



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

DENTURISTS ACT

PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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DENTURISTS ACT

Table of Contents

Section	Page
INTERPRETATION AND APPLICATION	5
1. Definitions.....	5
2. Application.....	5
THE SOCIETY	6
3. Body corporate.....	6
4. Objects of Society	6
THE COUNCIL	7
5. Council.....	7
6. Objects of Council	8
7. Registrar	8
8. Annual report	8
REGISTRATION AND LICENCE	8
9. Application for licence.....	8
10. Registration and licence	9
11. Expiry of licence	9
12. Renewal	10
13. License displayed.....	10
DISCIPLINE	10
14. “affected person” defined.....	10
15. Appeal	12
GENERAL	12
16. Prohibitions — persons other than denturists.....	12
17. Offence.....	13
18. Prosecution.....	13
19. Liability of Council.....	13
20. Denturist’s liability	13
21. Limitation of action.....	14
22. Bylaws	14
23. Fees for services.....	15



DENTURISTS ACT

CHAPTER D-6.1

INTERPRETATION AND APPLICATION

1. Definitions

In this Act

- (a) **“bylaw”** means a bylaw made under section 22;
- (b) **“Council”** means the Council of the Denturist Society of Prince Edward Island established under subsection 5(1);
- (c) **“denturist”** means a person registered under this Act and holding a licence to practise denturism;
- (d) **“licence”** means a licence to practise denturism issued under subsection 9(1) and includes a conditional licence granted under subsection 10(2);
- (e) **“member”** means, unless the context otherwise requires, a member of the Society;
- (f) **“Minister”** means the Minister designated by the Lieutenant Governor in Council to administer this Act;
- (g) **“practice of denturism”** includes
 - (i) the making of impressions and the determining of jaw relations for the purpose of making, producing, reproducing, constructing, supplying, altering or repairing of a removable denture to be fitted into the edentulous or partially edentulous arch of a person’s mouth,
 - (ii) determining the placement of a removable denture in respect of the edentulous or partially edentulous arch of a person’s mouth,
 - (iii) the making, reproducing, constructing, supplying, altering and repairing of a removable complete or partial denture or fabrication of a removable complete or partial denture where the service is performed further to subclause (i) or (ii),but does not include any procedure that alters oral tissue of a person;
- (h) **“prescribed”** means prescribed by a bylaw;
- (i) **“Register”** means the Register referred to in subsection 7(2);
- (j) **“Registrar”** means the Registrar appointed under subsection 7(1);
- (k) **“Society”** means, unless the context indicates otherwise, the Denturist Society of Prince Edward Island continued under subsection 3(1). 2003,c.2,s.1.

2. Application

- (1) Nothing in this Act applies to or affects

- (a) the practice of any profession or occupation by any person practising it under the authority of an Act of the Legislature;
- (b) the work of a dental assistant under the supervision of a dentist; or
- (c) the provision of first aid or temporary assistance in the case of an emergency, if that first aid or temporary assistance is given without hire, gain or hope of reward.

Prescription of drugs, practice of medicine not authorized

- (2) Nothing in this Act authorizes any person
 - (a) to prescribe or administer drugs for internal or external use by any person;
 - (b) to direct or prescribe the use of anaesthetic for any purpose whatsoever; or
 - (c) to practise medicine or surgery or to use any method other than denturism in providing services to clients. *2003,c.2,s.2.*

THE SOCIETY

3. Body corporate

- (1) The Denturist Society of Prince Edward Island Inc. incorporated under Part II of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14 is continued under this Act as a body corporate under the name of the Denturist Society of Prince Edward Island.

Membership

- (2) Every person
 - (a) who, immediately before the date this section comes into force, is a member of the Denturist Society of Prince Edward Island Inc. incorporated under Part II of the *Companies Act*; or
 - (b) who holds a licence under this Act,is a member of the Society, unless the person subsequently ceases to hold a licence.

Deemed to hold licence

- (3) For greater certainty, on the date this section comes into force, every person referred to in clause (2)(a) is deemed to be registered under this Act, and to hold a licence, until March 31, 2004 unless the license is sooner cancelled.

