

NEW BRUNSWICK COLLEGE OF DENTAL HYGIENISTS

RULES

under the

NEW BRUNSWICK DENTAL HYGIENISTS ACT

Made by Council on April 10, 2009/ Approved by the Minister of Health December 11, 2012)

DEFINITIONS

1 In these Rules:

“Act” means the New Brunswick Dental Hygienists Act. (*Loi*)

“conditional licence” means a licence issued to a dental hygienist with restrictions and limitations set by Council. (*permis conditionnel*)

“licensing year” means the period stated in subsection 22(5) of these Rules. (*période de permis*)

“local anesthesia module” means a local anesthesia module of continuing education approved by Council and designed to provide further education to dental hygienist regarding the use of local anesthetics for the practice of dental hygiene. The approved module must be equivalent to other local anesthesia modules offered and approved in other Canadian jurisdiction. (*module en anesthésie locale*)

“non-practising membership” means a membership granted to a NB registered dental hygienist who does not intend to practise dental hygiene in the current licensing year. (*qualité de membre non-praticien*)

“physician” means a person duly qualified and licensed to practise medicine in a province or territory of Canada. (*médecin*)

“practising licence” means a licence granted to a dental hygienist who has all the qualifications under sections 18 and 20. (*permis d’exercice*)

“practising licence with local anesthesia designation” means a practising licence granted to a dental hygienist who has successfully completed an approved local anesthesia module or equivalent as determined by Council. (*permis d’exercice avec mention anesthésie locale*)

“practising licence with self-initiation designation” means a licence issued to a dental hygienists who has successfully completed a self-initiation module or equivalent approved by Council. (*permis d’exercice avec mention exercice autonome de la profession*)

“Registrar” includes an acting Registrar or person designated by Council to act on behalf of the Registrar. (*secrétaire générale*)

“self-initiation module” means the self-initiation module of continuing education approved by Council and designed to provide further education to dental hygienists regarding matters relevant to self-initiation practice. (*module sur l’exercice autonome de la profession*)

“self-initiation practice” means the practice of dental hygienists where there are no contraindications prescribed in the Rules or if the procedure for dental hygiene procedure is approved by a dentist or a physician. (*exercice autonome de la profession*)

2(1) All other words or expressions have the same meaning as in the Act. The feminine includes the masculine, and vice versa.

2(2) These rules may be cited as the *Rules of the New Brunswick College of Dental Hygienists*.

GENERAL

3(1) The seal of the College shall be in the form embossed in Appendix "A".

3(2) The Registrar shall have custody of the seal of the College and shall countersign any instruments to which the seal is affixed.

3(3) The head office of the College shall be the office where the Registrar conducts the business of the College.

3(4) All College documents shall be stored at the head office.

OFFICERS

4 It shall be the duty of the President to preside over all meetings of the College and Council, or appoint a presiding officer.

5(1) The Registrar shall

(a) attend all meetings of the College and Council, unless excluded by the President for personal reasons;

(b) keep the minutes of the proceedings of the College and Council;

(c) conduct the correspondence of the College and Council;

(d) manage the office of the College; and

(e) perform all other duties assigned by these Rules or by Council, or which are incidental to the office of Registrar.

5(2) The Registrar shall provide security for the performance of duties by way of bond or otherwise in an amount as required by Council.

5(3) The Registrar will ensure the safekeeping and privacy of documentation of the College and information of members.

6 The Treasurer or Audit committee shall

(a) make a report at the annual general meeting of the College, or at such other times as required by Council, of all revenues and expenditures during the last fiscal year of the College;

(b) keep the records and other documents of the College and Council relating to financial matters, including proper books of account in which shall be entered all revenues and expenditures; and

(c) perform all other duties assigned by these Rules or by Council, or which are incidental to the office of Treasurer or Financial Committee.

7(1) All money of the College shall be deposited in a chartered bank, credit union or trust company authorized by Council.

7(2) The signing officers for the accounts of the College shall be no less than three persons as determined by Council with two of the three signatures required at any one time. No one shall co-sign their own expenses.

8 Council shall fix the salary of the Registrar to be paid by the College.

9(1) Employees of the College shall perform duties determined by the Registrar.

