

Dental Technicians Act

CHAPTER 126 OF THE REVISED STATUTES, 1989

as amended by

2012, c. 48, s. 29



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CHAPTER 126 OF THE REVISED STATUTES, 1989
amended 2012, c. 48, s. 29

**An Act to Incorporate the Nova Scotia
Dental Technicians Association**

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Short title

1 This Act may be cited as the *Dental Technicians Act*. R.S., c. 126, s. 1.

Interpretation

2 In this Act,

(a) “Association” means the Nova Scotia Dental Technicians Association;

(b) “Board” means the Examining Board appointed under Section 11;

(c) “Council” means the Council of the Association;

(d) “dental laboratory” means any place where the art or business of dental technology is practised or carried on;

(e) “dental technician” means a person who practises the art or business of dental technology;

(f) “dental technology” means the art or business of manufacturing or repairing any prosthetic denture, bridge, appliance or device to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof;

(g) “dentist” means a person legally qualified to practise dentistry in the Province;

(h) “physician” means a person legally qualified to practise medicine in the Province. R.S., c. 126, s. 2.

Association, membership and head office

3 (1) The Nova Scotia Dental Technicians Association incorporated by Chapter 111 of the Acts of 1949 is hereby continued as a body corporate.

(2) The members of the Association shall consist of the persons who are now members thereof, together with such persons as hereafter, pursuant to this Act, become members thereof.

(3) The head office of the Association shall be at the City of Halifax or such other place as the Council decides. R.S., c. 126, s. 3.

Objects

4 The objects of the Association are to

(a) increase the knowledge, ability and competence of its members;

(b) improve the administration of dental laboratories;

(c) improve the standard of the practice of dental technology so as to ensure that the public at all times receives the services of proficient and competent dental technicians of high ethical standards;

(d) co-operate with the dental profession and others having like purposes in the attainment of the objects of the Association;

(e) do such lawful things as are incidental or conducive to the attainment of such objects. R.S., c. 126, s. 4.

Acquisition of property, by-laws

5 (1) The Association may acquire and hold real and personal property, and may alienate, mortgage, lease or otherwise charge or dispose of the same or any part thereof.

(2) Subject to the approval of the Governor in Council, the Association may make by-laws not inconsistent with this Act respecting

(a) the election or appointment and the powers, duties and qualifications of officers and employees of the Association;

- (b) the qualifications of members entitled to vote at meetings of the Association, or to hold office therein;
- (c) admission of members, the maintenance of a register of members and the annual renewal of such registration;
- (d) membership fees and fees on admission to study or apprenticeship and on examinations, on registration and annually or otherwise thereafter;
- (e) the discipline or control of members including the adoption and enforcement of any reasonable canons of ethics;
- (f) the investigation of any complaint that a member has been guilty of misconduct or gross negligence or such ~~incompetence~~ [incompetence] in his business as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (g) the cancellation or suspension of the registration of any person found to be guilty of misconduct or gross negligence or to have been incompetent;
- (h) the definition of “misconduct” for the purpose of this Act and the by-laws;
- (i) the administration and disposal of property of the Association;
- (j) the appointment of a Board of Examiners and the payment of reasonable fees and disbursements to members of the Board and members of the Council in respect to the discharge of their duties;
- (k) the inspection of dental laboratories;
- (l) such other matters that to the Association may seem proper or necessary for carrying this Act into effect. R.S., c. 126, s. 5.

Council

6 (1) There shall be a Council of the Association consisting of not more than ten and not fewer than five members who shall, subject to this Act and the by-laws and to the directions of any general meeting of the Association, conduct the affairs and exercise the powers of the Association.

(2) The election of members of the Council shall be held at annual meetings of the Association or in such other manner as provided by the by-laws. R.S., c. 126, s. 6.

Right to designation

7 (1) A person registered under this Act has the right to use the designation “Registered Dental Technician” or the letters “R. D. T.”, and may describe his business as a dental laboratory.

(2) A person is not entitled to use the designation “Registered Dental Technician” or the letters “R. D. T.”, or any other name, title, initials or description implying that he is a registered dental technician unless he is registered under this Act. R.S., c. 126, s. 7.

Application of Act

8 (1) Nothing in this Act or the by-laws applies to or affects the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of the Legislature.

(2) Nothing in this Act or the by-laws limits, alters or affects the application of any provision of the *Dental Act* or of any by-law made thereunder. R.S., c. 126, s. 8.

Dental technician services

9 (1) In this Section, “dentists in association” means dentists practising together in the same suite of offices in the same building and sharing the expenses of their practices.

(2) Nothing in this Act or the by-laws shall be deemed to prohibit the performing of work or services ordinarily performed by a dental technician by

- (a) a dentist or physician;
- (b) a person in a hospital or a university or municipal clinic acting upon the prescription or order of a dentist or physician;
- (c) an apprenticed dental technician working under the direct supervision of a registered dental technician; or
- (d) a person who is not a registered dental technician and who is a full-time employee of one dentist or of not more than three dentists in association where no dental laboratory services are furnished by the dentist or dentists in association to persons other than their patients. R.S., c. 126, s. 9.

