

Denturists Act

CHAPTER 25 OF THE ACTS OF 2000

as amended by

2012, c. 48, s. 30



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CHAPTER 25 OF THE ACTS OF 2000
amended 2012, c. 48, s. 30

**An Act Respecting
the Practice of Denturism**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Denturists Act*. 2000, c. 25, s. 1.

Interpretation

2 In this Act,

(a) “Board” means the Denturist Licensing Board established pursuant to this Act;

(b) “committee” means a committee of the Board and includes a hearing panel unless otherwise excluded;

(c) “complaint” means any complaint, report or allegation in writing and signed by a person regarding the conduct, actions, competence, character, fitness, health or ability of a licensee, former licensee or professional corporation or the employees thereof, or any similar complaint, report or allegation initiated by the Registrar;

(d) “court” means the Supreme Court of Nova Scotia;

(e) “denturism” means

(i) the making of impressions and the determining of jaw relations for the purpose of, or with a view to, the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable denture to be fitted into an edentulous or partially edentulous arch or arches,

(ii) the placement of any removable denture to the edentulous or partially edentulous arch or arches,

and includes the making, reproducing, constructing, furnishing, supplying, altering and repairing of any removable denture in respect of which a service is performed under subclause (i) or (ii), but does not include the adjustment or fitting of dentures in the mouth or any procedure that alters any oral tissue;

(f) “denturist” means a person licensed under this Act to engage in the practice of denturism;

(g) “disciplinary matter” means any matter involving an allegation of professional misconduct, conduct unbecoming a denturist or professional incompetence, including incompetence arising out of physical or mental incapacity;

(h) “former Act” means Chapter 127 of the Revised Statutes, 1989;

(i) “hearing panel” means a hearing panel appointed pursuant to this Act;

(j) “licence” means a valid and subsisting licence issued pursuant to this Act;

(k) “licensee” means a person who is registered in the Register and holds a licence;

(l) “mediation” means any form of alternative dispute resolution;

(m) “permit” means a permit issued to a professional corporation pursuant to this Act;

(n) “prescribed” means prescribed by the regulations;

(o) “professional corporation” means a company incorporated pursuant to the *Companies Act* and this Act for the purpose of carrying on the practice of denturism;

- (p) “Register” means the Register of the Board kept pursuant to this Act;
- (q) “registered” means registered pursuant to this Act;
- (r) “Registrar” means the person holding the office of Registrar pursuant to this Act;
- (s) “removable denture” means a prosthesis designed to be removed by the wearer, that replaces one or more natural teeth with artificial teeth and includes removable dentures that replace all teeth or removable partial dentures that use clasps to gain retention from remaining natural teeth, but it does not include appliances that do not replace oral structures and are worn by a patient in a course of treatment of a disease or an abnormal condition;
- (t) “Society” means the Denturist Society of Nova Scotia. 2000, c. 25, s. 2.

“denturist” and like words

3 The word “denturist” or any like words or expressions implying a person recognized by law as a denturist in the Province, when used in any regulation, rule, order or by-law made pursuant to an Act of the Legislature enacted or made before or after the coming into force of this Act, or when used in any public document, means a person registered in the Register who holds a licence. 2000, c. 25, s. 3.

Exemptions

- 4** Nothing in this Act applies to or prevents
- (a) the practice of dentistry or dental surgery by a person who is registered pursuant to the *Dental Act*; or
 - (b) the practice of dental technology by a person registered pursuant to the *Dental Technicians Act*. 2000, c. 25, s. 4.

DENTURIST LICENSING BOARD

Continuation and powers

5 (1) The Denturist Licensing Board as constituted by the former Act is hereby continued and is a body corporate under the name “Denturist Licensing Board”.

(2) The Board has perpetual succession and a common seal and may sue and be sued.

(3) In addition to any other power conferred by this or any other Act, the Board may do such things as it considers appropriate to advance the objects of the Board and, without limiting the generality of the foregoing, may

(a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out or otherwise deal with any real or personal property;

(b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;

(c) engage such agents and employees as it, from time to time, deems expedient;

(d) expend the moneys of the Board in the advancement of its objects and the interests of the profession of denturism in such manner as it deems expedient;

(e) establish and maintain such offices and agencies as it deems expedient;

(f) invest and deal with any moneys and funds of the Board that are not immediately required, in such manner as it deems expedient;

(g) improve, manage, develop, exchange, dispose of, turn to account or otherwise deal with the real or personal property of the Board;

(h) borrow money for the use of the Board on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the Board and pledge or sell such securities for such sums or at such prices as may be deemed expedient;

(i) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (h). 2000, c. 25, s. 5.

Constitution and terms of office

6 (1) The Board consists of seven members appointed by the Governor in Council

(a) four of whom shall be denturists; and

(b) three of whom shall be persons who are not denturists.

(2) Two of the denturists appointed pursuant to clause (1)(a) shall be the President and Vice-president of the Society, unless they choose not to accept the appointment.

(3) Denturists appointed by the Governor in Council pursuant to clause (1)(a) shall, unless appointed pursuant to subsection (2), be appointed only after consultation by the Minister of Health with the Society.

(4) The members of the Board, other than the President or Vice-president of the Society or a person appointed in the place of either of them, shall

hold office for a period of two years and any member of the Board is eligible for re-appointment at the expiration of that person's term of office.

(5) Notwithstanding subsection (4), persons appointed by the Governor in Council hold office until such time as they are re-appointed, or until their successors are appointed, even if such appointment or re-appointment does not occur until after their specified term of office has expired.

(6) A vacancy on the Board caused by the death, resignation or incapacity of a Board member does not impair the ability of the remaining members to act.

(7) Notwithstanding subsection (1), the persons who, at the coming into force of this Act, make up the Denturist Licensing Board pursuant to the former Act constitute the Board until the appointment of members pursuant to subsection (1).

(8) In subsection (9), "consecutive" means that twelve months or less occurred between the end of one term and the commencement of the next.

(9) Members of the Board shall not be members of the Board for more than three consecutive terms. 2000, c. 25, s. 6.