9(2) Each year, in the month immediately following the anniversary date of the employment of the Registrar, the Executive Committee shall prepare a written review of the Registrar's performance for the preceding year, and shall provide the Registrar with a copy for review with the Committee.

9(3) Each year, in the month immediately following the anniversary date of the employment of each member of the staff of the College, the Registrar shall prepare a written review of the performance of each staff member for the preceding year, and shall provide each staff member and the Executive Committee with that member's copy for review.

10 The Registrar or the Executive Committee may appoint legal counsel to act on behalf of the College in any matter, and may fix the retainer for such counsel to be paid by the College.

MEMBERSHIP

PRACTISING MEMBER

11(1) An applicant who:

(a) meets the criteria of licensure subject to section 18 or 20; and

(b) has paid fees for licensure as required by Council,

may be registered as a practising member.

11(2) Subject to section 42, the Registrar may issue practice designations upon completion of educational modules approved by Council.

The practice designation granted may be, but is not limited to the following:

(a) self-initiation designation

(b) local anesthesia designation

11(3) Dental hygienists requesting specific designations must provide all necessary documentation to the College and have their names appear on the specific roster in which they are entitled to practise.

11(4) The Registrar may issue a temporary licence:

(a) to a person who is registered or licensed to practise dental hygiene in another jurisdiction and plans to engage in the practice of dental hygiene in the province of New Brunswick for a limited period of time for the purpose of participating in or conducting a clinical course, study club or research program sponsored by an agency approved by the Credentials Committee; or

(b) for such other reasons as the Registrar deems appropriate.

11(5) The person applying for a temporary licence shall

- (a) submit to the Registrar:
 - (i) a completed application form,
 - (ii) a copy of the licence from the province in which they are currently practising,
 - (iii) a letter of good standing from the province in which they are licensed or registered,
 - (iv) a proof of professional liability insurance eligible for New Brunswick,
 - (v) a written application stating the specific purpose and the proposed period during which she wishes to practise, and
 - (vi) any other information that Council may require, in the form and within the time required by Council;
- (b) show a level of competence appropriate to the specific purpose; and
- (c) pay the required fees as determined by Council.

11(6) The temporary licence must be issued for a specified period of time, not to exceed more than ninety days and set out any restrictions on the practice of dental hygiene that apply to the temporary licence holder.

11(7) The Registrar, upon payment of the fee determined by Council, may approve with or without limitations or refuse an application for a temporary licence.

11(8) A dental hygienist who has been granted a temporary licence is eligible to take part in meetings but is not eligible to vote.

NON-PRACTISING MEMBERS

12(1) A dental hygienist registered in NB may be granted a non-practising membership if the person :

- a) pays the appropriate annual non-practising membership fee determined by Council;
- b) is not practising dental hygiene in the current licensing year; and
- c) is a member in good standing.

12(2) A non-practising member who applies for a full licence at any time in the current licensing year will have the non-practising membership fees credited towards the fee for a practising licence.

12(3) A person who holds a non-practising membership will not be required to hold liability insurance.

12(4) Upon requesting a transfer to a practising licence a person who holds a non-practising membership will be required to provide confirmation of continuing education undertaken within the previous three years as determined by Council.

LIFE MEMBERS

13(1) Council may grant life membership to a person who meets all of the following qualifications:

- (a) the person has been a member in good standing of the College or its predecessor for at least twenty years;
- (b) the person has been nominated by at least five voting members who have signed a petition stating their reasons for nominating the person; and
- (c) as determined by Council, the person has made such outstanding contributions to the College or to the profession of dental hygiene that she is deserving of life membership in the College.

13(2) A person is eligible for life membership whether or not she holds another licence.

13(3) Subject to section 17, life members have all the rights, privileges and obligations of practising members and are required to maintain the mandatory professional liability insurance required by Council unless the member undertakes not to practise.

13(4) Life members who continue to practise are subject to the requirements stated in section 20 of these Rules.

RETIRED MEMBERS

14(1) A member who:

(a) is permanently retired from the practice of dental hygiene; and

(b) is a member in good standing,

may be registered as a retired member of the College.