Operation of laboratory by company

10 (1) No corporation shall operate a dental laboratory unless

- (a) the majority of the directors are registered dental technicians;
- (b) a majority of each class of shares of the corporation is beneficially owned by registered dental technicians or wives or children of deceased registered dental technicians; and
- (c) a registered dental technician is at all times in charge of the actual operations of the laboratory.

(2) Every member of the board of directors of a corporation that operates a dental laboratory and the registered dental technician in charge of the actual operations of the laboratory shall be deemed guilty of any contravention of this Act by the corporation.

(3) A corporation that was actively engaged in operating a dental laboratory prior to the coming into force of this Act shall be exempt from the provisions of clauses (a) and (b) of subsection (1). R.S., c. 126, s. 10.

Examining Board

11 (1) There shall be an Examining Board of six members, four of whom shall be appointed by the Council and two by the Dental Association of the Province of Nova Scotia.

(2) Two members of the Board first appointed by the Council and one member appointed by the Dental Association of the Province of Nova Scotia shall hold office for a period of two years, and the remaining members of the Board shall hold office for one year, and thereafter every member appointed shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by appointment, by the appropriate body, of a person to hold office for the remainder of the term of such member. R.S., c. 126, s. 11.

Regulations

12 The Board, with the approval of the Governor in Council, may make regulations

(a) prescribing the qualifications of candidates for and the conditions of admission to the study and to the practice of the art of a dental technician;

(b) prescribing the subjects for the examination of candidates for admission to the study and to the practice of the art of dental technician;

(c) prescribing the proofs to be furnished as to education, good character and experience;

(d) relating to examinations and the duties and functions of examiners; and

(e) respecting such other matters as the Board considers necessary or advisable for the more effectual discharge of its functions or the exercise of its powers. R.S., c. 126, s. 12.

Meetings of Association

13 (1) Annual and general meetings of the Association shall be held as determined by the by-laws of the Association.

(2) The persons who now constitute the officers and members of the Council shall continue to hold these offices until their successors are elected. R.S., c. 126, s. 13.

Cancellation or suspension

14 (1) Subject to the by-laws, the Council may, after due inquiry, cancel or suspend the registration of any member who performs dental technology without first obtaining a written prescription or order from a dentist or physician, or who has been found by the Council to be guilty of misconduct, gross negligence or to be incompetent.

(2) The Council shall not cancel or suspend the registration of a member unless he has been given at least thirty days notice in writing of the specific charge and of the time and place at which it will be considered by the Council, at which time the Council may hear evidence on oath, and the member shall be entitled to be heard and to be represented by counsel.

(2A) When conducting an inquiry pursuant to this Section, the Council and each member of the Council have all of the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.

(3) Upon the cancellation or suspension of registration of a member, he shall cease to be entitled to use the designation "Registered Dental Technician" or to be entitled to any of the privileges conferred upon a Registered Dental Technician by this Act until he is reinstated.

(4) If a majority of the members of Council are satisfied that the grounds leading to the cancellation or suspension of registration of a member have ceased to exist or that a person whose registration has been suspended or cancelled is a fit and proper person to be reinstated as an active member, the Council may rescind the order of cancellation or suspension. R.S., c. 126, s. 14; 2012, c. 48, s. 29.

Appeal

15 (1) Any person whose registration has been cancelled or suspended by the Council may appeal from the decision of the Council to a judge of the county court upon giving fifteen days notice of appeal to the secretary of the Association.

(2) The judge hearing the appeal may make such order or give such direction as to the cancellation or suspension of registration and as to the costs of the appeal as to him seems just. R.S., c. 126, s. 15.

Offences

16 (1) Except as otherwise provided in this Act, every person who is not registered under this Act or whose registration is suspended, who

- (a) practises the art of a dental technician or holds himself out as carrying on business as a dental technician;
- (b) operates a dental laboratory;
- (c) advertises or uses or affixes any prefix or suffix to his name signifying that he is carrying on business as a dental technician or that he is qualified to carry on business as a dental technician; or
- (d) violates or contravenes any other provisions of this Act,

is guilty of an offence, and on summary conviction is liable for his first offence to a fine not exceeding two hundred dollars, for a subsequent offence to a fine not exceeding five hundred dollars, and in either case, in default of payment, imprisonment for a period not exceeding six months.

(2) The provisions of subsection (1) shall not apply to a person who, for at least two years immediately preceding the first day of July, 1965, was carrying on the art of a dental technician in the Province of Nova Scotia. R.S., c. 126, s. 16.

Certificate as evidence

17 A certificate signed or purporting to be signed by the Secretary of the Association that a person was or was not a registered member of the Association, or that a person's registration is suspended on a date or during a period specified in the certificate, is admissible in evidence without proof of the signature or election of the Secretary of the Association, and is *prima facie* proof of the facts certified. R.S., c. 126, s. 17.

Personal liability

18 No member or officer of the Association shall be personally liable for the debts or liabilities of the Association unless he has made himself liable therefor. R.S., c. 126, s. 18.

Insolvency or death

19 In case of the insolvency or death of any registered dental technician who operates a dental laboratory, his assignee, widow or personal representative, may continue to operate the laboratory for the sole benefit of his estate under the personal supervision of a registered dental technician for a period not to exceed five years, or such longer period as may be approved of by resolution of the Council. R.S., c. 126, s. 19.