Regulations by Board and meetings

7 (1) The Board may make regulations

(a) providing for the management of the Board, including the keeping of the registers to be kept pursuant to this Act;

(b) providing for the holding of meetings of the Board, quorum requirements for such meetings and the conduct of such meetings;

(c) fixing the time and place for regular meetings of the Board, determining by whom meetings may be called, regulating the conduct of meetings, providing for emergency meetings and regulating the notice required in respect of meetings;

(d) providing for the appointment of such committees as the Board deems expedient;

(e) respecting the composition, powers and duties of such committees as may be appointed by the Board, and providing for the holding and conduct of meetings of such committees;

(f) respecting the powers, duties and qualifications of the Registrar and the officers, agents and employees of the Board;

(g) prescribing fees payable pursuant to this Act by applicants and licensees;

- (h) prescribing the fees and allowances of members of the Board and committees and providing for the payment of necessary expenses of the Board and committees;
 - (i) respecting the recognition of schools and examinations as prerequisites to registration and licensing;
 - (j) respecting the educational qualifications of applicants for registration as licensees;
 - (k) prescribing the seal of the Board;
 - (l) providing for the execution of documents by the Board;
 - (m) prescribing examinations to be written by applicants for registration;
 - (n) prescribing forms and providing for their use;
 - (o) providing procedures not inconsistent with this Act for the making, amending and revoking of regulations;
 - (p) respecting the information to be included in the Register;
 - (q) prescribing a code of ethics.
- (2) The Board may, with the approval of the Governor in Council, make regulations
- (a) respecting the registration and licensing of licensees;
 - (b) respecting continuing-competency requirements, including continuing-education requirements or practice-hour requirements of licensees for registration;
 - (c) respecting the limiting or qualifying of a licensee's licence including, but not limited to, procedures and interventions;
 - (d) respecting the evaluation of, and licensing requirements of, licensees and applicants for registration who have not practised denturism for at least one year;
 - (e) respecting supervised practice, monitoring supervised practice and the delegation of acts of denturism and any other ancillary matters, and providing for the establishment of a committee or committees to deal with such matters;
 - (f) respecting the disciplining of licensees and the revocation or suspension of licences issued pursuant to this Act;
 - (g) respecting the reporting and publication of decisions in disciplinary matters;

(h) regulating, controlling and prohibiting the use of terms, titles or designations by licensees or groups or associations of licensees in respect of their practice;

(i) prescribing the records and accounts to be kept by licensees and professional corporations with respect to their practice, and providing for the production, inspection and examination of such records and accounts;

(j) providing that the licence of a licensee be suspended without notice or investigation upon contravention of any regulation that requires the licensee to pay a fee, file a document or do any other act by a specified or ascertainable date, and providing for the re-instatement of a licence so suspended;

(k) determining the procedure to be followed at hearings by a hearing panel;

(l) prescribing the type of professional liability insurance or other form of malpractice coverage a licensee shall hold;

(m) prescribing the manner of proof as to matters required to be proven by applicants for permits;

(n) fixing reasonable fees payable for the issuance and renewal of permits;

(o) providing that the permit of a professional corporation is suspended without notice or investigation upon contravention of any regulation that requires the corporation to pay a fee or assessment, file a document or do any other act by a specified or ascertainable date, and providing for the re-instatement of a permit so suspended;

(p) prescribing the grounds upon which the Board may review a decision of the Registrar pursuant to subsection 56(7) and the procedures to be followed in reviewing any such decision;

(q) providing for the re-instatement or re-issuance of any permit suspended or revoked pursuant to this Act and prescribing the terms and conditions upon which re-instatement or re-issuance of a permit may be granted;

(r) providing for the creation and maintenance of a register of professional corporations;

(s) providing for the filing of periodic returns by professional corporations;

(t) providing for the annual renewal of permits and prescribing the terms and conditions upon which renewals may be granted;

(u) prescribing the types of names and business names by which

- (i) a licensee as a sole proprietor,
- (ii) a professional corporation,
- (iii) a partnership with one or more denturists,
- (iv) a partnership of two or more professional corporations, or
- (v) a partnership of one or more professional corporations and one or more individual denturists,

may be known;

(v) prescribing the nature of communications with the public, including advertising, that may be undertaken by a licensee as a sole proprietor, a partnership or a professional corporation;

(w) prescribing access to the minute book records of a professional corporation by the Registrar;

(x) defining any word or expression used but not defined in this Act;

(y) further defining any word or expression defined in this Act;

(z) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the objects of the Board and the intent and purpose of this Act.

(3) All regulations of the Board shall be available for inspection by any person, free of charge, at the head office of the Board at all reasonable times during business hours.

(4) A certificate purporting to be signed by the Registrar stating that a certain regulation of the Board was, on a specified day or during a specified period, a duly enacted regulation of the Board in full force and effect constitutes *prima facie* evidence in any court of that fact without proof that the person who signed it is the Registrar or that it is the Registrar's signature.

(5) A member of the Board or a committee of the Board may participate in any meeting of the Board or committee of the Board, with the exception of the hearing panel when it is conducting a hearing, as the case may be, by telephone or other communications facilities that permit all persons participating in a meeting to communicate with each other, and a member participating in a meeting by such means is deemed to be present at the meeting.

(6) A meeting of the Board, or a committee of the Board, with the exception of the hearing panel when it is conducting a hearing, may be held by conference telephone call or other communications facilities that permit all persons participating in the meeting to communicate with each other, and all members

participating in the meeting by such means are deemed to have been present at the meeting. 2000, c. 25, s. 7.

Chair and frequency of meetings

8 (1) The Board shall designate one of its members, other than a dentist, to be the Chair of the Board.

(2) Subject to subsection (3), the Chair of the Board shall preside at all meetings of the Board.

(3) Where the Chair of the Board is absent from a meeting, some other member chosen by the members present shall preside at the meeting.

(4) Except in the event of an equal number of votes being given for and against a resolution at any meeting, the Chair of the Board or other presiding officer shall not vote.

(5) The Board shall meet at least three times in each calendar year. 2000, c. 25, s. 8.

Committees

9 The Board may appoint annually such committees from among members of the Board as the Board considers necessary to assist it in carrying out its duties pursuant to this Act. 2000, c. 25, s. 9.

Registrar and other employees

10 (1) The Board shall appoint a Registrar, as defined by the regulations for the purpose of this subsection, who holds office during the pleasure of the Board, at such salary or other remuneration as the Board determines.

(2) The Board may appoint an Acting Registrar who shall exercise the powers and duties of the Registrar in the event of the death or incapacity of the Registrar or the Registrar's absence from the Province.

(3) The Board may appoint such other officers, agents or employees at such salary or other remuneration, and for such term of office, as the Board considers necessary to assist it in carrying out its duties pursuant to this Act. 2000, c. 25, s. 10.

REGISTER

Form of register and effect of registration

11 (1) The Board shall keep a Register in which shall be entered the name, address and qualifications of all persons who are entitled pursuant to this Act to be registered in the Register.

(2) The name, address and qualifications of every person who, at the coming into force of this Act, had a licence pursuant to Section 6 of the former Act, shall be entered in the Register, but shall continue under any stipulations or limitations attached to the person's previous licence.

(3) The Registrar shall issue a licence to every person who, at the coming into force of this Act, had been issued a licence pursuant to Section 6 of the former Act.

(4) Every licence issued pursuant to subsection (3) is subject to any conditions or limitations attached to the licence pursuant to the former Act. 2000, c. 25, s. 11.

Direction of Board to Registrar

12 (1) The Board shall direct the Registrar to enter in the Register the name, address and qualifications of any person who

- (a) has successfully completed the certification exam if prescribed by the regulations;
- (b) satisfies the Board that the person possesses the qualifications required in the regulations for registration in the Register;
- (c) complies with this Act and the regulations and any conditions imposed by the Registrar and the Board; and
- (d) complies with Section 15.