Powers

- (4) The Society has the power of purchasing or otherwise acquiring, holding or alienating property both real and personal, and performing all such acts and things a body corporate generally can do and perform under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14. *2003,c.2,s.3.*

4. Objects of Society

The objects of the Society are

- (a) to protect the public from untrained and unqualified persons acting as denturists;
- (b) to foster public awareness of the profession;
- (c) to encourage members to interact professionally in the interests of themselves, their clients and the denturism profession;
- (d) to represent the members with respect to other provincial or national agencies;

- (e) to promote continuing education and encourage high standards of service; and
- (f) to pursue such other goals as the Society considers may advance the profession and further the interests of its members. 2003,c.2,s.4.

THE COUNCIL

5. Council

- (1) There is established a Council to be known as the Council of the Denturist Society of Prince Edward Island.

Composition

- (2) The Council shall be composed of three members nominated by the Society and appointed by the Minister, of whom
- (a) one shall be an employee of the Department of Health and Wellness;
 - (b) one shall be a denturist practising in the province; and
 - (c) one shall be a denturist registered in another Canadian jurisdiction who holds a membership in the Denturist Association of Canada.

Term of office

- (3) Subject to subsection (4), members of the Council shall serve for a term of three years, but members may be *re*-appointed.

Idem

- (4) The Minister shall make the initial appointments to the Council for different terms to ensure that the terms of all members do not expire at the same time.

Chairperson, executive officers

- (5) The person appointed under clause (2)(a) shall be the chairperson of the Council and the Council may appoint from among its members such other executive officers as it considers appropriate.

Termination of membership

- (6) A Council member shall cease to hold office on
- (a) becoming physically or mentally incapacitated;
 - (b) being convicted of an indictable offence;
 - (c) resigning;
 - (d) in the case of a person appointed under clause (2)(a) or (b), ceasing to reside in the province;
 - (e) in the case of a denturist, ceasing to hold a licence;
 - (f) the Council determining, where the member has missed three consecutive meetings of the Council, that the Council member does not have, in its opinion, a reasonable excuse for the members absence; or
 - (g) the unanimous determination of the other Council members that the member has committed an act which undermines the ability of the member to act credibly as a Council member.

Completion of term

- (7) Where a Council member ceases to hold office before completing the member's term, the Minister may appoint a new Council member, nominated by the Society, who shall hold office for the unexpired portion of the original term. *2003,c.2,s.5; 2005,c.40,s.6; 2010,c.31,s.3.*

6. Objects of Council

- (1) The objects of the Council are to regulate the practice of denturism in the province, to promote standards and to safeguard the welfare of the public with regard to the services of denturists.

Functions of Council

- (2) The functions of the Council are to
- (a) establish initial and continuing educational, proficiency and other qualifications or requirements for licences;
 - (b) examine applicants and determine their entitlement to licences;
 - (c) approve applications for licences;
 - (d) establish, or adopt from another regulating body in another jurisdiction, professional ethical guidelines and standards of practice respecting the practice of denturism; and
 - (e) monitor adherence to established guidelines and standards, investigate complaints, and exercise disciplinary action or professional remediation, by revocation, restriction or suspension of a licence, by reprimand, retraining requirements, fine or other means. *2003,c.2,s.6.*

7. Registrar

- (1) The Council shall appoint a Registrar from among the members of the Council.

Register

- (2) The Registrar shall keep a Register in which shall be entered the names of all persons who are licensed to practise under this Act, and such other information as the Council may direct.

Removal of name from Register

- (3) The Registrar shall remove from the Register the names of any person whose licence is cancelled or whose license expires without renewal. *2003,c.2,s.7.*

8. Annual report

The Council shall make an annual report to the Minister and to the Society concerning its general operation and the performance of its duties, and shall provide such information to the Minister as the Minister may request. *2003,c.2,s.8.*

REGISTRATION AND LICENCE

9. Application for licence

- (1) A person who wishes to be registered as a member and licensed to practise denturism shall
- (a) apply to the Council, in a form approved by the Council;

- (b) provide such proof of the matters referred to in subsection (2) as the Council may require; and
- (c) pay the prescribed fee.