HONORARY MEMBERS

15(1) Council may appoint any person that it considers worthy of an honorary membership in the College.

15(2) No annual fees are payable to the College by honorary members.

15(3) Only persons who are not otherwise eligible for registration or licensing under the Act but have made outstanding contributions to the College or to the profession of dental hygiene may be honorary members.

15(4) Honorary members have the right to attend meetings of the College but may not vote.

FEES

16(1) Subject to subsection (2), life members and retired members shall pay annual fees as determined by Council.

16(2) Council may, in its sole discretion, waive part or all of the fees of a life or retired member.

16(3) Non-practising membership fees will be determined by Council on a yearly basis.

16(4) Members of the College shall be divided into such classes as are fixed from time to time by Council for the purposes of the mandatory professional liability insurance requirements.

GENERAL

17(1) Non-practising members, life members and retired members in good standing in the College have the right to vote at meetings of the College.

17(2) Every member shall provide the Registrar with an address where notices, orders, or other documents and written communications from the Registrar or other officer or authorized agent of the College, the Administrator of Complaints, the Complaints Committee, the Discipline Committee or any committee of Council may be mailed or delivered and shall notify the Registrar within thirty days of any change of address.

17(3) Every member is required to answer promptly all correspondence from Council, the Registrar or other officer or authorized agent of the College, the Administrator of Complaints, the Complaints Committee, the Discipline Committee or any committee of Council, and failure to do so constitutes professional misconduct.

17(4) Members are required to advise the College of their intent to cancel their membership before November 30 for the following year of their current membership.

PROCEDURE FOR ADMISSION

18(1) An application for admission shall be filed with the Registrar in Form I.

18(2) An assessment fee, as determined by Council, shall be imposed on all new applicants of the College.

18(3) The application shall

(a) state the date and place of birth, the educational qualifications, and the citizenship of the applicant;

(b) state whether the applicant has ever been convicted of a criminal offence or is awaiting the disposition of outstanding criminal charges, and, if so, the particulars thereof;

(c) state whether the applicant is currently under investigation by, is under suspension by, or has ever been expelled from, another dental hygiene regulatory authority; and

(d) contain such other information as required by the Act or as Council may require from time to time and which is relevant to the admission of a person.

18(4) The application shall be verified by declaration under the *Evidence Act*.

18(5) An applicant must submit with the application form the following:

(a) the applicable fees;

(b) an un-mounted passport size photo of the applicant;

(c) a copy of birth certificate, citizenship certificate or other identification documents satisfactory to the Registrar;

(d) a certified copy or proof of completion of any degrees or diplomas and any certifications relating to a dental hygiene program accredited by the Commission on Dental Accreditation of Canada or the equivalent as determined by Council;

(e) proof of receipt of a certificate from the National Dental Hygiene Certification Board, or equivalent as determined by Council;

(f) proof of liability insurance in the amount required as determined by Council;

(g) proof of current cardiopulmonary resuscitation (CPR) certification at a level determined by the College;

(h) an undertaking to acquire a proper understanding of the contents of the Act and these Rules within six months of admission to the College;

(i) proof of successful completion of any module or equivalency approved by Council in order to receive specific practice designation ; and

(j) any other documents required by the Registrar.

18(6) An applicant transferring from another Canadian jurisdiction must:

- (a) provide all documentation mentioned in 18(5)(a), (b), (c), (f), (g), (h), (i) and (j);
- (b) indicate the college or university and the year of graduation where they received their diploma;
- (c) indicate the certification number received from the National Dental hygiene Certification Board, if applicable;
- (d) provide a statement as to the good standing of the applicant from the regulatory authority of the other jurisdiction where they are currently licensed; and
- (e) provide a listing of all continuing education hours undertaken in the previous three years indicating the total hours.

18(7) An applicant who has not graduated from an accredited dental hygiene program will be required to:

- (a) submit all required documents in section 18(5); and
- (b) successfully complete a clinical assessment approved by Council that also meets requirements established within the guidelines of the Federation of Dental Hygiene Regulatory Authorities (FDHRA).

18(8) The Registrar may waive any of the criteria for registration required by these Rules for the reason that it is required by the *Agreement on Internal Trade* or by law.

