

# Notice of Bylaw Posting

BC's New Oral Health Regulatory College

## Companion document to the proposed bylaws of BC's new oral health regulatory college

April 26, 2022

Given that the proposed bylaws include 15 parts over 160 pages, this companion document is provided as a plain-language summary of key elements – along with some additional explanatory context. Please note this companion document is not intended to be an exhaustive analysis, nor does it address every bylaw part. Readers are encouraged to review [the text of the proposed bylaws](#) for further information and confirmation.

# Notice of proposed bylaws for BC’s new oral health regulatory college

## About this document

The proposed bylaws will provide the legal framework for the new single oral health regulatory college and are required for the college to deliver on its mandate of public protection. Section 19 of the *Health Professions Act* (the ‘HPA’) allows regulatory colleges to make bylaws, consistent with the duties and objects under section 16 of the HPA, that the college considers necessary or advisable.

*The schedules that will accompany the proposed bylaws are being prepared and will be available shortly. Schedules contain primarily list-based information referred to in the bylaws, including fees, recognized education programs and declaration templates for registration.*

## How to submit comment

The HPA also requires the college to give notice of proposed bylaws. The notice period for the proposed bylaws will run for three months, ending on July 27, 2022. During this time, comments can be submitted in the following ways:

Oral Health Amalgamation Project	Professional Regulation and Oversight BC Ministry of Health
<b><i>Please provide the name and/or number of the bylaw part or section that you are responding to.</i></b>	
Complete our online <a href="#">feedback form</a> (preferred)  or  email <a href="mailto:bylaws@oralhealthamalgamationbc.ca">bylaws@oralhealthamalgamationbc.ca</a>	Complete the Ministry’s <a href="#">feedback form</a>  or  email the Director, Regulatory Initiatives, Professional Regulation & Oversight Branch at <a href="mailto:PROREGADMIN@gov.bc.ca">PROREGADMIN@gov.bc.ca</a>

	Refers to key elements of the bylaws related to <b>governance</b>
	Refers to key elements of the bylaws related to <b>regulatory requirements</b>

	Refers to key elements of the bylaws related to <b>standards, ethics and records</b>
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Context for the bylaws and the amalgamation project:

- Day 1 of amalgamation means the date that the bylaws will be approved by the first board that is appointed by the Minister of Health.
- Reference to “the college” means BC’s new oral health regulatory college.
- The oral health professionals regulated by the new college are either “registrants” or “certified dental assistants.”
- Fees for application and registration/renewal are unchanged.
- The Minister of Health will appoint the first board of the new college and the first board chair.

**Governance**

Good governance is the cornerstone of any well-functioning organization. Accountability for good governance rests with the board of the college, which also delegates certain functions to the committees.

These parts of the bylaws set out the governance structure for the new college, and have been drafted to promote clear decision making that promotes public protection and better oral health for patients and the public.

The governance structure is consistent with the public protection mandate of the College, and aligned with the Minister of Health’s document, *Recommendations to Modernize the Health Profession Regulatory Framework*.

Topic	Highlights
<b>Board Composition</b>  <i>College Board Part 2</i>	<p>The College will be governed by a <b>12-member board</b>, with six elected members (oral health professionals) and six public members appointed by the Minister of Health.</p> <p>The elected members include:</p> <ul style="list-style-type: none"> <li>• one certified dental assistant</li> <li>• one oral health professional (registrant) from each of the four legacy colleges: a dental hygienist, a dental technician, a dentist or dental therapist, and a denturist</li> <li>• one board member who is either a registrant or a certified dental assistant</li> </ul> <p>Elected member terms are three years.</p>

