonable time the place named in the order and every part of the place named in the order and of the premises connected with that place to:
  - (a) examine the place and connected premises; and
  - (b) search for, seize and take possession of the member's records and other property demanded pursuant to subsection (2).
- (5) A judge may make an order described in subsection (4) notwithstanding that the demand referred to in clause (3)(a) has not been made if the judge is satisfied by the sworn evidence of a person designated by the council that the person believes, on reasonable grounds, that the order is necessary to prevent the removal or destruction of evidence.
- (6) Where a member's records or other property are produced pursuant to subsection (2) or seized pursuant to an order made pursuant to subsection (3), the person designated by that member's council to whom the records or other property were produced or who seized the records or other property or a professional conduct committee member may:
  - (a) make or cause to be made one or more copies of the records or other property produced or seized and return the originals to the person who produced them or from whom they were seized; or
  - (b) retain any of the member's records or other property and dispose of them in accordance with the directions of the chairperson of the discipline committee.
- (7) Every entry and search pursuant to this section is to be made during normal business hours unless the judge who issues the order authorizes the entry and search at another time.
- (8) A copy or extract of a member's records or other property certified by a person mentioned in subsection (6) who made the copy or extract is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record or property and its contents without proof of the signature or capacity of the person purporting to have signed the record.

**Suspension**

**31(1)** Where the professional conduct committee is of the opinion that, on the basis of the allegations or the nature of the case, the member's licence should be suspended or the member should be prohibited from performing any procedure or authorized practice pending the outcome of the investigation or hearing, the professional conduct committee may, with the prior approval of its council, apply to a judge of the court for an order:

- (a) suspending the licence of a member whose conduct is the subject of an investigation pursuant to subsection 29(1) or against whom a formal complaint has been made pursuant to subsection 29(2); or
  - (b) temporarily prohibiting a member described in clause (a) from performing any specified procedure or authorized practice.
- (2) An order of suspension or prohibition is not to extend past the earliest of:
- (a) 90 days from the date of the order;
  - (b) the date of a report of the professional conduct committee made pursuant to clause 29(2)(b);
  - (c) where the discipline committee finds that a member is not guilty of professional misconduct or professional incompetence, the day of its decision; and
  - (d) where the discipline committee finds that a member is guilty of professional misconduct or professional incompetence, the day that an order is made pursuant to section 34.
- (3) The professional conduct committee may apply to the court for an extension of an order of suspension or prohibition made pursuant to subsection (1).

1997, c.D-4.1, s.31.

**Discipline committee**

**32(1)** Each association shall establish a discipline committee consisting of at least three persons appointed by its council.

- (2) A majority of the discipline committee members are to be practising members.
- (3) One of the discipline committee members is to be one of the councillors appointed pursuant to subsection 9(1).
- (4) Professional conduct committee members are not eligible to be discipline committee members.
- (5) Subject to this Act and the bylaws, the discipline committee may make rules regulating its business and proceedings.

1997, c.D-4.1, s.32.



**Discipline hearing**

**33(1)** Where a report of the professional conduct committee recommends that the discipline committee hear and determine a formal complaint, the registrar shall, at least 14 days before the date the discipline committee is to sit:

- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
  - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional conduct committee shall prosecute or direct the prosecution of the complaint, but professional conduct committee members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall determine whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any question to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- (5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing may be represented by counsel at the member's own expense.
- (6) The testimony of witnesses is to be under oath or affirmation administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
  - (b) to present evidence in defence and reply.
- (8) On application and payment of the appropriate fee, the local registrar of the court at any judicial centre shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* to:
- (a) a member whose conduct is the subject of a hearing pursuant to this Act;
  - (b) a professional conduct committee member;
  - (c) a discipline committee member.
- (9) Where a writ issued pursuant to subsection (8) is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (10) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in the member's absence.