18(9) An applicant who has not practised dental hygiene in the three years immediately before her application must provide proof of successful completion of the necessary continuing education as determined by Council and may be required to have passed an examination or examinations approved by resolution of Council.

18(10) In order to inform the applicant of the contents of the Act and current Rules, the Registrar may require the applicant to have a personal meeting with one or more of the following:

- (a) the Registrar;
- (b) the Executive Committee;
- (c) the Council.

LICENCE RENEWAL

19 The fees for renewal of licence are due on January 01 of each year and are to be paid on or before November 30 prior to the licensing year.

20 The applicant shall submit for renewal of licence, the following:

- (a) a completed renewal licensing form as required by the Registrar;
- (b) proof of continuing education as required by Council;
- (c) proof of liability insurance in an amount required by Council;
- (d) proof of current CPR certification for the licensing year at a level determined by Council commencing in January 2013;
- (e) proof of successful completion of any specific module or equivalent as required by Council, if applicable;
- (f) confirmation of proper understanding of the contents of the Act and current Rules as determined by Council;
- (g) any other documents required by the Registrar.

APPEAL

21(1) Any person who feels unjustly affected by a decision of the Registrar may request that Council reconsider the decision by notifying the Registrar in writing within thirty days of receipt of the decision.

21(2) Upon reconsideration of the decision by Council, it may direct the Registrar to take whatever action it considers appropriate in the circumstances.

COLLEGE FEES AND SPECIAL ASSESSMENTS

22(1) At least sixty days prior to the date set by Council for the annual general meeting of the College, Council shall fix the fees and assessments to be paid under the Act.

22(2) Fees and assessments fixed by Council shall go into effect when payment is first due.

22(3) Council shall revise fees and assessments on a yearly basis.

22(4) Unless it is suspended or revoked, a licence issued under the Act and these Rules remains in effect until the end of the licensing year in which it is issued.

22(5) The College's licensing year shall be January 01 to December 31.

22(6) Every member shall pay the annual membership fees for the category of membership of the member on or before November 30 in each year.

22 (7) Every member who fails to pay the required fees and submit all required documents by November 30 shall also pay to the College an additional overdue payment fee by December 31 of the same year.

22 (8) A member who has not paid the applicable fees in any year is suspended from practice on January 1st, and may be removed from the register. Reinstatement fees may apply.

MEETINGS OF COUNCIL

23(1) Council shall meet on a regular basis, at least two times per year, at such times and places as fixed by resolution.

23(2) In the absence of a resolution of Council fixing the time and place of the next meeting, any member of the Executive Committee may call a meeting of Council and fix the time and place.

23(3) In the case of urgency a special meeting of Council may be called under subsection 24(1) of the Act.

23(4) The Registrar shall send by mail, facsimile transmission, or other electronic means acceptable to Council, a notice of every meeting of Council to each member of Council at least seven days, or in a case of urgency, at least two days, prior to the date fixed for the meeting, but no unintentional error or omission in sending the notice shall invalidate the meeting or any business transacted at the meeting.

23(5) Regular and special meetings of Council, and voting at these meetings, may be done by conference telephone, video conference, or other electronic means acceptable to Council, provided such can be administered by the Registrar so as to assure the accuracy of the vote.

23(6) Delivery of a resolution and voting on a resolution under subsection 24(4) of the Act may, in addition to facsimile transmission, be done by conference telephone, video conference, or other electronic means acceptable to Council, provided such can be administered by the Registrar so as to assure the accuracy of the vote.

23(7) Meetings of Council shall be open to members, unless closed by the Chair for the purpose of discussing personnel, legal, financial or other confidential and sensitive matters.

23(8) Meetings of Council may be open to non-members at the invitation of the chair.

GENERAL MEETINGS OF THE COLLEGE

24(1) At each general meeting of the College, the minutes of the previous meeting shall be submitted, and after being approved as submitted or amended shall be signed by the chairperson.

24(2) Subject to subsection (3), the order of proceedings at general meetings of the College shall be as determined by Council.

