



**Executive
Council**

*A certified copy of an Order in Council dated
May 4, 2009.*

2009-231

The Governor in Council on the report and recommendation of the Minister of Health dated April 22, 2009, and pursuant to subsection 7(4) of Chapter 29 of the Acts of 2007, the *Dental Hygienists Act*, is pleased to approve of new regulations made by the Board of Directors of the Nova Scotia Dental Hygienists Association respecting dental hygienists in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after May 15, 2009.

Certified to be a true copy

A handwritten signature in black ink that reads "RCFowler".

.....
R. C. Fowler
Clerk of the Executive Council

"SCHEDULE A"

I HEREBY CERTIFY that at a duly convened meeting of the Board of Directors of the Nova Scotia Dental Hygienists Association held on February 10, 2008, the Board carried a motion to approve the attached Regulations pursuant to subsection 7(4) of Chapter 29 of the Acts of 2007, the *Dental Hygienists Act*.

Dated at *Halifax* Nova Scotia, this *13th* day of June, 2008.

Karen Wolf
BOARD OF DIRECTORS OF THE NOVA
SCOTIA DENTAL HYGIENISTS ASSOCIATION
Per: Karen Wolf, President

Approved by Order in Council
.....*2009-231*..... dated
.....*May 4, 2009*.....
R.C. Fowler
.....
R.C. Fowler
Clerk of the Executive Council

**Regulations Respecting Dental Hygienists
made pursuant to subsection 7(4) of Chapter 29 of the
Acts of 2007, the *Dental Hygienists Act***

Interpretation

Citation

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

Definitions

2 In these regulations,

- (a) “Act” means the *Dental Hygienists Act*;
- (b) “Agreement on Internal Trade” means the agreement dated July 1, 1995, as amended, signed by the federal, provincial and territorial governments of Canada, to facilitate the free movement of persons, goods, services and investments throughout Canada;
- (c) “licensing year” means a 12-month period approved by the Council;
- (d) “Mutual Recognition Agreement” means any valid agreement between the College or its predecessor Nova Scotia Dental Hygienists Association and other dental hygiene regulatory bodies in Canada regarding recognition of qualifications of applicants from other provinces and territories of Canada;
- (e) “nurse practitioner” means a nurse practitioner as defined in the *Registered Nurses Act*;
- (f) “scaling teeth and root planing” includes curetting of surrounding tissue;
- (g) “self-directed clinical practice” means the practice of dental hygiene without a written protocol;
- (h) “self-initiation module” means the self-initiation module of continuing education approved by the Council, designed to provide education to dental hygienists regarding matters relevant to self-directed clinical practice;
- (i) “written protocol” means a protocol that authorizes a dental hygienist to perform certain procedures, and contains the information set out in Schedule A.

Registration

Qualifications for registration

3 Except as provided in Section 4 for persons subject to the Mutual Recognition Agreement, a person must possess all the following qualifications for registration in the register:

- (a) they must be a Canadian citizen, or be legally entitled to live and work in Canada;
- (b) they must have graduated from an accredited dental hygiene program or successfully completed any examinations approved by the Council;
- (c) they must have successfully completed the certifying examination or examinations of the National Dental Hygiene Certification Board or equivalent from the Province of Quebec, unless they held the equivalent of a practising licence before May 1, 1996, in any other jurisdiction approved by the Council;
- (d) they must be in good standing with the dental hygiene regulatory authority in each jurisdiction in which they previously practised dental hygiene;
- (e) they must not be under investigation for any complaints, and must not be the subject of any disciplinary proceedings that would prohibit or restrict their ability to practise dental hygiene;
- (f) they must not have pleaded guilty to or been convicted of a criminal offence for which a pardon has not been issued, that would reasonably be considered to have negative implications for the profession as a whole or for their practice of dental hygiene;
- (g) they must have demonstrated proficiency in the English language in a manner determined by the Council.

Registration of dental hygienists – Mutual Recognition Agreement transfers

4 A person who is licensed to practise as a dental hygienist under a non-restricted license issued before July 1, 2001, in a jurisdiction that is a signatory to the Mutual Recognition Agreement is eligible to be registered in the Register upon compliance with clause 3(c) and Section 5.