	<p>The board chair will be selected by the board.</p> <p>Eligibility requirements for elected board members:</p> <ul style="list-style-type: none"> <li>• To promote regulatory independence, elected board member candidates may not have held a position of responsibility with any oral health professional association for the previous three years.</li> <li>• Elected board members cannot be the subject of open complaints.</li> </ul>
<p><b>Committee structure</b></p> <p><i>Part 4</i> <i>Committees and Panels</i></p>	<p>There are <b>10 committees</b> that help the board meet its mandate of public protection and are accountable to the board:</p> <ul style="list-style-type: none"> <li>• Registration</li> <li>• Inquiry</li> <li>• Discipline</li> <li>• Quality Assurance</li> <li>• Sedation and General Anesthesia</li> <li>• Standards and Guidance</li> <li>• Patient Relations</li> <li>• Finance, Audit and Risk</li> <li>• Nomination and Appointment</li> <li>• Governance and Human Resources</li> </ul> <p>Committee composition and terms:</p> <ul style="list-style-type: none"> <li>• Committee members are appointed by the board using a competency-based framework.</li> <li>• All committees must have at least one-third public members; the Patient Relations committee must have at least one-half public members.</li> <li>• Committee members appointed for two-year terms, with a maximum of six consecutive years.</li> <li>• To promote independence of committees, board members can serve only on the three board committees that do the work of the board: Finance, Audit and Risk; Nomination and Appointment; Governance and Human Resources.</li> </ul>
<p><b>College administration and general meetings</b></p> <p><i>Part 3</i> <i>College Administration</i></p>	<p>The fiscal year begins April 1 of each year.</p> <p><u>General meetings</u></p> <p>General meetings have been re-envisioned to allow for meaningful two-way engagement with the public and registrants. This allows the college to report out on its activities and to provide opportunity for members of the public and registrants to ask questions about and provide feedback on issues relevant to the duties and object of the college as set out in section 16 of the HPA.</p>

## Regulatory

These parts of the bylaw include the College's requirements for:

- registration and certification of oral health professionals
- activities and aspects of practice that registrants can delegate or authorize other non-registrant health providers to perform
- quality assurance program to ensure patients and the public receive safe, ethical and competent oral health care
- investigation and resolution of complaints about oral health professionals

<p><b>Renewal fees and date</b></p>	<p>Registration and renewal fees are unchanged.</p> <p>Annual renewal deadline is March 31 each year for all registrants and certified dental assistants.</p> <p>There is no provision in the bylaws for the new college to collect fees on behalf of third-party organizations, including professional associations.</p> <p><i>Dental hygienists will obtain liability (negligence) insurance separately from renewal fee and will be required to show proof as part of renewal process.</i></p> <p><i>For consistency with the other amalgamation partner colleges, the registration requirement for dental hygienists to hold current CPR certification has been removed. CPR will be considered in the broader context of standards development and quality assurance.</i></p>
<p><b>Registrants</b></p> <p><i>Part 6</i></p>	<p>“Registrants” are defined as dental hygienists, dental therapists, dentists, dental technicians, and denturists.</p> <p><i>The terms “member” and “membership” do not apply to the regulation of oral health professionals in BC.</i></p> <p><i>Dental technician assistants will remain part of the oral health team but will not be regulated by the college. They will not be required to renew their registration annually with the college and will not have to pay an annual fee. There is no change to the work they can perform or their employment status.</i></p>
<p><b>Certified dental assistants</b></p> <p><i>Part 9</i></p>	<p>Certified dental assistants remain as “certified non-registrants.”</p> <p><i>Changes to this definition would require legislative and regulatory changes that are outside the scope of the bylaws.</i></p>