24(3) Unless otherwise decided by vote of the meeting, the election of officers shall take place at each annual general meeting at a time fixed by Council of which notice has been given to members, and shall take precedence over all other business at the time.

24(4) The proceedings of the College shall be conducted as nearly as may be according to ordinary parliamentary procedure.

24(5) The Registrar shall have available at each general meeting of the College a certified copy of the list of members of the College in good standing who are entitled to vote.

24(6) Other than honorary members, all members in good standing may vote and hold office.

ELECTION OF PRESIDENT AND VICE-PRESIDENT AND APPOINTMENT OF TREASURER

25(1) The election of the President and Vice-President shall be held in that order at the annual general meeting of the College.

25(2) Term of office for the President and Vice-President is one year. The term may be renewed twice, for a total of no more than three consecutive years.

25(3) Each election shall begin with a call for nominations.

25(4) Any member in good standing may nominate a candidate for each of the positions of President and Vice-President.

25(5) No nomination may be accepted unless the member has consented to the nomination, either verbally at the meeting, or in writing.

25(6) Nominations for any election may be closed by motion of the meeting or, if no nominations are received after each of three successive calls for nomination, by declaration of the chairperson.

25(7) The chairperson of the meeting at which an election takes place shall appoint a scrutineer for the conduct of the election.

25(8) Voting shall be by secret ballot and the nominee for each position who obtains the most votes shall be declared elected.

26 If it is necessary to resolve a tie vote in an election held at the annual general meeting, the Registrar shall write the names of the tied nominees on separate pieces of paper, fold and place them in a ballot box so that the names cannot be identified, and the chairperson shall then draw one of the papers from the ballot box and declare the person whose name is drawn elected.

27 The Treasurer's term may be renewed.

28 Lay persons on Council cannot be appointed Treasurer.

ELECTION OF COUNCIL

29(1) A minimum of six (6) Councillors and no more than eight (8) shall be elected pursuant to section 6 of the Act.

30(1) The Councillors may appoint a Nomination Committee.

30(2) It shall be the duty of the Nominations Committee to recommend nominations of Councillors. The Nomination Committee shall seek to nominate candidates from all regions of the Province.

30(3) The recommendations of the Nominations Committee shall be made in writing to the Registrar not less than fifteen days prior to the date of the annual general meeting.

30(4) The Registrar shall forward a copy of the Nomination Committee's report to each member entitled to receive notice of the annual general meeting at the time such a notice is sent to each member.

31 Additional nominations may be made from the floor of the annual general meeting.

PRACTICE WHILE UNDER SUSPENSION

32 Any member who has been suspended from the practice for any reason and who continues to practise is liable to have her licence revoked.

FINES

33(1) A fine imposed under

(a) paragraph 46(1)(d) of the Act shall not exceed ten thousand dollars;

(b) paragraph 57(1)(b) of the Act shall not exceed twenty-five thousand dollars.

PROFESSIONAL LIABILITY INSURANCE

34(1) Unless exempted under subsection (2), every member shall carry professional liability (errors and omissions) insurance coverage issued by or under the authority of the College at an amount determined by Council.

34(2) The following classes of members may apply for exemption from mandatory insurance coverage under subsection (1):

(a) a member who is not engaged in the practice of dental hygiene in New Brunswick; or

(b) a member who, although in active practice of dental hygiene in New Brunswick, maintains a principal office in another province, as long as the member is insured under a similar mandatory plan in such other province which would cover claims arising in New Brunswick.

34(3) A member seeking exemption under subsection (2) shall make application in writing.

35 A member who has been granted exemption from professional liability insurance coverage under subsection 34(2) shall not otherwise engage in the practice of dental hygiene without first obtaining insurance and paying the required fee, unless the member applies for and obtains exemption under another paragraph of subsection (2).

36 Council will ensure that the College, persons on Council and committees, and employees of the College, past and present, are insured against any liabilities relating to the activities and operations of the College.

COMMITTEES

37(1) All Committee appointments shall consider the official language obligations of the College.

37(2) The following subsections do not apply to the Complaints and Discipline Committees.

37(3) Council may appoint a person who will be the non-voting chair to any committee.