Applying for registration

5 (1) An applicant for registration must submit a completed application in the form prescribed by the Registrar together with all of the following:

- (a) the applicable registration fee;

- (b) an unmounted passport-size photograph of the applicant;
 - (c) a copy of the applicant's birth certificate or other identification documents satisfactory to the Registrar;
 - (d) a certified copy of any degrees, diplomas and certificates the applicant holds from accredited dental hygiene programs or other dental hygiene programs, or other information acceptable to the Registrar instead of certified copies;
 - (e) the applicant's curriculum vitae, including a chronological listing of previous education and employment with descriptions of the applicant's clinical and non-clinical experience;
 - (f) any reference information the Registrar requires;
 - (g) information required by the Registrar to verify the requirements of clauses 3(d) to (g).
- (2) The Registrar may waive any of the criteria for registration required by these regulations for either of the following reasons:
- (a) it is required by the Agreement on Internal Trade or by law;
 - (b) it is consistent with the objects and purpose of the College and the Registrar considers it necessary.

Registrar may require interview

- 6 The Registrar may require an applicant for registration to have a personal interview with any 1 or more of the following:
- (a) the Registrar;
 - (b) the Credentials Committee;
 - (c) the Council.

Classes of applicants and members

Classes

- 7 The following are the 6 classes of applicants and members under the Act:
- (a) practising;
 - (b) non-practising;
 - (c) provisional;

- (d) student;
- (e) honorary;
- (f) life.

Qualifications for practising licence

- 8 (1) A member applying for a practising licence must possess all of the following qualifications:
- (a) they must not currently be subject to any disciplinary finding that would prohibit them from practising dental hygiene;
 - (b) they must intend to practise dental hygiene in the Province;
 - (c) they must be currently certified in CPR, to the level approved by the Council;
 - (d) for an applicant who graduated from an accredited dental hygiene program more than 3 years before their application, they must
 - (i) have completed, in the 3 years immediately before their application, 45 hours of continuing competency requirements approved by the Council, and
 - (ii) have been practising dental hygiene in the 3 years immediately before the date of their application;
 - (e) for an applicant who graduated from an accredited dental hygiene program more than 3 years before their application who does not meet the requirements of subclauses (d)(i) and (ii), they must meet the alternate requirements approved by the Council;
 - (f) for an applicant who has not practised dental hygiene for the 3 years immediately before their application, they must have passed any examination or examinations approved by resolution of the Council;
 - (g) they must complete an assessment or examination approved by the Council that tests the applicant's knowledge of all of the following:
 - (i) the Act,
 - (ii) the regulations made under the Act,
 - (iii) the by-laws made under the Act,

- (iv) the code of ethics approved under the by-laws,
 - (v) the standards of practice approved under the by-laws,
 - (vi) any matters relevant to the practice of dental hygiene in the Province as determined by the Council;
- (h) for an applicant who intends to engage in self-directed clinical practice and for an applicant applying for a practising licence 2 years after being issued an initial licence under the Act, they must
- (i) have successfully completed the self-initiation module, or
 - (ii) have equivalent education or experience to that provided by the self-initiation module, as determined by the Registrar.
- (2) With the exception of clause (1)(h), the Registrar may waive any of the criteria for a practising licence required by these regulations for either of the following reasons:
- (a) it is required by the Agreement on Internal Trade or by law;
 - (b) it is consistent with the objects and purpose of the College and the Registrar considers it necessary.

Applying for practising licence

9 A member applying for a practising licence must submit a completed application in the form prescribed by the Registrar together with all of the following:

- (a) the applicable licensing fee;
- (b) any information the Registrar may require to establish that the applicant is competent and capable and of such character to safely and ethically conduct the practice of dental hygiene;
- (c) proof of the insurance coverage required by Section 10;
- (d) information required by the Registrar to verify the applicable requirements of subsection 8(1).

Insurance coverage for members who hold practising licences

10 A member who holds a practising licence must have professional liability insurance coverage or similar malpractice protection coverage in the minimum aggregate amount of \$2 000 000.

Entitlements of member who holds practising licence

11 A member who holds a practising licence is entitled to all of the following:

- (a) practise dental hygiene as set out in this Act and these regulations;
- (b) use the title “Dental Hygienist” or “Registered Dental Hygienist”, and use the initials “D.H.” or “R.D.H.”;
- (c) if elected, hold office on the Council;
- (d) be eligible to serve as an appointed member on any committee of the College;
- (e) attend, participate and vote at meetings of the College.

Qualifications for non-practising licence

12 An applicant for a non-practising licence must meet all of the following qualifications:

- (a) they must not currently be subject to any disciplinary finding that would prohibit them from practising dental hygiene;
- (b) they must not currently be practising dental hygiene in the Province.