(2) Upon receiving a direction from the Board pursuant to subsection (1), the Registrar shall

- (a) enter the name, address and qualifications of the person named in the direction in the Register; and
- (b) issue a licence to the person. 2000, c. 25, s. 12.

Referral of application to Board

13 (1) Where the Registrar is not satisfied with the evidence presented by a person applying for registration, the Registrar

- (a) may; or
- (b) where the applicant so requests in writing, shall,

refer the matter to the Board.

(2) Upon a referral pursuant to subsection (1), the Board, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Board sees fit, and the Board shall consider the application in accordance with this Act.

(3) Where the person requests the opportunity to appear before the Board, this request shall be granted and the person may appear with legal counsel. 2000, c. 25, s. 13.

Effect of criminal conviction

14 Notwithstanding anything contained in this Act, where a person has been convicted or found to be guilty by a court in or out of Canada of any offence that is inconsistent with the proper professional behaviour of a dentist, including a conviction under the *Criminal Code* (Canada) or the *Narcotics Control Act* (Canada), and such person applies for registration, the Registrar and the Board may refuse to register the person, but the Board may, at any time, permit such person to be registered or to remain registered upon such terms and conditions as the Board may direct. 2000, c. 25, s. 14.

Procedure for application

- 15 Any person who applies for registration pursuant to this Act shall
- (a) apply in the prescribed manner;
 - (b) satisfy the Board that that person is the person named in any diploma or documentation submitted in support of the application;
 - (c) satisfy the Board that that person is of good character;
 - (d) provide such information as the Board may require; and
 - (e) pay the prescribed fee. 2000, c. 25, s. 15.

Change of address

16 A licensee who changes address shall promptly inform the Registrar who shall enter the change in the Register. 2000, c. 25, s. 16.

Fees

17 (1) Every licensee shall pay to the Registrar, or such person as the Registrar may designate,

- (a) at the time that the licensee is registered; and
- (b) on or before a date or dates prescribed by the Board in each year thereafter,

the prescribed annual registration or licence fee.

(2) The licence of any licensee who fails to pay prescribed annual fees as required by subsection (1) or who fails to comply within the prescribed period with any continuing competence requirements established in regulations shall be suspended in accordance with the procedure prescribed by the regulations.

(3) The Registrar shall forthwith notify in writing any person whose licence has been suspended pursuant to this Section.

(4) The prescribed annual licence fees payable by licensees pursuant to subsection (1) shall be determined by the Board. 2000, c. 25, s. 17.

Application for re-licensing

18 (1) Where the licence of a licensee has been suspended pursuant to subsection 17(2), or where there has been non-compliance with continuing-competency requirements, or in any other case where the licence of a registered person has expired or lapsed pursuant to this Act or the former Act for non-payment of fees, such person may apply to the Registrar for re-licensing.

(2) Where a person referred to in subsection (1) satisfies the Registrar

(a) of the person's intention to practise denturism in the Province;

(b) as to the person's activities since the date of the suspension or expiry or lapsing of the person's licence;

(c) that the person has maintained and possesses an appropriate level of skill and knowledge in denturism;

(d) as to the person's good standing in all jurisdictions in which the person has practised denturism since the date of the suspension or expiry or lapsing of the person's licence;

(e) that the person has paid all fees or any other amount owing to the Board and such administrative fees as may be prescribed; and

(f) that the person has complied with continuing-competency requirements,

the Registrar may issue a licence to such person.

(3) Where the Registrar is not satisfied with the evidence presented pursuant to subsection (2), the Registrar

(a) may; or

(b) where the applicant so requests in writing, shall,

refer the matter to the Board.

(4) Upon a referral pursuant to subsection (3), the Board, in consultation with the Registrar, shall consider the eligibility of the application and may make such inquiries or demand such further information as the Board sees fit, and the Board shall consider the application in accordance with this Act.

(5) Where the person requests the opportunity to appear before the Board, this request shall be granted and the person may appear with legal counsel.

- (6) After hearing the applicant and the Registrar, the Board may
- (a) direct the Registrar to issue to the applicant a licence;
 - (b) direct the Registrar to issue to the applicant a licence subject to such conditions, limitations or restrictions as the Board considers appropriate;
 - (c) adjourn further consideration of the application pending completion by the applicant of such training, upgrading, clinical examinations or other examinations as the Board may designate; or
 - (d) direct the Registrar to refuse the application where the Board is not satisfied that the applicant meets the criteria set out in subsection (2). 2000, c. 25, s. 18.

Limitations on former licence

19 Every licence issued pursuant to Section 18 is subject to any conditions, limitations or restrictions contained in the licence that had expired, lapsed or been suspended pursuant to subsection 17(2), unless the Board orders otherwise. 2000, c. 25, s. 19.

Effect of ceasing to be registered

20 (1) The licence of a licensee may only be surrendered by the licensee after notice in writing to the Board and with the consent of the Board.

(2) Where a person ceases to be registered or licensed for any reason, such person remains subject to the jurisdiction of the Board in respect of any disciplinary matter arising out of the person's conduct while a licensee or while registered. 2000, c. 25, s. 20.

PROHIBITIONS

Offences

21 (1) A person licensed pursuant to this Act who practises denturism in violation of any condition or limitation contained in the person's licence is guilty of an offence.

- (2)** A person who practises denturism
- (a) while the person's licence is suspended or revoked; or
 - (b) without a licence,

is guilty of an offence. 2000, c. 25, s. 21.

Absence from Province

22 (1) A licensee who leaves the Province and practises denturism on the licensee's return to the Province before providing the Registrar with a certificate of good standing from all jurisdictions in which the licensee had practised during such absence is guilty of an offence.

(2) The Board may waive the requirements of subsection (1) and may make regulations exempting licensees from the requirements of subsection (1) where licensees have been absent from the Province for a period shorter than the maximum period prescribed in the regulations. 2000, c. 25, s. 22.

Practise by person other than denturist

23 (1) Except as provided in this Act or the regulations, no person, other than a denturist who holds a licence, shall

- (a) publicly or privately, for hire, gain or hope of reward, practise or offer to practise denturism;
- (b) hold himself or herself out in any way to be entitled to practise denturism; or
- (c) assume any title or description implying or designed to lead the public to believe that that person is entitled to practise denturism.

(2) No person is entitled to receive a fee, reward or remuneration for

- (a) professional services rendered to any person in the practice of denturism; or
- (b) denturism appliances supplied to any person in the practice of denturism,

unless registered and licensed at the time the services were provided or the appliances were rendered. 2000, c. 25, s. 23.

Restrictions

24 No denturist in the practice of denturism may perform root planing or teeth scaling or teeth polishing or perform any act for the diagnosis or treatment of any defect of teeth, mouth or maxillae or mandible including

- (a) the prescription and taking of X-ray photographs;
- (b) local infiltration anaesthesia;
- (c) the trying, fitting, adjusting or replacement of bridges, including Maryland bridges, and crowns;
- (d) the trying, fitting, adjusting or replacement of
 - (i) overdentures,
 - (ii) prostheses fitted directly onto osteointegrated implants,
 - (iii) prostheses attached indirectly to osteointegrated implants,
 - (iv) cleft palate obturation appliances,

- (v) alteration of the mouth or teeth structures such as tooth reduction or the preparation of support cavities and guiding planes,
- (vi) acts related to orthodontics, or
- (vii) the trying, fitting, adjusting or replacement of temporomandibular joint appliances. 2000, c. 25, s. 24.