Required qualifications

- (2) The Council shall approve an application made in accordance with subsection (1) where the Council is satisfied that the applicant
 - (a) has
 - (i) graduated from a denturism program accredited by the Denturist Society of Canada, or
 - (ii) in the case of an applicant who completed training outside of Canada, successfully completed a Denturist Qualifying Examination administered by a denturist body in any Canadian jurisdiction;
 - (b) is professionally competent as demonstrated by such examination as may be established and administered, adopted or accepted by the Council;
 - (c) has knowledge of the professional ethical guidelines and standards of practice established or adopted by the Council under clause 6(2)(d);
 - (d) has professional knowledge and skills that are current, as indicated by such requirements as may be prescribed respecting
 - (i) the recentness of the applicant's professional education,
 - (ii) the examination of the applicant,
 - (iii) the active practice of the applicant, or
 - (iv) the taking of a refresher program by the applicant;
 - (e) if licensed in another jurisdiction, holds a license in good standing in that jurisdiction;
 - (f) has provided proof of liability insurance coverage in an amount that the Council considers is consistent with nationally accepted standards for denturists; and
 - (g) has provided a current criminal record check obtained from a Royal Canadian Mounted Police office in the province. *2003, c.2, s.9.*

10. Registration and licence

- (1) The Registrar shall register and issue a licence to an applicant whose application is approved by the Council under subsection 9(2).

Conditional licence

- (2) Where an applicant fails to satisfy the Council that he or she has the qualifications required under subsection 9(2), the Council may, if it considers it appropriate to do so and if the applicant has paid the prescribed fee, direct the Registrar
 - (a) to issue to the applicant a conditional licence, subject to such terms and conditions as the Council considers appropriate; and
 - (b) to register the applicant and record the conditions respecting the member in the Register. *2003, c.2, s.10.*

11. Expiry of licence

Unless a shorter term has been imposed by the Council, a licence expires on March 31 next following the day on which the licence comes into effect. *2003, c.2, s.11.*

12. Renewal

- (1) A member may apply, on or before the date of expiry of the member's licence, to the Council for the renewal of the licence.

Requirements

- (2) The Council shall, on application pursuant to subsection (1) or (5), approve the renewal of a licence if
- (a) the applicant provides evidence of having met the requirements for professional education units as may be prescribed by the bylaws;
 - (b) there is no evidence the applicant is in violation of this Act or the bylaws; and
 - (c) the applicant pays the licensing fee prescribed by the bylaws.

Request for extension of time

- (3) A denturist may request from the Council an extension of time for deferred renewal for up to one year following the expiry date of the denturist's license.

Renewal of license

- (4) Where a denturist's license has been expired for more than one year, the Council may on
- (a) compliance by the denturist with any requirements imposed by the Council; and
 - (b) receipt from the denturist of the fee required under clause 2(c),
- issue a license renewal.

Late renewal

- (5) A person whose registration has ceased under subsection (4) may apply to the Council for the renewal of the person's licence under subsection (2).

New licence and registration

- (6) Where the Council approves an application to renew a person's licence, the Registrar shall
- (a) issue a licence to the applicant; and
 - (b) if the applicant is a person referred to in subsection (5), register the applicant.

Application under section 9

- (7) A person who was previously registered shall, after the expiry of the period for making an application under subsection (2), apply for a new licence in accordance with section 9. *2003,c.2,s.12.*

13. License displayed

A denturist shall prominently display the license issued under this Act at the office where the denturist practices denturism. *2003,c.2,s.13.*

DISCIPLINE

14. "affected person" defined

- (1) In this section and section 15, "**affected person**" means a denturist who is the subject of an investigation under subsection (2).

Investigation

- (2) Subject to subsection (3), where the Council has cause to believe that a denturist is
- (a) in violation of this Act or the bylaws;
 - (b) unfit to practise;
 - (c) guilty of conduct contrary to the public interest by reason of negligence, professional misconduct, mental or professional incompetence or other comparable failing which may harm a client; or
 - (d) the subject of a complaint, made in writing to the Society or the Council, concerning a matter referred to in clause (a), (b) or (c),

the Council shall appoint an investigator who shall investigate the matter and shall submit a report to the Council.