Applying for non-practising licence

13 An applicant for a non-practising licence must submit a completed application in the form prescribed by the Registrar together with the applicable licensing fee.

Entitlements of member who holds non-practising licence

14 A member holding a non-practising licence is entitled to all of the following:

- (a) if elected, hold office on the Council;
- (b) be eligible to serve as an appointed member on any committee of the College;
- (c) attend, participate and vote at meetings of the College.

Qualifications for student class

15 A person applying for entry in the student class must meet all of the following qualifications:

- (a) they must be a full time student of an accredited dental hygiene program in the Province;
- (b) they must not be currently engaged in active professional employment as a dental hygienist or intending to provide services described in Section 22 of the Act outside of the clinical practicum component of the accredited dental hygiene program;

- (c) they must be of good character.

Applying for entry in the student class

16 An applicant for entry in the student class must submit an application in the form prescribed by the Registrar together with all of the following:

- (a) the applicable fee;
- (b) information required by the Registrar to verify that the applicant meets the requirements of Section 15.

Entitlements of persons in the student class

17 A person whose name has been entered in the student class is entitled to all of the following:

- (a) attend and participate in meetings of the College;
- (b) be eligible to serve as an appointed member on any committee of the College;
- (c) access to communications, newsletters and other services of the College as determined by the Council.

Qualifications for entry in the honorary class

18 The Council may grant honorary status to any person who meets all of the following qualifications:

- (a) the person is not otherwise eligible for registration or licensing under the Act;
- (b) the person is nominated by at least 5 voting members who have signed a petition stating their reasons for nominating the person;
- (c) as determined by a majority of the Council, the person has made such outstanding contributions to the College or to the profession of dental hygiene that the person is deserving of honorary status in the College.

Entitlements of persons in the honorary class

19 A person whose name has been entered in the honorary class is entitled to all of the following:

- (a) attend and participate in meetings of the College;
- (b) access to communications, newsletters and other services of the College as determined by the Council.

Qualifications for life membership

- 20 (1) The Council may grant life membership to a person who meets all of the following qualifications:
- (a) the person have been a member in good standing of the College or its predecessor for at least 15 years;
 - (b) the person been nominated by at least 5 voting members who have signed a petition stating their reasons for nominating the person;
 - (c) as determined by the Council, the person has made such outstanding contributions to the College or to the profession of dental hygiene that they are deserving of life membership in the College.
- (2) A person is eligible for life membership whether or not they hold another licence.

Entitlements of life members

- 21 A person who has been granted a life membership is entitled to all of the following:
- (a) attend and participate in meetings of the College;
 - (b) vote at general meetings of the College;
 - (c) access to communications, newsletters and other services of the College as determined by the Council.

Term of licences

- 22 Unless it is suspended or revoked, a practising, non-practising or student licence issued under these regulations remains in effect until the end of the licensing year in which it is issued.

Renewing licences

- 23 (1) An applicant for renewal of a practising, non-practising or student licence may renew their licence by following the same procedure and meeting the same qualifications as for an initial licence.
- (2) If a member fails to renew their practising licence by the renewal date, the Registrar must notify the member and their employer, if any, by registered mail that the member is unable to practise dental hygiene until the member meets the requirements for renewal of their licence.

Transfer of student, life and honorary members

- 24 A person who was student, life or honorary member of the Nova Scotia Dental Hygienist Association immediately before the date the Act comes into force is

deemed to meet the qualifications for and must be entered as members in the same licensing class under the Act after the Act comes into force.

Scope of Practice

Actions prescribed as included in practice of dental hygiene

25 The following actions are prescribed under clause 22(1)(b) of the Act as being included in the scope of practice of dental hygienists, and dental hygienists are authorized to carry out the following actions under the specified conditions:

- (a) ordering, prescribing and administering all of the following drugs:
 - (i) antimicrobial agents, other than antibiotics,
 - (ii) desensitizing agents, including topical anaesthetics,
 - (iii) anticariogenic agents;
- (b) ordering, administering and interpreting radiographs for dental hygiene services;
- (c) administering oral anaesthetic, only if under the written order of the client's dentist or physician;
- (d) performing orthodontic and restorative procedures, only if under the written order of a dentist.