37(4) The President and the Registrar are *ex officio* members of all committees, and may attend all meetings of committees.

37(5) The committee meetings shall be private but may be opened at the discretion of the Chair.

37(6) All committees shall report their recommendations to Council. No committee shall act on its recommendations, or disclose them to third parties, until and unless approved by Council.

37 (7) A majority of the members of a committee constitutes a quorum.

38(1) Every committee member, in exercising her powers and discharging her duties shall, in the best interests of the College and the public interest:

(a) act honestly and in good faith;

(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and

(c) maintain the confidentiality and privacy of member and College information.

38(2) Every committee member shall comply with the Act and these Rules.

38(3) A committee member who discloses or makes use of any specific confidential information for her own benefit or advantage, or the benefit or advantage of another party, directly or indirectly, that, if generally known, might reasonably be expected to affect the interests of the College or a person, is liable to compensate the College and any person for any direct loss suffered by the College or that person as a result of the disclosure or use, unless the information was known or in the exercise of reasonable diligence could have been known to the committee member.

38(4) No Council or committee member shall receive compensation from another party or organization for her participation on the College Council or committees.

38(5) No Council or committee member shall represent either directly or indirectly the interests of another party or organization.

SCOPE OF PRACTICE

39(1) The practice of dental hygiene means the application of professional knowledge for the purpose of providing therapeutic, preventive and maintenance services and programs for the promotion of optimal oral health and includes:

(a) assessment for dental hygiene services, the planning of dental hygiene interventions, and the evaluation of the progress and results of dental hygiene interventions and services, oral health practices and behaviours; and

(b) practices as detailed in the Act and these Rules;

39(2) A dental hygienist may engage in the practice of dental hygiene subject to the conditions and limitations imposed on the member's licence, and in accordance with these Rules and any practice exclusions contained in these Rules:

(a) within their scope if the procedure is performed where a licensed member of the NB Dental Society is present during the procedure;

(b) if the procedure is ordered by a dentist licensed by the NB Dental Society or a physician authorized to practise medicine under the *Medical Act*;

(c) on the member's own initiative, where the practice does not involve the scaling of teeth and root planing, including curetting of surrounding tissue;

(d) on the member's own initiative where the practice does involve the scaling of teeth and root planing, including curetting of surrounding tissue, where:

(i) the member has successfully completed a module approved by Council (the self-initiation module or equivalent) and has her name appear on the self-initiation register,

(ii) none of the contra-indications to performing the procedure as prescribed in 39(5) of these Rules are present, and

(iii) the client confirms taking the prescribed medication in accordance with these guidelines.

39(3) All members must:

(a) provide proof of current certification in emergency protocol at a level determined by Council; and

(b) confirm awareness and understanding of all current applicable legislation.

39(4) The following actions are included in the scope of practice of dental hygienists and a dental hygienist is authorized to carry out the following actions under the specified conditions:

(a) order or administer the following drugs:

(i) antimicrobial agents, other than antibiotics,

(ii) desensitizing agents, including topical anesthetics,

(iii) anticariogenic agents, and

(iv) whitening agents;

(b) order, administer and interpret radiographs for the purpose of dental hygiene services;

(c) administer local anesthesia when a licensed member of the NB Dental Society or a physician authorized to practise medicine under the *Medical Act* is present during the procedure or a specific patient written order (Local Anesthesia Protocol - Annex A) by the client's dentist or physician has been issued and the dental hygienist has fulfilled the following requirements:

(i) successful completion of the local anesthesia module or its equivalent as approved by Council,

(ii) confirmation of successful completion of the approved local anesthesia module or its equivalent no more than three years prior to the application or a confirmation of authorization to administer local anesthesia in another jurisdiction,

(iii) provision of certification of successful completion of the local anesthesia module or its equivalent to the College and receipt of the local anesthesia designation from the College,

(iv) confirmation that a proper medical emergency kit is on site, and

(v) possession of a current certificate in emergency protocol;

(d) self-initiate dental hygiene care after having successfully completed the self-initiation module or its equivalent as approved by Council, provided proof of completion to the College and satisfied all conditions indicated under this section.

