



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **DENTAL PROFESSION ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*

*Tel: (902) 368-4292*

*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## DENTAL PROFESSION ACT

### Table of Contents

Section	Page
1. Definitions.....	5
2. Association, continued as a body corporate & powers.....	6
3. Council.....	7
4. Prince Edward Island Dental Register, contents of.....	7
5. Keeping of register, duties of registrar.....	8
6. Matters to be furnished to registrar.....	8
7. Entries in register.....	8
8. Requirements to practise dentistry.....	8
9. Annual fee.....	8
10. Annual list.....	9
11. Entitlement to practise, recovery of fees.....	9
12. Discipline committee.....	10
13. Suspension or cancellation of license.....	11
14. Limitation of liability of registrar.....	11
15. Non-licensed persons, restrictions on.....	11
16. Search for dental equipment used contrary to Act.....	13
17. Burden of proof.....	13
18. Medical practitioners may act.....	13





## DENTAL PROFESSION ACT

### CHAPTER D-6

#### 1. Definitions

##### (1) In this Act

- (a) “**annual list**” means the list of licensed dentists published annually in the Gazette under section 10;
- (b) “**Association**” means the Dental Association of Prince Edward Island continued under section 2;
- (c) “**council**” means the Dental Council of Prince Edward Island formed under section 3;
- (d) “**dentistry**” or “**dental surgery**” means any professional service usually performed by a dentist or dental surgeon and includes,
  - (i) the diagnosis or treatment of and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in or from any human tooth, jaw or associated structure or tissue or any injury thereto and the administering of anaesthetics for dental purposes,
  - (ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advertising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause (i) or to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the human oral cavity or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, and
  - (iii) the taking or making, or the giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, construction, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge, appliance or thing;
- (e) “**infamous, disgraceful or improper conduct in a professional respect**” includes professional incompetence, gross carelessness in diagnosis or treatment, and fraudulent or exorbitant charging of fees;
- (f) “**license**” means the annual license provided for by section 9;
- (g) “**member**” means a member of the Dental Association of Prince Edward Island as is provided for by subsection 2(2);
- (h) “**practice**” means the practice of dentistry or dental surgery;
- (i) “**register**” means the dental register as provided for by section 4;
- (j) “**registrar**” means the registrar of the dental register as provided for by section 5.

**Qualified dental practitioner, defined**

- (2) In this Act or in any other Act of the Legislature of Prince Edward Island or in any legal public document, “qualified dental practitioner” or any words importing a person recognized by law as a dental practitioner or member of the dental profession, means a person registered and licensed under this Act and bylaws made thereto. *R.S.P.E.I. 1974, Cap. D-4, s.1; 2015,c.36,s.22.*

**2. Association, continued as a body corporate & powers**

- (1) The members of the dental profession of Prince Edward Island are continued as a body corporate under the name and style of the “Dental Association of Prince Edward Island”, having perpetual succession and a common seal with power
- (a) to acquire, take, receive, hold and enjoy real and personal property;
  - (b) to mortgage, lease, sell or otherwise dispose of any such property for the furtherance of the objects of the Association;
  - (c) to sue and be sued;
  - (d) to encourage training and research in the field of dentistry and to that end give assistance to persons whether members of the Association or not, by loans, grants or other means;
  - (e) to do all things necessary to carry out the objects of the Association including the promotion of, the interests of and the improvement of the standards of the dental profession and dental practice in the province.

**Membership in Association**

- (2) Every person whose name now appears on the register, as well as every person hereafter registered under this Act, is a member of the Association unless the name of such person is for cause removed from the register.

**General annual meeting**

- (3) General annual meetings of the Association shall be held at such times and places in each year as the Association shall by bylaw determine, and at such meetings the Association shall elect all requisite officers and transact all such business as may lawfully come before it.

**Special general meeting**

- (4) Special general meetings may be called in such manner and at such times as may by bylaw be determined.

**Bylaws for government & discipline of Association**

- (5) The Association shall make such bylaws as it considers necessary for the proper guidance, government, discipline and regulation of the Association, the council, the practice of dental surgery and the carrying out of this Act.

**Bylaws re dental hygienists**

- (6) The Association has power to pass bylaws
- (a) providing for the establishment, development, registration and control of an ancillary body known as dental hygienists;
  - (b) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the Association, of such services as the council may determine;
  - (c) regulating the conditions and prescribing the qualifications for admission to such body;



- (d) prescribing the admission and annual fees payable by members of such body;
- (e) generally for the defining, regulating and controlling of a practice of dental hygiene.