False information

25 A person who knowingly furnishes false information in an application pursuant to this Act, or in any statement or return required to be furnished pursuant to this Act or the regulations, is guilty of an offence. 2000, c. 25, s. 25.

Prosecutions

26 (1) In a prosecution for an offence contrary to this Act or the regulations, the onus of proof that a person accused of an offence has the right to practise denturism, or that a person comes within any of the exemptions provided by this Act, is on the person accused.

(2) Where a violation of this Act or the regulations by a person who does not have the right to practise denturism continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

(3) For the purpose of this Act, proof of the performance of one act in the practice of denturism on one occasion is sufficient to establish that a person has engaged in the practice of denturism. 2000, c. 25, s. 26.

Further offences

- 27 (1)** A person who violates
- (a) this Act, except for Sections 52 to 64; or
 - (b) a regulation made pursuant to clause 7(2)(h) or (i),

is guilty of an offence, and the *Summary Proceedings Act* applies in addition to any penalty otherwise provided for in this Act or the regulations.

(2) All fines and penalties payable under this Act as a result of a prosecution by or on behalf of the Board belong to the Board.

(3) Any information to be laid pursuant to this Act may be laid by the Registrar or any member of the Board where authorized by the Board, with the consent of the Minister of Health. 2000, c. 25, s. 27.

Injunctions

28 (1) Where a person whose licence to practise has been suspended pursuant to this Act or the regulations does or attempts to do anything contrary to this Act or the regulations, the doing of such thing may be restrained by an injunction of the court at the instance of the Board.

(2) Where a person other than a licensee does or attempts to do anything contrary to this Act, the doing of such thing may be restrained by an injunction of the court at the instance of the Board. 2000, c. 25, s. 28.

DISCIPLINE

Initiation of complaints

- 29** Complaints may be initiated by
- (a) any official body corporate or association; or
 - (b) any other person. 2000, c. 25, s. 29.

Expert assistance

30 The Board or a hearing panel may employ, at the expense of the Board, such legal or other assistance as it considers necessary for the purpose of the investigation of any disciplinary matter. 2000, c. 25, s. 30.

Confidentiality

31 Every person involved in the administration of this Act and any member of the Board, or a committee of the Board, shall maintain confidentiality with respect to all health information that comes to that person's knowledge regarding clients, except

- (a) in connection with the administration of Sections 32 to 51 and the regulations or proceedings thereunder;
- (b) to one's own legal counsel;
- (c) as otherwise required by law; or
- (d) with the consent of the person to whom the information relates. 2000, c. 25, s. 31.

Investigation of other matter

32 The Registrar, the hearing panel or a person investigating a disciplinary matter concerning a licensee may investigate any other disciplinary matter concerning the licensee that arises in the course of the investigation. 2000, c. 25, s. 32.

Power of Registrar or hearing panel

- 33** (1) Where the Registrar or hearing panel
- (a) learns that the registration or licence of a licensee has been suspended or revoked for reasons of professional misconduct, conduct unbecoming or incompetence by another licensing or regulatory authority;
 - (b) has provided the licensee with such notice as it may prescribe of a hearing together with a copy of the relevant decision of the other licensing or regulatory authority; and

(c) has heard such evidence as is offered by the licensee, if any, at the hearing as to why the licensee should not be subject to disciplinary action,

the Registrar or hearing panel may take any of the actions contemplated by clause 48(2)(e).

(2) Where a licensee has been convicted of an offence pursuant to the *Criminal Code* (Canada) or the *Narcotics Control Act* (Canada) or has been convicted of an offence referred to in Section 14, the Registrar or hearing panel may, by such notice as it prescribes, require the licensee to attend a hearing to establish why the licensee should not be subject to disciplinary action.

(3) For the purpose of subsection (2), a certificate of conviction of a licensee is conclusive evidence that a person has committed the offence stated therein unless it is shown by the licensee that the conviction has been quashed or set aside.

(4) When a Registrar or hearing panel is conducting a hearing pursuant to this Section, it may, if it deems it proper, take any of the actions contemplated by clause 48(2)(e). 2000, c. 25, s. 33.

Duties and power of Registrar

34 (1) The Registrar shall

- (a) investigate complaints regarding a disciplinary matter concerning any licensee;
- (b) investigate any matter referred by the Board; and
- (c) perform such other duties as may be assigned by the Board.

(2) The Registrar may investigate a matter notwithstanding that a written complaint has not been filed with the Registrar.

- (3) Without receipt of a written complaint, the Registrar may
- (a) do all things necessary to provide a full and proper investigation;
 - (b) appoint a person or persons to conduct an investigation or practice audit, or both.

(3A) The Registrar or a person or persons appointed by the Registrar to conduct an investigation has 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.

(4) Upon receipt of a written complaint and upon giving to the licensee a copy of the complaint, the Registrar may require the licensee to

- (a) submit to physical or mental examinations by such qualified persons as the Registrar designates;
- (b) submit to an inspection or audit of the practice of the licensee by such qualified persons as the Registrar designates;
- (c) submit to such examinations as the Registrar directs to determine whether the licensee is competent to practise denturism;
- (d) produce records and accounts kept with respect to the licensee's practice.

(5) Where the licensee fails to comply with subsection (4), the Registrar may suspend or restrict the registration or licence of the licensee until the licensee complies.

(6) Where the Registrar has, pursuant to clause (4)(a), (b) or (c), required a licensee to submit to physical or mental examinations or submit to inspection or audit of the practice by a qualified person designated by the Registrar, the Registrar shall deliver to the licensee any report it receives from the designated qualified person.

(7) The committee or person appointed to conduct an investigation pursuant to clause (3)(b) may

- (a) employ such experts as the committee or person deems necessary;
- (b) require the licensee or any other licensee, who may have information relevant to the investigation, to attend before the committee or the person conducting the investigation to be interviewed;
- (c) investigate any other matter relevant to the conduct, capacity or fitness of a licensee to practise denturism that arises in the course of the investigation.

(8) The Registrar may

- (a) dismiss the complaint;
- (b) attempt to resolve the matter informally;
- (c) with the consent of both parties, refer the matter, in whole or in part, for mediation;
- (d) refer the matter, in whole or in part, to a hearing panel;
- (e) counsel the licensee;
- (f) caution the licensee;
- (g) counsel and caution the licensee;
- (h) reprimand the licensee with the licensee's consent; or

(i) with the consent of the licensee, require the licensee to undergo such treatment or re-education as the Registrar considers necessary.

(9) Where the Registrar is considering a decision to counsel, caution or counsel and caution a licensee pursuant to clause (8)(e), (f) or (g), the Registrar shall give notice to the licensee and the licensee shall be given the opportunity to appear, with or without legal counsel, before the Registrar prior to the Registrar making a decision.