Actions prescribed as excluded from practice of dental hygiene

26 The following actions are prescribed under clause 22(1)(c) of the Act as being excluded from the scope of practice of dental hygienists, and dental hygienists are not authorized to carry out the following actions:

- (a) diagnosis, other than diagnosis for dental hygiene services and interventions set out in Section 22 of the Act;
- (b) dental treatment planning, other than planning for dental hygiene services and interventions set out in Section 22 of the Act;
- (c) severing or cutting hard or soft tissue, other than curettage coincidental to scaling teeth or root planing;
- (d) ordering, administering or prescribing drugs other than the drugs listed in clause 25(a) or (c);
- (e) prescribing or designing intra-oral appliances or prosthetics other than athletic mouth guards.

Protocol for authorizing dental hygienist to perform certain procedures

27 A dental hygienist who did not meet the licensing qualifications in clause 8(h) may perform the following procedures only if authorized by a dentist in a written protocol:

- (a) scaling teeth and root planing;
- (b) ordering, administering and interpreting radiographs for dental hygiene purposes;
- (c) ordering, administering or prescribing the drugs listed in clause 25(a).

Contra-indications to performing scaling teeth and root planing

28 (1) In this Section, "clearance" means a written authorization from a client's dentist, physician or a nurse practitioner providing authority to a dental hygienist to engage in scaling teeth and root planing, despite the presence of any of the conditions outlined in subsection (3).

(2) The conditions outlined in subsection (3) are not contra-indications under clause 23(1)(b) of the Act if there is a relevant, current and documented clearance for the client.

(3) All of the following are prescribed as contra-indications under clause 23(1)(b) of the Act, and a dental hygienist must not, on their own initiative, perform scaling teeth and root planing nor continue scaling teeth and root planing for a client when any of the following conditions are reported or known to be present in the client, or if the dental hygienist is in doubt as to the status or accuracy of the medical or oral health history of the client, unless there is a relevant, current and documented clearance as provided for in subsection (2):

- (a) except as provided in subsection (4), any cardiac condition for which antibiotic prophylaxis is recommended in the guidelines set by the American Heart Association;
- (b) any condition, other than as listed in clause (a), for which antibiotic prophylaxis is recommended or required;
- (c) any unstable medical or unstable oral health condition that may affect the appropriateness or safety of the procedure;
- (d) active chemotherapy or radiation therapy, or previous head or neck radiation;
- (e) immunosuppression caused by disease, medications or treatment modalities;

- (f) any blood disorders;
 - (g) active tuberculosis;
 - (h) drug or alcohol dependency that may affect the appropriateness or safety of the procedure;
 - (i) high-risk of infective endocarditis;
 - (j) a medical or oral health condition that the dental hygienist is unfamiliar with or that could affect the appropriateness, efficacy or safety of the procedure;
 - (k) a drug or a combination of drugs that the dental hygienist is unfamiliar with or that could affect the appropriateness, efficacy or safety of the procedure;
 - (l) a medical history that indicates a known medical intervention requiring a dental pre-screening.
- (4) A dental hygienist may perform scaling teeth and root planing on their own initiative when a client has a cardiac condition for which antibiotic prophylaxis is recommended in the guidelines set by the American Heart Association if all of the following criteria are met:
- (a) the dental hygienist has consulted with the client's dentist, physician or nurse practitioner about the client's condition;
 - (b) it is determined that it is appropriate to proceed with the procedure when the client is taking the prescribed medication in accordance with the guidelines;
 - (c) the client confirms that they are taking the prescribed medication in accordance with the guidelines.

Discipline

Member responsible for expenses

29 Except for costs awarded under Section 61 of the Act, a member is responsible for all expenses they incur in their defence during a discipline proceeding.

Additional Hearing Committee rules of procedure

30 The Hearing Committee may determine any additional rules of procedure for hearings that are not covered by the Act or these regulations.

Witnesses

31 (1) Witnesses at a hearing must testify under oath or affirmation.

- (2) An oath or affirmation taken at a hearing may be administered by any member of the Hearing Committee, or other person in attendance authorized by law to administer oaths or affirmations.
- (3) Witnesses who are present under subpoena at a hearing are entitled to the same allowance as witnesses attending a trial of an action in the Supreme Court of Nova Scotia.

Evidence

- 32 (1) Evidence may be presented at a hearing in any manner that the Hearing Committee considers appropriate in accordance with the Act, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.
- (2) Evidence obtained by the Hearing Committee and information obtained by the Investigation Committee or an investigator regarding a complaint that has not been dismissed by the Investigation Committee must be preserved for at least 5 years from the date the evidence is presented or the information is obtained.