- (11) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall notify the member of that fact.
- (12) If the discipline committee proposes to amend, add to or substitute the charge in the formal complaint, the discipline committee shall adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint, unless the member consents to continue the hearing.
- (13) The person, if any, who made the complaint pursuant to section 29:
- (a) is to be advised orally or in writing by the registrar of the date, time and place of the hearing; and
  - (b) subject to subsection (15), is entitled to attend the hearing.
- (14) Subject to subsection (15), the discipline committee shall conduct all hearings in public.
- (15) The discipline committee may exclude members of the public and the person who made the complaint from any part of the hearing when the committee is of the opinion that evidence brought in the presence of the person or persons to be excluded will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

1997, c.D-4.1, s.33.

**Disciplinary powers**

**34(1)** Where a discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make one or more of the following orders:

- (a) an order that the member be expelled from the association and that the member's name be struck from the register;
- (b) an order that the member be suspended from the association for a specified period;
- (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:
  - (i) not do specified types of work;
  - (ii) successfully complete specified classes or courses of instruction;
  - (iii) obtain medical treatment, counselling or both;
- (e) an order reprimanding the member;
- (f) any other order that the discipline committee considers just.

- (2) In addition to an order made pursuant to subsection (1), the discipline committee may order:
- (a) that the member pay to the association within a fixed period:
    - (i) a fine in a specified amount not exceeding \$5,000; and
    - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
  - (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.
- (3) In addition to an order made pursuant to subsection (1), the discipline committee may order the member to provide restitution for the cost of a faulty dental prosthesis, periodontal or orthodontal dental appliance, in the case of:
- (a) a dental technician;
  - (b) a dentist; or
  - (c) a denturist.
- (4) The registrar shall send a copy of an order made pursuant to this section to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.
- (5) Where a member is expelled or suspended, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.
- (6) Where a member is found guilty of professional misconduct or professional incompetence, the council may inform that member's employer of the order made against the member.
- (7) If a member is suspended or expelled from an association, that member's rights and privileges as a member are removed for the period during which the member is suspended or expelled.

1997, c.D-4.1, s.34.

**Criminal conviction**

**35** The discipline committee may, by order, impose any penalty described in section 34 that to it seems just where:

- (a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Narcotic Control Act* (Canada) or the *Food and Drugs Act* (Canada);
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction mentioned in clause (a) constitutes professional misconduct.

1997, c.D-4.1, s.35.

**Duty to report**

**36** Where a professional conduct committee in its investigation pursuant to section 29 or a discipline committee at the conclusion of its hearing pursuant to section 33 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of its association; and
- (b) the Deputy Minister of Justice.

1997, c.D-4.1, s.36.

**Suspension**

**37** A judge of the court, on the application of a council, may direct that a member be suspended pending the disposition of the criminal charge where:

- (a) a criminal charge is laid against a member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

1997, c.D-4.1, s.37.

**Review by court**

**38(1)** A member may appeal the decision or any order of the discipline committee to a judge of the court by serving the registrar with a notice of appeal and filing the notice with the local registrar within 30 days after the decision or order where:

- (a) the member has been found guilty of professional misconduct or professional incompetence by the discipline committee pursuant to section 33; or
- (b) the member is subject to an order of the discipline committee pursuant to section 34 or 35.

(2) An appellant shall set out the grounds of appeal in a notice of appeal mentioned in subsection (1).

(3) On receipt of a notice of appeal, the registrar shall file with the local registrar a true copy of:

- (a) the formal complaint and notice served pursuant to section 33 or the report of the professional conduct committee pursuant to section 35;
- (b) the transcript of the evidence presented to the discipline committee;
- (c) the exhibits received in evidence by the discipline committee; and
- (d) the decision and order of the discipline committee.

(4) The appellant or the appellant's solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (3) on payment of the costs of producing them.

- (5) On hearing an appeal the judge may:
- (a) dismiss the appeal;
  - (b) quash the finding of guilt;
  - (c) direct a new hearing or further inquiries by the discipline committee;
  - (d) vary the order of the discipline committee; or
  - (e) substitute the judge's own decision for the decision appealed from.
- (6) The judge may make any order as to costs that the judge considers appropriate, including an order as to which party shall bear the cost of the transcripts and other material filed with the local registrar pursuant to subsection (3).