(10) A licensee who has consented to a requirement for treatment or re-education pursuant to clause (8)(i) may consent to such requirement in principle, while reserving the right to appeal the actual content of the requirement for treatment or re-education to a hearing panel within fifteen days of receiving notice thereof.

(11) Parties to an appeal pursuant to subsection (10) shall bear their own costs.

(12) An appeal pursuant to subsection (10) shall be conducted without oral testimony and a hearing panel shall review an agreed statement of facts supplied by the legal counsel for the Board and signed by the licensee.

(13) Where an agreed statement of facts is not filed within thirty days of filing the notice of appeal, the consent of the licensee is deemed to have been withdrawn and the matter referred back to the Registrar who may consider other actions or dispositions as authorized by this Act.

(14) When making findings pursuant to clauses (8)(e), (f), (g), (h) or (i), the Registrar may make any combination of the dispositions that are set out in those clauses or the Registrar may make such other dispositions as the Registrar considers appropriate, in accordance with the objects of this Act.

(15) The licensee and the complainant shall be advised in writing of the disposition of the Registrar. 2000, c. 25, s. 34; 2012, c. 48, s. 30.

Further powers of Registrar

35 (1) Notwithstanding anything contained in this Act, where

(a) the Registrar receives reliable information that indicates that a licensee may be incompetent or guilty of professional misconduct or conduct unbecoming; and

(b) the Registrar concludes that it is in the public interest to suspend from practice or restrict the practice of the licensee,

the Registrar may, without a hearing,

(c) immediately suspend the registration or licence of the licensee on a temporary basis; or

(d) immediately impose restrictions on the registration or licence of the licensee on a temporary basis.

(2) The licensee shall receive, forthwith, notice in writing, with reasons, of a decision made pursuant to subsection (1).

(3) Subject to a determination pursuant to subsection (5), a decision pursuant to subsection (1) continues in force until final resolution by a hearing panel which shall occur without undue delay.

(4) The licensee who receives written notice pursuant to subsection (2) may request, in writing, an opportunity to meet with the Registrar.

(5) Where a request is received pursuant to subsection (4), the Registrar

(a) shall provide an opportunity for the licensee to meet with the Registrar within ten days of the written request; and

(b) after meeting with the licensee, may confirm, vary or terminate the suspension or restrictions imposed pursuant to subsection (1). 2000, c. 25, s. 35.

Appointment of hearing panel

36 Notwithstanding anything contained in this Act, where a decision is made pursuant to subsection 35(1), subject to any disposition made pursuant to subsection 35(5), a hearing panel shall be appointed pursuant to subsection 40(1) to proceed with a hearing to determine whether the licensee is guilty of charges relating to a disciplinary matter. 2000, c. 25, s. 36.

Jurisdiction of members of panel

37 Notwithstanding that members of a hearing panel have ceased to hold office by reason of the lapse of their appointments, such members are seized with the jurisdiction to complete any matter the panel has commenced if necessary to retain a quorum and, for this purpose, such members continue to have the same powers, privileges, immunities and duties as are provided by this Act and the regulations. 2000, c. 25, s. 37.

Settlement agreement

38 (1) After the Registrar refers a matter to a hearing panel pursuant to clause 34(8)(d), the licensee complained of may, at any time before the commencement of the hearing, tender to the Registrar a proposed settlement agreement, in writing, consented to by legal counsel for the Board that includes an admission of a disciplinary matter violation or violations and the licensee's consent to a specified disposition, conditional upon the acceptance of the agreement by a hearing panel.

(2) The Registrar may, in the Registrar's discretion, recommend or refuse to recommend acceptance of the proposed settlement agreement by the hearing panel.

(3) Where the Registrar recommends the acceptance of the proposed settlement agreement, the Registrar shall instruct legal counsel for the Board to advise the hearing panel hearing the complaint of the recommendation.

(4) Where the Registrar refuses to recommend the proposed settlement agreement, the hearing shall proceed without reference to the proposed settlement agreement.

(5) Where the hearing panel appointed to hear the complaint accepts the recommendation of the Registrar, it shall confirm such acceptance by written decision that incorporates the settlement agreement.

(6) Where the hearing panel appointed to hear the complaint rejects the recommendation of the Registrar,

- (a) it shall advise the Board of its decision;
- (b) it shall proceed no further with the hearing of the complaint;
- (c) a new hearing panel shall be appointed to hear the complaint and no member of the hearing panel that considered the proposed settlement agreement shall be a member of the new hearing panel; and
- (d) the Registrar retains jurisdiction over the complaint until the commencement of the hearing by a hearing panel. 2000, c. 25, s. 38.

Investigation of non-licensee

39 The Registrar may investigate the activities of a non-licensee but the Registrar has no compulsory powers in relation to the investigation of the non-licensee, except that the Registrar may require a licensee who may have information relevant to the investigation to attend before the committee or the person conducting the investigation to be interviewed. 2000, c. 25, s. 39.

Appointment of hearing panel

40 (1) A hearing panel shall be appointed for the purpose of hearing any charges relating to a disciplinary matter against a licensee when a disciplinary matter is referred, in whole or in part, to a hearing panel.

(2) A hearing panel shall be composed of at least three persons of whom one member shall be appointed by the Board as the chair.

(3) The hearing panel shall have as members

- (a) at least one person who does not hold a degree in denturism or equivalent, who is a member of the Board;
 - (b) at least one dentist who is a member of the Board;
- and
- (c) at least one dentist who is a member of the Society, is not a member of the Board and is appointed by the Board.

(4) Notwithstanding subsection (3), two members of the panel constitute a quorum.

(5) Subject to the regulations, the hearing panel may do all things necessary to provide a full and proper inquiry.

(6) In a matter over which a hearing panel has jurisdiction, the hearing panel and each member of the panel has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

- (7) Upon the application of
- (a) any party to the hearing;
 - (b) the chair of the hearing panel; or
 - (c) legal counsel for the Board or hearing panel,

the Registrar shall sign and issue a summons to witness for the purpose of procuring the attendance and evidence of witnesses before the hearing panel.

(8) It is the duty of the licensee who is charged in a disciplinary matter to appear at the hearing, but in the event of non-attendance by such licensee, the hearing panel, upon proof by affidavit, statutory declaration or other evidence acceptable to the hearing panel of service of the notice pursuant to subsection (9), may proceed with the hearing and, without further notice to the licensee, render its decision and take such other action as it is authorized to take pursuant to this Act.

(9) Unless the licensee has agreed to a shorter notice period, a notice of hearing shall be served at least thirty days before the holding of the hearing upon the licensee whose disciplinary matter is being heard.

(10) A notice of a hearing shall state the details of the charges and the time and place of the holding of the hearing, and shall be signed by the Registrar.

(11) The Board shall place the notice as provided for in subsection (10) in such publications as it deems necessary in order to inform the public. 2000, c. 25, s. 40.