Hearing

- (3) The Council shall not appoint an investigator until it gives written notice of its intention to the affected person and such notice shall include
- (a) a statement of the Council's concern or a copy of the complaint received, if any; and
 - (b) a statement of the affected person's right to a hearing of the matter and the right to be represented by counsel.

Idem

- (4) An investigator appointed under subsection (2) shall be a denturist authorized to practise under the laws of another Canadian jurisdiction.

Discipline

- (5) Where the investigator finds that there may be enough evidence to support a finding that the affected person is in violation of this Act or the bylaws, is unfit to practise or is guilty of conduct referred to in clause (2)(c), the Council shall hold a hearing on the matter.

Right to be heard and to counsel

- (6) The affected person has the right to be heard and the right to counsel respecting a hearing under this section.

Discipline

- (7) Where, after a hearing, the Council determines that the denturist is in violation of this Act or the bylaws, is unfit to practise or is guilty of conduct referred to in clause (2)(c), the Council, following the guidelines established by the bylaws, may
- (a) suspend or cancel the denturist's licence;
 - (b) impose conditions on the denturist's licence;
 - (c) publicly or privately reprimand the denturist;
 - (d) make public the facts of the case;
 - (e) require the denturist to take an educational or rehabilitative treatment program;
 - (f) require the denturist to pay the costs of the investigation and discipline; or
 - (g) impose any combination of the preceding measures or other such means as it may consider appropriate. 2003,c.2,s.14.

15. Appeal

- (1) Where, under subsection 14(7), the Council suspends or cancels a licence, or imposes a condition on a licence, the affected person may appeal the suspension or cancellation of, or imposition of a condition on, the licence to the Supreme Court by filing a notice of appeal with the court and serving a notice on the Council within 30 days of receiving notification of the decision of the Council.

Effective date

- (2) A suspension or cancellation of, or imposition of a condition on, a licence shall take effect from the later of
- (a) 30 days from the date on which the Council made its decision known to the affected person; or
 - (b) the date on which the appeal is dismissed or abandoned if an appeal was filed under subsection (1).

Reinstatement

- (3) The Council may, on application, reinstate a cancelled licence or remove a suspension or condition if the applicant meets the requirements of section 9. *2003, c.2, s.15; 2008, c.20, s.72(22).*

GENERAL

16. Prohibitions — persons other than denturists

- (1) No person, other than a denturist, shall
- (a) call himself or herself a denturist or use such other similar designation as may be prescribed by the bylaws, or use any title, abbreviation or description implying or designed to lead the public into believing that the person has a licence to practise denturism or is offering denturist services;
 - (b) practise or attempt to practise denturism; or
 - (c) offer any health care services in a manner implying or designed to lead the public into believing that the person holds a licence to practise denturism or is offering denturist services.

Prohibitions — denturists

- (2) No denturist shall
- (a) prescribe or administer drugs of any kind;
 - (b) direct or prescribe the use of an anaesthetic for any purpose;
 - (c) practice medicine or surgery or provide services other than denturism to clients;
 - (d) prescribe or take x-ray photographs of any person's oral cavity;
 - (e) diagnose conditions relating to any person's oral cavity;
 - (f) try, fit, adjust or replace bridges, including Maryland bridges and crowns;
 - (g) try, fit, adjust or replace overdentures, prostheses fitted directly onto or attached to osteointegrated implants;
 - (h) try, fit, adjust or replace cleft palate obturation appliances;
 - (i) try, fit, adjust or replace any temporomandibular joint treatment appliances or occlusal appliances;
 - (j) perform any act related to orthodontics; or

- (k) alter teeth structures, such as tooth reduction or the preparation of support cavities and guiding planes.

Appliances

- (3) No denturist shall make or supply any appliance to a person for a use or purpose other than the replacement of natural teeth, except for the making of mouthguards for the prevention of sports injuries.