	<p>“Practicing” category of certification is renamed “full” for consistency with registrant categories.</p> <p>Bylaws set out a pathway back to practice for CDAs who have been out of practice for more than three years.</p>
<p><b>Requirements for registration (entry to practice) and annual renewal of registration</b></p> <p><i>Part 6 Registration</i></p>	<p>Bylaws set out requirements for registration including academic achievement, competencies or other qualification and evidence of good character.</p> <p>Current registration requirements will remain in place for day 1 of amalgamation. Harmonization/standardization of approach will take place following amalgamation; the bylaws will be updated at that time.</p>
<p><b>Quality assurance / continuing competence program</b></p> <p><i>Part 12 Quality Assurance</i></p>	<p>Current quality assurance requirements for oral health professionals will remain in place for day 1 of amalgamation. Harmonization of processes will be pursued following amalgamation.</p> <p><i>Preparation is underway so that when the bylaws come into effect, the Quality Assurance committee can move forward on the review of the current QA programs without delay. As a result of this review and harmonization, the quality assurance section of the bylaws will require additional updates.</i></p>
<p><b>Complaint investigation and resolution</b></p> <p><i>Part 13 Investigation and Discipline</i></p>	<p>There will be a single point of contact for patients, the public and others to raise concerns or submit complaints about oral health professionals.</p> <p>Key elements relating to the bylaws on investigation and discipline:</p> <ul style="list-style-type: none"> <li>• Registrants and certified dental assistants have a duty to cooperate with a complaint investigation.</li> <li>• Complaint investigators may provide information and attend interviews conducted during the investigation of complaints.</li> <li>• Employees of an oral health professional who is the subject of a complaint investigation are authorized to answer questions posed by the complaint investigators.</li> </ul>
<p><b>Registrant delegation and authorization of restricted activities and aspects of practice to regulated and unregulated health professionals</b></p> <p><i>Part 11</i></p>	<p>The bylaws contain clear definitions and requirements about the restricted activities and aspects of practice that registrants can delegate and/or authorize other non-registrant health care providers to perform. This supports an inter-professional, team-based environment.</p>

<p><i>Delegation and Authorization</i></p>	<p>The bylaws differentiate the defined terms “authorize,” “delegate” and “direct and indirect supervision.”</p> <p>A registrant is responsible for any aspect of practice that they delegate or authorize to a non-registrant.</p> <p>A registrant who delegates or authorizes to a non-registrant must:</p> <ul style="list-style-type: none"> <li>• Issue specific and appropriate instruction</li> <li>• Be satisfied that the non-registrant has the appropriate knowledge, skills and judgment to provide or perform the aspect of the practice competently and safely</li> </ul> <p><i>Consideration was given to the activity and the risk associated with it, and to the education and experience of the person being authorized to perform the activity.</i></p> <p>For dental technicians, the new bylaws do not include a supervision ratio setting out the number of registrants a dental technician is permitted to supervise.</p> <p>Denturists continue to be able to authorize a non-registrant to perform an aspect of practice under indirect supervision.</p> <p>A supervising denturist does not need to be present at the same location while a non-registrant is making or altering a denture but must review the denture before it is provided to a patient.</p>
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**Standards, ethics and records**  
 Requires registrants and certified dental assistants to conduct themselves in accordance with the standards of practice and standards of professional ethics. This section also outlines requirements for how registrants create, maintain and disclose treatment records of patients.

<p><b>Standards of practice and ethics</b></p> <p><i>Part 15</i></p>	<p>Current requirements for standards of clinical and ethical practice will remain in place for day 1 of amalgamation.</p> <p>Promotional requirements of amalgamating colleges have been aligned in a general section with a focus on marketing that may mislead the public.</p> <p>The three professional standards committees (Standards and Guidance, Patient Relations and Sedation and Anesthesia) will be responsible for reviewing and updating the standards and guidance documents after the bylaws take effect.</p>
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<p><b>Recordkeeping</b></p> <p><i>Part 8</i> <i>Registrant records</i></p>	<p>The bylaws:</p> <ul style="list-style-type: none"> <li>• Establish requirements for the retention, disclosure, storage and destruction by registrants of treatment records</li> <li>• Specify the retention period of 16 years</li> <li>• Include clear references to the privacy requirements for patient information</li> </ul>
<p><b>Permits</b></p> <p><i>Part 14</i> <i>Health professions corporations</i></p>	<p>The HPA allows registrants to practise through a health profession corporation:</p> <ul style="list-style-type: none"> <li>• Dental hygienists, dentists and denturists may obtain a permit to practise through a health profession corporation.</li> <li>• Permits will be renewed annually. This ensures the college has up to date information about those registrants who are practising through a health profession corporation.</li> </ul>