Inadmissible evidence

41 (1) The following evidence is not admissible before a hearing panel unless the opposing party has been given, at least ten days before the hearing,

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; or

(c) in the case of evidence of a witness, the identity of the witness.

(2) Notwithstanding subsection (1), a hearing panel may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible under subsection (1) and may make directions it considers necessary to ensure that a party is not prejudiced. 2000, c. 25, s. 41.

Duties of panel members

42 (1) No member of a hearing panel holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of the communication and an opportunity to be present during the communication, with the exception of communications where the sole purpose is to make administrative arrangements.

(2) Any member of a hearing panel who is a Board member and who is present at a Board meeting where information is to be presented or discussed which has the potential of becoming a source of review by a hearing panel shall absent themselves during the Board's discussions of such matter.

(3) Notwithstanding subsection (2), a majority of the serving members of the Board who have not absented themselves pursuant to subsection (2) shall constitute a quorum and may transact any business of the Board. 2000, c. 25, s. 42.

Treatment of expert opinion

43 Where a hearing panel obtains expert opinion regarding denturism with respect to a hearing, it shall make the nature of the opinion known to the parties and the parties may make submissions with respect to the opinion. 2000, c. 25, s. 43.

Hearings

44 (1) Subject to subsection (2), a hearing shall be open to the public.

(2) The hearing panel may make an order that the public, in whole or in part, be excluded from a hearing or any part of it if the hearing panel is satisfied that

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or

(c) the safety of a person may be jeopardized.

(3) Where it thinks fit, the hearing panel may make orders it considers necessary to prevent the public disclosure of matters disclosed at a hearing, including orders prohibiting publication or broadcasting of those matters.

(4) No order shall be made pursuant to subsection (3) that prevents the publication of anything that is contained in the Register and available to the public.

(5) The hearing panel may make an order that the public be excluded from the part of a hearing dealing with a motion of an order pursuant to subsection (2).

(6) The hearing panel may make any order necessary to prevent the public disclosure of matters disclosed in the submission relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters.

(7) Subject to any orders pursuant to this Section, the hearing panel shall state, at the hearing, its reasons for any order made pursuant to this Section. 2000, c. 25, s. 44.

Consequences of order to exclude public

45 Where a hearing panel makes an order pursuant to subsection 44(2), wholly or partly, because of the desirability of avoiding disclosure of matters in the interest of a person affected,

(a) the hearing panel shall allow the parties, the complainant and their legal and personal representatives; and

(b) the hearing panel may allow such other persons as the panel considers appropriate,

to attend the hearing. 2000, c. 25, s. 45.

Protection of identity

46 A hearing panel shall, on the request of a witness, other than the licensee, whose testimony is in relation to allegations of misconduct of a sexual

nature by a licensee involving the witness, make an order that no person shall publish the identity of the witness or any information that could disclose the identity of the witness. 2000, c. 25, s. 46.

Recording and availability of evidence

47 (1) The hearing panel holding a hearing shall ensure that

- (a) the oral evidence is recorded;
- (b) copies of the transcript of the hearing are available to a party at the party's request and expense, the complainant at the complainant's request and expense and other persons the hearing panel or the Registrar considers appropriate at those persons' request and expense; and
- (c) copies of the transcript of any part of the hearing that is not closed nor the subject of an order prohibiting publication are available to any person at that person's expense.

(2) Where a transcript of a part of a hearing that is the subject of an order for a closed hearing or an order prohibiting publication is filed with a court in respect of proceedings, only the court, the parties to the proceedings and the complainant may examine it unless the court or the hearing panel orders otherwise. 2000, c. 25, s. 47.

Procedure at hearing

48 (1) At a hearing of the hearing panel, a licensee is entitled to all the rights of natural justice, including the right to be represented by legal counsel, to know all the evidence considered by the hearing panel, to present evidence and to cross-examine witnesses.

(2) A hearing panel

- (a) shall hear each case in such manner as it deems fit;
- (b) may require the licensee to
 - (i) submit to physical or mental examinations by such qualified persons as the panel designates,
 - (ii) submit to an inspection or audit of the licensee's practice by such qualified persons as the panel designates,
 - (iii) undergo such examinations as the panel directs to determine whether the licensee is competent to practise denturism, and
 - (iv) produce records and accounts kept with respect to the licensee's practice;

(c) may, where the licensee fails to comply with clause (b), resolve that the registration or licence of the licensee be suspended until the licensee complies;

(d) shall, where the panel has, pursuant to subclause (b)(i), (ii) or (iii), required a licensee to submit to physical or mental examinations or submit to inspection or audit of the practice by a qualified person designated by the panel, deliver to the licensee any report it receives from the designated qualified person;

(e) shall determine whether the licensee is guilty of charges relating to a disciplinary matter and

(i) where there is a guilty finding, may determine that

(A) the registration or licence of the licensee be revoked and that the licensee's name be stricken from the Register,

(B) the licence of the licensee be suspended

(I) for a fixed period, or

(II) for an indefinite period until the occurrence of some specified future event or until compliance with conditions prescribed by the panel,

(C) conditions, limitations or restrictions be imposed on the licence of the licensee,

(D) the licensee undergo such treatment or re-education as the panel considers necessary,

(E) such fine as the panel considers appropriate, to a maximum of fifteen thousand dollars, be paid by the licensee to the Board for the purpose of funding denturism education and research as determined by the Board,

(F) the licensee be reprimanded,

(G) such other disposition as it considers appropriate be imposed, or

(ii) where there is a not guilty finding, the panel may dismiss the charges; and

(f) shall file its decision, including reasons, at the offices of the Board.

(3) When making dispositions pursuant to clause (2)(e), the panel may impose one or more of the penalties that are set out therein, or the panel may make such other dispositions as it considers appropriate, in accordance with the objects of this Act.

(4) The Registrar shall provide the licensee, the complainant and such other persons as the Registrar considers appropriate with a copy of the decision of the hearing panel except that, where there are references identifying clients or other persons other than the complainant, those references as well as other personal information about those persons shall be deleted where, in the Registrar's opinion, it is appropriate.

(5) The decision of a hearing panel has effect immediately upon service on the licensee or from such time as the decision may direct.

(6) The hearing panel shall release documents and things put into evidence at a hearing to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined. 2000, c. 25, s. 48.

Costs

- 49 (1) For the purpose of this Section, "costs of the Board" include
- (a) expenses incurred by the Board, the Registrar and the hearing panel;
 - (b) honoraria paid to members of the hearing panel; and
 - (c) solicitor and client costs and disbursements of the Board relating to the investigation and hearing of the complaint.

(2) Where a hearing panel finds a licensee guilty of charges relating to a disciplinary matter, it may order that the licensee pay the costs of the Board, in whole or in part.

(3) Where a licensee is ordered to pay costs pursuant to subsection (2), the Board may make it a condition of the registration or licence of the licensee that such costs be paid forthwith, or at such time and on such terms as the Board may fix. 2000, c. 25, s. 49.