1997, c.D-4.1, s.38.

#### **Effect of appeal**

**39** The commencement of an appeal pursuant to section 38 does not stay the effect of the decision or order appealed from, but on five days' notice to the registrar, the appellant may apply to the court for a stay of the decision or order pending the disposition of the appeal.

1997, c.D-4.1, s.39.

#### **Court of Appeal**

**40** An association or a member who brings an appeal pursuant to section 38 may appeal a decision of a judge of the court on a question of law within 30 days after the decision to the Court of Appeal.

1997, c.D-4.1, s.40.

#### **Reinstatement**

**41(1)** A person who has been expelled as a member may apply to his or her former association's council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On the completion of its investigation, the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate that person.

(4) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the person, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.

**c. D-4.1****DENTAL DISCIPLINES**

- (5) On an appeal pursuant to subsection (4), the judge shall consider:
- (a) the proceedings before the council on the application for reinstatement;
  - (b) the past record of the appellant as shown by the books and records of the association; and
  - (c) the evidence taken before the council and any committee that dealt with the expulsion and application for reinstatement and the report of that committee.
- (6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1997, c.D-4.1, s.41.

**GENERAL****Exemption**

**42(1)** Nothing in this Act prohibits a dental technician from carrying on business as a dental technician through and in the name of a corporation, where the corporation has a dental technician in charge of its operations.

(2) Nothing in this Act prohibits a denturist from carrying on business as a denturist through and in the name of a corporation, where the corporation has a denturist in charge of its operations.

1997, c.D-4.1, s.42.

**Immunity**

**43** No action lies or shall be instituted against:

- (a) a council;
- (b) a councillor;
- (c) a professional conduct committee;
- (d) a discipline committee;
- (e) a committee member; or
- (f) an officer, employee or agent;

of an association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1997, c.D-4.1, s.43.

**Offence and penalty**

**44** Every person who contravenes any provision of section 22 or 24 is guilty of an offence and liable on summary conviction to a fine of:

- (a) for a first offence, not more than \$4,000;
- (b) for a second offence, not more than \$8,000; and
- (c) for each subsequent offence, not more than \$12,000 or to imprisonment for a term of not more than six months, or to both.

1997, c.D-4.1, s.44.

**Limitation of prosecution**

**45** No prosecution for a contravention of any provision of section 22 or 24 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice or the council of the association to which the offence relates.

1997, c.D-4.1, s.45.

**Report of termination of employment**

**46** Any employer who terminates for cause the employment of a member shall report the termination to the member's association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1997, c.D-4.1, s.46.

**Review by Legislative Assembly**

**47(1)** One copy of every bylaw and amendment filed with the Director of Corporations pursuant to section 16 is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

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

1997, c.D-4.1, s.47; 2010, c.B-12, s.27; 2014, c.E-13.1, s.62.

**Record of revocation and notification**

**48(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 Legislative Assembly shall immediately:

- (a) forward two copies of the Votes and Proceedings to the Director of Corporations; and
- (b) advise the Director of Corporations that the copies are forwarded pursuant to this subsection.

**c. D-4.1****DENTAL DISCIPLINES**

(2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall immediately:

- (a) file one of the copies with the bylaw or amendment to which it relates;
- (b) forward the other copy to the association; and
- (c) advise the association that the copy is forwarded pursuant to this subsection.

1997, c.D-4.1, s.48; 2010, c.B-12, s.27.

**Annual register**

**49** On or before February 1 in each year, each association shall file with the Director of Corporations a list, certified by the registrar to be a true list, showing:

- (a) the names of all members as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the association; and
- (c) the respective dates of admission of the members mentioned in clause (a).

1997, c.D-4.1, s.49; 2010, c.B-12, s.27.