39(5) A member shall not self-initiate nor continue the scaling of teeth and root planing, including curetting of surrounding tissue, without consultation with a dentist or physician when any of the following conditions are reported or known to be present:

(a) any cardiac condition for which antibiotic prophylaxis is recommended in the guidelines set by the American Heart Association;

(b) any other condition for which antibiotic prophylaxis is recommended or required, including joint replacement and high risk of bacterial endocarditis;

(c) any unstable medical or unstable oral health condition where the condition may affect the appropriateness or safety of the practice of dental hygiene or where the member is in doubt as to the status or accuracy of the medical or oral health history of the patient;

(d) drug or alcohol dependency that may affect the appropriateness or safety of scaling teeth and root planing, including curetting surrounding tissue;

(e) a medical or oral health condition with which the member is unfamiliar or that could affect the appropriateness, efficacy or safety of the procedure;

(f) a drug or a combination of drugs with which the member is unfamiliar or which could affect the appropriateness, efficacy or safety of the procedure, including nutritional and botanical supplements;

(g) a medical history which indicates a known medical intervention that requires a dental pre-screening;

(h) active chemotherapy or radiation therapy;

(i) immunosuppression caused by disease, medications or treatment modalities that may affect the appropriateness, efficacy or safety of the procedure;

(j) active tuberculosis; or

(k) blood disorders that may affect the appropriateness, efficacy or safety of the treatment, including a platelet therapy and an anticoagulant therapy.

39(6) A dental hygienist shall only engage in the practice of dental hygiene to the extent that the practice is within her individual scope of practice.

39(7) A dental hygienist may perform those duties, tasks and functions for which she has been trained during the course of studies and other courses approved by Council, and all the duties, tasks and functions permissible of a dental assistant, of any level, pursuant to by-laws made under the *New Brunswick Dental Act, 1985*.

DENTAL HYGIENE PRACTICE

40 Dental hygiene practice means, but is not limited to, the provision of dental hygiene services within the scope of practice of the dental hygienist:

- (a) in traditional dental practice settings where a supervising dentist is present;
- (b) in private dental offices where the dentist/owner is temporarily absent not more than 25% of the time;
- (c) for agencies or departments of the provincial or federal government;
- (d) for public or privately owned hospitals, long term or senior or residential care facilities;
- (e) in mobile or fixed dental hygiene practices;
- (f) in practice settings when the provision of dental hygiene is provided by owner/ contract hygienists; and
- (g) in practice settings approved by Council.

41 A practice setting which exists primarily for the provision of dental hygiene care shall be deemed a dental hygiene practice and is subject to the rules respecting dental hygiene practices.

42 All dental hygiene practices shall

- (a) be registered with the College;
- (b) meet such requirements as determined by Council;
- (c) meet municipal, provincial and federal requirements;
- (d) be subject to audit and evaluation by Council;
- (e) have site visits at the discretion of Council;
- (f) shall be owned by a dental hygienist licensed to practise in the province of New Brunswick; and
- (g) shall be owned by a dental hygienist who is a resident of New Brunswick.

CONTINUING EDUCATION

43(1) In this section:

“CE year” means the continuing education year, being the twelve-month period from January 01 to December 31;

“CEC” means the Continuing Education Committee appointed by Council;

“credits” means Continuing Education Credits assigned to dental hygienists for participation in continuing education programs approved by the CEC according to this section.

43(2) Council may establish a CEC.

43(3) The purpose of the CEC is to:

- (a) promote lifelong learning for dental hygienists;

(b) audit members to ensure compliance with continuing education requirements as determined in the College policy on continuing education;

(c) approve programs of continuing education and assign credits;

(d) recognize credits acquired by new members in other jurisdictions prior to their registration; and

(e) perform such other functions relating to continuing education as assigned by Council.

43(4) The CEC shall review the continuing education policy at least every three years.

43(5) Subject to the provisions of this section:

(a) every member shall in each CE year be required to obtain a minimum number of credits hours as determined by Council;

(b) every member shall submit all continuing education courses to the Registrar as per the continuing education policy approved by Council;

(c) the Registrar will ensure compliance with the continuing education policy; and

(d) in the event that a member has not obtained the required number of continuing education credits as determined by Council, the Registrar shall advise the CEC for review and the CEC may file a complaint against the member with the Complaints Committee.