Appeal

50 (1) The licensee complained against may appeal on any point of law from the findings of the hearing panel to the Nova Scotia Court of Appeal.

(2) The notice of appeal shall be served upon the Registrar and the complainant.

(3) The record on appeal from the findings of a hearing panel shall consist of a copy of the transcript of the proceedings, the decision of the hearing panel and the evidence before the hearing panel certified by the chair of the hearing panel.

(4) The *Civil Procedure Rules* governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal that are not

inconsistent with this Act apply *mutatis mutandis* to appeals to the Nova Scotia Court of Appeal pursuant to this Section.

(5) Where a matter is appealed to the Nova Scotia Court of Appeal pursuant to this Section, the Nova Scotia Court of Appeal has jurisdiction to, pending a decision by the Nova Scotia Court of Appeal, grant a stay of any order made pursuant to this Act where, in its discretion, it deems it appropriate. 2000, c. 25, s. 50.

Application by former licensee

51 (1) A person whose licence has been revoked by a resolution of a hearing panel pursuant to subclause 48(2)(e)(i), may apply to the Board for

- (a) the entering of the person's name, address and qualifications on the Register; and
- (b) the issuance of a licence.

(2) An application pursuant to subsection (1) shall not be made earlier than

- (a) two years after the revocation; and
- (b) six months after the previous application.

(3) The Board, upon

- (a) being satisfied that the interest of the public has been adequately protected;
- (b) being satisfied as to the intention of such person to practise denturism in the Province;
- (c) being satisfied as to the activities of such person since the time of the resolution of the hearing panel;
- (d) such person producing a letter of good standing from all jurisdictions in which the person had practised denturism since the date of such resolution of the hearing panel; and
- (e) such person undergoing such clinical or other examinations as the Board may designate,

may direct the Registrar to

- (f) enter the name, address and qualifications of such person in the Register; and
- (g) issue a licence to such person upon such terms and conditions as the Board may direct. 2000, c. 25, s. 51.

INCORPORATION

Capacity of professional corporation

52 Subject to this Act and the regulations, a professional corporation may engage in the practice of denturism and denturists may be employed by a professional corporation for the purpose of engaging in the practice of denturism. 2000, c. 25, s. 52.

Shareholding

53 (1) A majority of the issued shares of a professional corporation shall be legally and beneficially owned by one or more denturists.

(2) A majority of the issued voting shares of a professional corporation shall be legally and beneficially owned by one or more denturists.

(3) Subject to subsections (1) and (2), the spouse or child of a denturist or any other person may own, beneficially or legally, shares of a professional corporation.

(4) Notwithstanding subsection (2), a person resident in Canada may hold legal title to issued shares of a professional corporation solely as trustee for the exclusive benefit of a denturist, or the spouse or child of a denturist, or a group of such individuals so long as no one other than a denturist, or the spouse or child of a denturist, acts as such a trustee without the written consent of the Registrar. 2000, c. 25, s. 53.

Qualification of directors and president

54 (1) A majority of the directors of a professional corporation must be denturists.

(2) The president of a professional corporation must be a denturist. 2000, c. 25, s. 54.

Requirement for permit

55 A professional corporation shall not engage in the practice of denturism unless the professional corporation is issued a permit under this Act and is in compliance with this Act and the regulations. 2000, c. 25, s. 55.

Permit

56 (1) Notwithstanding anything contained in this Act, a professional corporation to which a permit is issued pursuant to this Section may practise denturism in its own name.

(2) Notwithstanding subsection (1), no professional corporation shall be registered as a denturist under this Act.

- tion that
- (3) The Registrar shall issue a permit to any professional corporation that
- (a) files all required applications in the form prescribed by the regulations;
 - (b) pays all fees prescribed by the regulations;
 - (c) satisfies the Registrar that it is a professional corporation limited by shares that is in good standing with the Registrar of Joint Stock Companies under the *Companies Act* and the *Corporations Registration Act* and that it is a private company as defined by the *Securities Act*;
 - (d) satisfies the Registrar that the name of the professional corporation is not objectionable and is in accordance with the regulations;
 - (e) satisfies the Registrar that the requirements of Sections 60 and 61 have been met;
 - (f) satisfies the Registrar that the professional corporation holds such liability insurance as may be prescribed by the regulations;
 - (g) satisfies the Registrar that the persons who will carry on the practice of denturism for or on behalf of the professional corporation are denturists; and
 - (h) satisfies the Registrar that the professional corporation is in compliance with this Act and the regulations.
- (4) A permit issued pursuant to subsection (3), or any renewal of a permit pursuant to subsection (5), expires on December 31st of the year for which it was issued or renewed.
- (5) The Registrar may renew a permit upon such application and payment of such fee as may be required by the regulations if the Registrar determines that the requirements of subsection (3) are satisfied by the professional corporation.
- (6) A permit issued pursuant to subsection (3), or renewed pursuant to subsection (5), may be suspended or revoked at any time by the Registrar if a professional corporation fails to satisfy any of the requirements prescribed in subsection (3).
- (7) The Board may, in its discretion, review a decision of the Registrar to suspend or revoke a permit pursuant to subsection (6).
- (8) For the purpose of this Act, the practice of denturism shall not be carried on by or be deemed to be carried on by clerks, secretaries and other persons employed by the professional corporation to perform services that are not usu-

ally and ordinarily considered by law, custom and practice to be services that may be performed only by a dentist. 2000, c. 25, s. 56.

Deemed revocation of permit

57 (1) Where a professional corporation practices denturism only through the services of one dentist and that dentist dies, retires, becomes incompetent or is no longer licensed pursuant to this Act, or is suspended under this Act, the permit of such professional corporation is deemed to be revoked and such professional corporation shall cease to practise denturism.

(2) Where a professional corporation practises denturism through the services of more than one dentist and such professional corporation ceases to fulfil any requirement prescribed in subsection 56(3) by reason of

- (a) the death of a dentist;
- (b) the incompetency of a dentist;
- (c) the revocation of the licence of a dentist pursuant to this Act;
- (d) the suspension of the licence of a dentist pursuant to this Act; or
- (e) the retirement from practice by a dentist,

such professional corporation shall forthwith notify the Registrar and shall fulfil the requirements in question within one hundred and twenty days from the date of death, incompetency, revocation, retirement or other removal or the suspension, as the case may be, of the dentist, failing which the permit is deemed to be revoked and such professional corporation shall cease to practise denturism effective upon the expiration of the one hundred and twenty day period.

(3) Where the permit of a professional corporation is deemed to be revoked under this Section and thereafter the professional corporation is able to demonstrate that it is in compliance with subsection 56(3), the professional corporation may apply to the Registrar to have its permit re-instated and the Registrar may, in the Registrar's discretion, re-instate the permit subject to such conditions as the Registrar may direct. 2000, c. 25, s. 57.

Changes in ownership, directors and location

58 Where the shares of a professional corporation engaged in the practice of denturism are transferred or where there is a change in the shareholders, directors or officers of the professional corporation, or any change in the location where the professional corporation carries on business, the professional corporation shall, within fifteen calendar days, notify the Registrar of such change. 2000, c. 25, s. 58.