**Annual report**

**50** Each association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

1997, c.D-4.1, s.50.

**Compliance**

**51** Every member shall comply with this Act and the bylaws of that member's association.

1997, c.D-4.1, s.51.

**Service of notices, etc.**

**52(1)** Unless otherwise provided for in this Act or the bylaws, any notice or other document that is required to be served pursuant to this Act may be served by:

- (a) personal service made:
  - (i) in the case of an individual, on that individual;
  - (ii) in the case of a partnership, on any partner; or
  - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served shown on the register.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.



(3) If it is for any reason impractical to effect service of any documents in the manner provided for in subsection (1), the court may, on application that may be made *ex parte*, make an order for substituted service.

(4) A document served in accordance with the terms of an order mentioned in subsection (3) is deemed to have been properly served.

1997, c.D-4.1, s.52.

#### REPEAL, TRANSITIONAL AND COMING INTO FORCE

##### **S.S. 1978 (Supp.), c.D-5.1, repealed**

**53(1)** Sections 18 and 54 of *The Dental Profession Act, 1978* are repealed.

(2) Sections 43 and 44 of *The Dental Profession Act, 1978* are repealed.

(3) Sections 1 to 17, 19 to 42, 53 and 55 to 67 of *The Dental Profession Act, 1978* are repealed.

(4) Sections 45 and 47 to 52 of *The Dental Profession Act, 1978* are repealed.

1997, c.D-4.1, s.53; 2001, c.8, s.7.

##### **R.S.S. 1978, c.D-6, repealed**

**54** *The Dental Technicians Act* is repealed.

1997, c.D-4.1, s.54.

##### **R.S.S. 1978, c.D-7, repealed**

**55** *The Denturists Act* is repealed.

1997, c.D-4.1, s.55.

##### **S.S. 1980-81, c.D-6.1, repealed**

**56** *The Dental Therapists Act* is repealed.

1997, c.D-4.1, s.56.

##### **Transitional – College of Dental Surgeons of Saskatchewan**

**57(1)** Except to the extent that the bylaws may be inconsistent with this Act, the bylaws of the College of Dental Surgeons of Saskatchewan in effect on the day before subsection 3(1) comes into force continue as the bylaws of the College of Dental Surgeons of Saskatchewan.

(2) A person who is a member of the council of the College of Dental Surgeons of Saskatchewan on the day before subsection 3(1) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

## c. D-4.1

## DENTAL DISCIPLINES

(3) All licences issued or continued pursuant to *The Dental Profession Act, 1978* that are not revoked or suspended on the day before subsection 3(1) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

(4) Notwithstanding subsection (1), but subject to subsections 60(2) and 61(2), bylaws made pursuant to sections 18 and 54 of *The Dental Profession Act, 1978* continue in force until the day subsection 53(1) of this Act comes into force.

1997, c.D-4.1, s.57.

**Transitional – Dental Technicians Association of Saskatchewan**

**58(1)** Except to the extent that the bylaws may be inconsistent with this Act, the bylaws in effect on the day before subsection 3(2) comes into force continue as the bylaws of the Dental Technicians Association of Saskatchewan.

(2) A person who is a member of the board of the Dental Technicians Association of Saskatchewan on the day before subsection 3(2) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

(3) All licences issued or continued pursuant to *The Dental Technicians Act* that are not revoked or suspended on the day before subsection 3(2) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

1997, c.D-4.1, s.58.

**Transitional – Denturists Society of Saskatchewan**

**59(1)** Except to the extent that the bylaws may be inconsistent with this Act, the bylaws of the Denturists Society of Saskatchewan are in effect on the day before subsection 3(3) comes into force continue as the bylaws of the Denturists Society of Saskatchewan.

(2) A person who is a member of the board of the Denturists Society of Saskatchewan on the day before subsection 3(3) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

(3) All licences issued or continued pursuant to *The Denturists Act* that are not revoked or suspended on the day before subsection 3(3) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

1997, c.D-4.1, s.59.