43(6) Members shall be deemed to have fulfilled the requirements of this section for their year of graduation.

CODE OF ETHICS/STANDARDS OF PRACTICE

44 Council shall adopt the *Code of Ethics* and the *Entry-To-Practice Competencies and Standards for Canadian Dental Hygienists* approved by the CDHA and the FDHRA as amended from time to time or any other document established or approved by Council.

45 Sections 18, 20, 39, 43 and 44 of these Rules are neither effective nor shall they be acted upon until approved by the Minister.

GENERAL PROTOCOL/WRITTEN ORDER PROTOCOL FOR ADMINISTERING LOCAL
ANESTHETIC
ANNEX A

In reference to Rule 39(4) stating: The following actions are included in the scope of practice of dental hygienists and dental hygienists are authorized to carry out the following actions under the specified conditions: c) administer local anesthesia when a licensed member of the NB Dental Society or a physician authorized to practice medicine under the Medical Act is present during the procedure or a specific patient written order (Local Anesthesia Protocol Annex A) by the client's dentist or physician has been issued and the dental hygienist has fulfilled the following requirements:

- i) successful completion of the local anesthesia module or its equivalent as approved by the Council;
- ii) confirmation of successful completion of the approved local anesthesia module or its equivalent no more than three years prior to the application or a confirmation of authorization to administer local anesthesia in another jurisdiction.
- iii) provision of certification of successful completion of the local anesthesia module or its equivalent to the College and receipt of the local anesthesia designation from the College
- iv) ensure that a proper medical emergency kit be on site, and
- v) possession of a current certificate in emergency protocol;

The following protocols apply to all dental hygienists who have received the specific local anesthetic designation or both the local anesthetic and self-initiation designation by submitting all the required information to the NB College of Dental Hygienists. Dental hygienists must ensure that the following protocol is followed when administering local anesthesia. The general order/ or written order must be signed by the dentist(s) or a physician(s) in order to provide local anesthetic to clients.

LOCAL ANESTHETIC GENERAL PROTOCOL

As a general protocol in the scope of practice of dental hygienists, all clients shall be assessed at every appointment by a comprehensive evaluation which includes an updated medical and oral health history prior to proceeding with any treatment. The dental hygienists may administer local anesthetic according to the local anesthetic guidelines when a licensed member of the NB Dental Society or a physician authorized to practise medicine under the Medical Act is present.

As in any dental hygiene procedure, proper assessment of the client's health and dental history and treatment must be clearly indicated in the client's record. A general signed protocol must be kept by the dentist/physician and dental hygienist and must be made available upon request by the NBCDH.

Signature of dental hygienist

Print Name

Signature of dentist/physician

Print name of dentist/physician

Date: _____

In my absence, I authorize the following dentists or physicians who are associates in this practise and are authorized by me to issue orders in my absence to be present during the administering of local anesthesia and act on my behalf. It is clearly understood that they must be present in the office.

Signature of authorizing dentist

Print name

Signature of Associates (DDS)/Physicians

Print Names

Date: _____

SPECIFIC WRITTEN ORDER

This specific written order is required only in the instance that a licensed member of the NB Dental Society or a physician authorized to practise under the Medical Act may be absent when the dental hygienist is administering local anesthesia.

This specific written order may be used only by dental hygienists who have received both the self-initiation and the local anaesthetic designations. A dental hygienist who has not received the self-initiation designation must follow the general protocol and administer local anesthesia only when a dentist or physician is present.

Provided that the client has had no change in their medical health history since their last appointment, I authorize, in my absence, _____ (print name of dental hygienist), to administer local anesthesia to _____ (print name of client).

If the client discloses changes in his or her medical health history since the client's last appointment that may affect the appropriateness, efficacy or safety of the procedure as per the protocols for administering local anesthesia, the dental hygienist shall not undertake this practice until further consultation with the client's dentist or the client's physician and has received an updated specific order to proceed. All specific written orders must be included in the client's chart.

Print name of client's Dentist/Physician

Signature of client's dentist/physician

Date: _____