Denturist at clinic

- (4) No person shall own or operate a denture clinic unless the person is a denturist or the person employs a denturist at the clinic.

Partial denture

- (5) No denturist shall make or supply a partial denture to a client unless the denturist has on record a form signed by the client acknowledging that the client
 - (a) has discussed the partial denture with the client's dentist; and
 - (b) has been advised by the dentist that
 - (i) a partial denture is appropriate, and
 - (ii) he or she is ready for the partial denture to be inserted. *2003,c.2,s.16.*

17. Offence

- (1) A person who contravenes this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding \$2,000 for a first offence.

Continuing offence

- (2) Where a contravention of this Act continues for more than one day, the person commits a separate offence for each day that the contravention continues. *2003,c.2,s.17.*

18. Prosecution

- (1) A prosecution for an offence under this Act must be brought within two years of the alleged commission of the offence.

Exception, denturists

- (2) Nothing in this Act prevents a person who is licensed and registered as a denturist under the *Denturist Act* R.S.P.E.I. 1988, Cap. D-6.1 from practising denturism under that Act. *2003,c.2,s.18; 2003,c.2,s.24.*

19. Liability of Council

No action lies against the Council, its members or officers for anything done in good faith with respect to its functions under this Act or the bylaws. *2003,c.2,s.19.*

20. Denturist's liability

The relationship of a denturist to a professional corporation, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the liability of the denturist as a practitioner, nor the application to the denturist of the provisions of this Act, the bylaws and any other law applicable to the relationship between practitioner and client. *2003,c.2,s.20.*

21. Limitation of action

No action against a member of the Society for negligence or malpractice in the practice of his or her profession shall be commenced except within two years from the day of the discovery of the cause of action. 2003,c.2,s.21.

22. Bylaws

(1) The Council may make bylaws not inconsistent with this Act to govern the affairs of the Society, including bylaws respecting

- (a) the election or appointment, qualifications, duties, terms of office, remuneration, and removal, of officers and employees of the Society;
- (b) the calling and conduct of meetings of the Society, including voting rights and procedures, the fixing of quorums and the holding of teleconferences;
- (c) the relationships or agreements of the Society with external agencies;
- (d) the regulation of the members of the Society, including
 - (i) the establishment of any classes of members thereof, and
 - (ii) the terms and conditions under which members shall be entitled to practise,
 - (iii) the qualifications, examinations, proficiency and other requirements for registration and licences,
 - (iv) the continuing education requirements for members, and
 - (v) the establishment or adoption of professional ethical guidelines and standards of practice respecting the practice of denturism;
- (e) the maintenance of the Society, including
 - (i) providing for the fees payable by an applicant for a licence or for the renewal of a licence, and
 - (ii) the levying and collection of any other fees from the members;
- (f) the monitoring of adherence by members to established guidelines and standards respecting
 - (i) the practice of denturism, and
 - (ii) the operation of a denture clinic;
- (g) the investigation of complaints and concerns respecting members;
- (h) the discipline process and hearings;
- (i) the duties and functions of the Registrar;
- (j) the making and amendment of bylaws;
- (k) the seal of the Society;
- (l) the spending of funds of the Society;
- (m) the liability insurance that members may be required to hold;
- (n) the establishment and certification of classes of specialists in respect of types of denturist services; and
- (o) such other matters as may be considered relevant or necessary for the administration of the Society.

Validity of bylaws

(2) No bylaw or amendment or revocation of a bylaw comes into effect until it has been approved by a majority of the members who

- (a) are present and voting at a general meeting of the Society; or

- (b) vote in a mail vote conducted in accordance with the bylaws.

Inspection of bylaws

- (3) The bylaws shall be kept at the office of the Society and any member is entitled to inspect them at any reasonable time without charge. *2003,c.2,s.22.*

23. Fees for services

No person other than a denturist and no proprietorship, partnership or corporation is entitled to receive or to bring an action in any court of competent jurisdiction for the recovery of any fee, reward or remuneration for the provision of denturism services unless the denturist, licensee, proprietorship, partnership or corporation was entitled to engage in the practice of denturism at the time the services were provided. *2003,c.2,s.23.*