Effect of relationship with corporation

59 The relationship of a dentist to a professional corporation whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application of this Act and the regulations to the dentist. 2000, c. 25, s. 59.

Liability and restriction on shares

60 (1) All persons who carry on the practice of denturism by, through or on behalf of a professional corporation are liable in respect of acts or omissions done or omitted to be done by them in the course of the practice of denturism to the same extent and in the same manner as if such practice were carried on by them as an individual or a partnership, as the case may be, carrying on the practice of denturism.

(2) No owner of voting shares of a professional corporation shall pledge, hypothecate, enter into a voting trust, proxy or any other type of agreement vesting in any other person who is not a dentist the authority to exercise the voting rights attached to any or all of the owner's shares. 2000, c. 25, s. 60.

Confidential and ethical relationships

61 (1) Nothing contained in this Act affects, modifies or limits any law applicable to the confidential or ethical relationships between a dentist and a client.

(2) The relationship between a professional corporation and a client of the professional corporation is subject to all applicable laws relating to the confidential and ethical relationships between a dentist and a client.

(3) All rights and obligations pertaining to communications made to or information received by a dentist apply to the shareholders, directors, officers and employees of a professional corporation. 2000, c. 25, s. 61.

Compellable witnesses

62 All shareholders, directors, officers and employees of a professional corporation are compellable witnesses in any proceedings under this Act. 2000, c. 25, s. 62.

Certificate as evidence

63 A certificate purporting to be signed by the Registrar stating that a named professional corporation was or was not, on a specified day or during a specified period, a professional corporation entitled to practise denturism according to the records of the Registrar, shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the Registrar's appointment or signature. 2000, c. 25, s. 63.

Effect of offence by corporation

64 Where a professional corporation commits an offence contrary to this Act or the regulations, every person who, at the time of the commission of the offence, was a director or officer of the corporation is guilty of the same offence and subject to the same penalties unless the act or omission constituting the offence took place without the person's knowledge or consent or the person exercised all due diligence to prevent the commission of the offence. 2000, c. 25, s. 64.

Offences and penalty

65 (1) Every person who contravenes Sections 52 to 64 or the associated regulations is guilty of an offence and liable, on summary conviction, for a first offence to a fine not exceeding five hundred dollars and for a second or any subsequent offence to a fine not exceeding one thousand dollars.

(2) Where a professional corporation is convicted of an offence contrary to Sections 52 to 64 or the associated regulations, the permit of the corporation is suspended in default of paying any fine ordered to be paid until such time as the fine is paid.

(3) Where a professional corporation is convicted of a second or subsequent offence, the permit of the corporation may be revoked. 2000, c. 25, s. 65.

GENERAL

Application to former licensees

66 Sections 29 to 73 and all regulations pursuant to this Act that are applicable to licensees of the Board apply *mutatis mutandis* to former licensees, unless otherwise expressly provided by this Act or the regulations. 2000, c. 25, s. 66.

Certificate as evidence

67 A certificate purporting to be signed by the Registrar stating that any person named therein was or was not, on a specified day or during a specified period, registered and licensed, is *prima facie* evidence in any court of that fact without proof that the person signing it is the Registrar or that it is the Registrar's signature. 2000, c. 25, s. 67.

Mode of service

68 Service of any notice, order, resolution or other document pursuant to this Act or the regulations may be made

- (a) upon a licensee, by registered letter addressed to such person at the licensee's address as set forth in the Register; and
- (b) upon any other person, by registered letter. 2000, c. 25, s. 68.

Service by registered mail

69 Where service is made by registered letter, service is deemed to be made on the third day after the notice, order, resolution or other document is mailed, and proof that the notice, order, resolution or other document was addressed and posted in accordance with Section 68 is proof of service. 2000, c. 25, s. 69.

Effect of service on Registrar

70 Service of any document on the Board may be made by service on the Registrar. 2000, c. 25, s. 70.

Exemption from liability

71 Where a dentist entitled to practise denturism in the Province, or any other province or country, voluntarily renders first aid or emergency treatment without the expectation of monetary compensation to a person outside of a dentist's office, or in any other place not having proper and necessary medical facilities, that dentist is not liable for the death of such person or damages alleged to have been sustained by such person by reason of an act or omission in the rendering of such first aid or emergency treatment, unless it is established that such injuries were, or such death was caused by, conduct on the part of the dentist that, if committed by a person of ordinary experience, learning and skill, would constitute negligence. 2000, c. 25, s. 71.

Immunity from action

72 (1) No action for damages lies against the Board, the Registrar, an officer or employee of the Board, a member of a committee or subcommittee of the Board or a member of the Board

(a) for any act or failure to act, or any proceeding initiated or taken, in good faith under this Act or in carrying out their duties or obligations as an officer, employee or member under this Act; or

(b) for any decision, order or resolution made or enforced in good faith under this Act.

(2) No action lies against any person for the disclosure of any information or any document or anything therein pursuant to this Act unless such disclosure is made with malice.

(3) Without limiting the generality of subsection (2), no action for damages lies against a licensee or other person for disclosing any books, records, papers and other documents in their possession or control when done pursuant to this Act, including clause 34(4)(d). 2000, c. 25, s. 72.

Publication of decisions

73 (1) Subject to any publication bans, the Board shall publish a hearing panel's decision or summary of the decision in its annual report and may publish the decision or summary in any other publication.

(2) Where the registration or licence of a licensee has been revoked or suspended or where conditions, limitations or restrictions are imposed on the licence of a licensee, the Board shall place a notice in such publications as it deems necessary in order to inform the public. 2000, c. 25, s. 73.

Regulations Act

74 All regulations made pursuant to this Act, except those made pursuant to subsection 7(1), are regulations within the meaning of the *Regulations Act*. 2000, c. 25, s. 74.

Oral health examination

75 A dentist shall take all reasonable steps to ensure that a patient who receives a removable partial denture has, within the preceding ninety days, had an oral health examination by a dentist to determine the patient's oral health status. 2000, c. 25, s. 75.

Transitional provision

76 (1) Upon the coming into force of this Act, any matter pending before the Board pursuant to the former Act shall, where not set down for a hearing to commence within sixty days of the coming into force of this Act, be transferred to a hearing panel appointed pursuant to this Act for hearing and determination, but otherwise shall be heard and determined by the Board pursuant to the former Act.

(2) Notwithstanding subsection (1), the parties may agree that a matter pending be transferred to a hearing panel appointed pursuant to this Act.

(3) The Board pursuant to the former Act shall be continued until all matters pending before it at the coming into force of this Act and not transferred to a hearing panel appointed pursuant to this Act have been finally decided. 2000, c. 25, s. 76.

Repeal

77 **The former Act is repealed.** 2000, c. 25, s. 77.

Proclamation

78 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2000, c. 25, s. 78.

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|------------|---|----------------|
| Proclaimed | - | July 18, 2003 |
| In force | - | August 1, 2003 |