Publication and notification of revocations and suspensions

- 33 (1) The College must publish a notice of any suspension or revocation of a member's licence or revocation of a member's registration in at least 1 newspaper with circulation throughout the Province.
- (2) The College must notify all of the following of any suspension or revocation of a member's licence or revocation of a member's registration:
- (a) dental hygiene regulatory authorities in other Canadian jurisdictions;
 - (b) the Federation of Dental Hygiene Regulating Authorities;
 - (c) its members.
- (3) The Hearing Committee must determine whether to publish a decision, or part of a decision, that results in a disposition other than a suspension or revocation.

Suspension of licence for contravention of legislation

- 34 (1) The Registrar may suspend a member's licence without notice or investigation upon proof of contravention of any requirement of the Act, the regulations or the by-laws that requires the member to pay a fee, file a document or to do any other act by a specified or ascertainable date.
- (2) A member whose licence is suspended under subsection (1) must

immediately cease practising dental hygiene until the member is reinstated and a notice of reinstatement is received from the Registrar.

- (3) The Registrar must not reinstate a member's licence suspended under subsection (1) until the member has paid the fee, filed the document or carried out whatever act was required.
- (4) Despite Section 33, the Registrar may determine whether a suspension under this Section requires publication, but any publication must be in accordance with subsections 33(1) and (2).

Advertising

Advertising standards

- 35 (1) In this Section, "advertising" means to publish, display, or distribute any advertisement, announcement or information related to a dental hygienist's practice, or to cause or permit it, directly or indirectly, to be published, displayed, distributed or used.
- (2) A member must ensure that any advertising for their services meets all of the following criteria:
- (a) it is accurate and not false, fraudulent, ambiguous or likely to be confusing, misleading or deceptive;
 - (b) it is capable of being proven to be true by facts independent of personal feelings, beliefs, opinions or interpretations;
 - (c) it is of a dignified nature and in good taste, so as to uphold the dignity, honour and ethics of the profession and not bring the dental hygienist or the profession into disrepute;
 - (d) it does not make comparisons with another practice or practitioner, or suggest that the services provided are unique or superior to another practice or practitioner;
 - (e) it does not refer to the quality of services provided;
 - (f) it is directed at the general public and not at an individual member of the public other than current clients of record;
 - (g) it is relevant to the public's ability to make an informed choice.
- (3) In clause (2)(g), "information relevant to the public's ability to make an informed choice" includes all of the following information:
- (a) a dental hygienist's

- (i) name,
- (i) professional description,
- (iii) academic degrees gained by examination,
- (b) the office's
 - (i) location and address,
 - (ii) e-mail address,
 - (iii) telephone and fax numbers;
 - (iv) hours and days it is open;
- (c) the languages spoken at the office;
- (d) universal symbols, such as symbols for wheel chair accessibility, credit cards or debit card systems;
- (e) the services available.

Professional corporations advertising

36 Section 35 applies with the necessary changes in detail to professional corporations.

**Schedule A – Suggested Protocol for Authorizing Dental Hygienist
to Perform Procedures**

**Order to Proceed with Scaling and Root Planing when a Dental Hygienist has not
been Authorized by the College of Dental Hygienists to Engage in Self-directed
Practice Including Curetting Surrounding Tissue; Ordering, Administering and
Interpreting Radiographs for Dental Hygiene Purposes; and Ordering,
Administering and/or Prescribing Those Drugs Included in Clause 25(a) of the
*Dental Hygienist Regulations***

In this office, it is the accepted protocol that each patient shall undergo a comprehensive examination by a dentist, which examination shall include a detailed medical and oral health history, which medical and oral health history shall be updated at every subsequent appointment.

If there are no changes in the medical or oral health since a patient's last appointment in this office, I authorize the dental hygienist(s) listed below to undertake: scaling and root planing, including curetting surrounding tissue; and/or ordering, administering and interpreting radiographs for dental hygiene purposes; and, and/or ordering, administering, and/or prescribing those drugs included in clause 25(a) of the *Dental Hygienists Regulations*.

If the patient discloses changes in the patient's medical or oral health since the patient's last appointment in this office, the dental hygienist shall not undertake any of the above services unless the dental hygienist has obtained a patient specific order from me, or a dentist authorized by me to issue orders in my absence.

Dental Hygienist(s) authorized under this protocol

Name(s) (printed)

Signature(s)

Authorizing dentist's signature

Date