**Transitional – Saskatchewan Dental Assistants Association**

**60(1)** A person who is a member of the board of directors of the Saskatchewan Dental Assistants Association on the day before subsection 3(4) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

(2) On the coming into force of subsection 3(4) of this Act and notwithstanding *The Dental Profession Act, 1978*:

- (a) the College of Dental Surgeons shall not exercise any of its powers pursuant to section 18 of *The Dental Profession Act, 1978* with respect to dental assistants; and
- (b) section 54 of *The Dental Profession Act, 1978* and any bylaws made pursuant to that section or section 18 no longer apply to dental assistants.

(3) Notwithstanding subsection (2), if, on the date that this section comes into force, a complaint received by the College of Dental Surgeons pursuant to section 43 of *The Dental Profession Act, 1978* with respect to a dental assistant has not been concluded:

- (a) that complaint is to be dealt with pursuant to sections 28 to 40 and 44 of *The Dental Profession Act, 1978*; and
- (b) for the purpose of handling the complaint, *The Dental Profession Act, 1978*, as that Act existed on the day before subsection 3(4) of this Act comes into force, and any bylaws made pursuant to sections 18 and 54 of *The Dental Profession Act, 1978* with respect to dental assistants, as those bylaws existed on the day before subsection 3(4) of this Act comes into force, continue to apply respecting the complaint until the complaint is concluded.

(4) All dental assistant licences issued by the College of Dental Surgeons of Saskatchewan that are not revoked or suspended on the day before subsection 3(4) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

1997, c.D-4.1, s.60.

**Transitional – Saskatchewan Dental Hygienists’ Association**

**61(1)** A person who is a member of the board of directors of the Saskatchewan Dental Hygienists’ Association on the day before subsection 3(5) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

(2) On the coming into force of subsection 3(5) and notwithstanding *The Dental Profession Act, 1978*:

- (a) the College of Dental Surgeons shall not exercise any of its powers pursuant to section 18 of *The Dental Profession Act, 1978* with respect to dental hygienists; and
- (b) section 54 of *The Dental Profession Act, 1978* and any bylaws made pursuant to that section or section 18 no longer apply to dental hygienists.

(3) Notwithstanding subsection (2), if, on the date that this section comes into force, a complaint received by the College of Dental Surgeons pursuant to section 43 of *The Dental Profession Act, 1978* with respect to a dental hygienist has not been concluded:

- (a) that complaint is to be dealt with pursuant to sections 28 to 40 and 44 of *The Dental Profession Act, 1978*; and
- (b) for the purpose of handling the complaint, *The Dental Profession Act, 1978*, as that Act existed on the day before subsection 3(5) of this Act comes into force, and any bylaws made pursuant to sections 18 and 54 of *The Dental Profession Act, 1978* with respect to dental hygienists, as those bylaws existed on the day before subsection 3(5) of this Act comes into force, continue to apply respecting the complaint until the complaint is concluded.

(4) All dental hygienist licences issued by the College of Dental Surgeons of Saskatchewan that are not revoked or suspended on the day before subsection 3(5) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

**Transitional – Saskatchewan Dental Therapists Association**

**62(1)** Except to the extent that the bylaws may be inconsistent with this Act, the bylaws of the Dental Therapists Association that are in effect on the day before subsection 3(6) comes into force continue as the bylaws of the Dental Therapists Association.

(2) A person who is a member of the council of the Saskatchewan Dental Therapists Association on the day before subsection 3(6) comes into force continues as a member of council until the earlier of:

- (a) the date councillors are elected to council pursuant to this Act; and
- (b) the date the person dies, resigns or otherwise ceases to be a councillor.

(3) All licences issued pursuant to *The Dental Therapists Act* that are not revoked or suspended on the day before subsection 3(6) comes into force continue in force until the earlier of:

- (a) the date on which the licence expires; and
- (b) the date on which the licence is revoked or suspended pursuant to this Act.