**Bylaws re any ancillary dental bodies**

- (7) The Association has power to pass bylaws providing for the establishment, development, registration and control of any ancillary dental bodies which may be created by the Association as ancillary bodies to the Association. *R.S.P.E.I. 1974, Cap. D-4, s.2.*

**3. Council**

- (1) There shall be established a council of the Association whose regulations with respect to its composition, method of appointment of its members, the term of office of its members, its quorum, and with respect to its annual meetings shall be made by bylaw of the Association.

**Powers of council**

- (2) The council has authority to
  - (a) make rules and bylaws as to the calling of the meetings of the council and the order and conduct of business at such meetings, and may also, from time to time, repeal, alter or amend such bylaws, except as otherwise provided by this Act;
  - (b) establish by bylaw the standard of the preliminary and professional examinations to be passed, the curriculum of studies to be pursued, the period of study required, the necessary examinations to be passed and the examination fees payable by each candidate before the writing of such examinations and also repeal, alter or amend such bylaws except as otherwise provided by this Act;
  - (c) examine all degrees, diplomas, licenses and other credentials for the purpose of enabling the owner of such credentials to be registered under this Act and to be licensed under this Act, and to require the owner of such credentials to attest on oath that he is the person whose name is mentioned therein;
  - (d) appoint as many examiners to hold licensing examinations as it considers proper and to decide whether any remuneration should be paid to such examiners and to fix the remuneration if it is determined that such remuneration should be paid;
  - (e) dispense with such examination in the case of a person who proves to the satisfaction of the council that he has passed in any university or college or at a national dental examining board an examination that the council considers of equal value;
  - (f) carry out such other duties as may be directed to it or delegated to it by the Association. *R.S.P.E.I. 1974, Cap. D-4, s.3.*

**4. Prince Edward Island Dental Register, contents of**

The council shall cause to be kept, by a person to be called the registrar, a book or register in which shall be entered, upon payment of a fee to be prescribed by the council, the name of every person registered according to this Act and the names of all persons who have complied with this Act and with the rules and regulations made or to be made by the council respecting the qualifications to be required from practitioners of dentistry in the province of Prince Edward Island, which book or register shall be called the "Prince Edward Island Dental Register" and those persons only whose names are inscribed in such register shall be deemed to be qualified to be licensed to practise dentistry in this province, except as hereinafter provided, and the register shall at all times be open and subject to inspection by any person. *R.S.P.E.I. 1974, Cap. D-4, s.4.*

**5. Keeping of register, duties of registrar**

The registrar shall keep his register correct in accordance with this Act, and the rules, orders and regulations of the council, and shall delete the names of all registered persons who have died, and he shall make the necessary alterations in the addresses or qualifications of the persons registered under this Act and shall perform such other duties as the council may direct. *R.S.P.E.I. 1974, Cap. D-4, s.5.*

**6. Matters to be furnished to registrar**

Every person seeking to have his name entered on the register, having been accepted as a member of the Association under this Act, shall furnish the registrar with such proof of his name, date of birth and place of residence, and such other information as the registrar may require, and any person seeking to have an entry made on the register of any degree, diploma or qualification that he may possess, shall also furnish the registrar such proof of his degree, diploma or qualification as the registrar may require. *R.S.P.E.I. 1974, Cap. D-4, s.6.*

**7. Entries in register**

- (1) The registrar shall enter in the register, upon the payment of such fee as may be prescribed by the council, the name, date and place of birth, place of residence and date of registration of every person who is entitled to be registered under this Act, and he shall also enter upon the register any degree, diploma or qualification to which such person is entitled.

**Additional degrees or qualifications, entry of**

- (2) Every person registered under this Act, who obtains any higher degree or any qualification other than that in respect of which he has been registered is, on the payment of such fees as the council may appoint, entitled to have the higher degree or additional qualification inserted on the register in substitution for, or in addition to, the qualification previously registered.

**Practitioner to notify registrar of changes in address etc.**

- (3) Every registered practitioner of dentistry shall notify the registrar of any changes in his residence and the registrar shall enter such change upon the register, and all notices he may be required to serve upon any registered practitioner of dentistry may be mailed to the address as last given on such register by such practitioner of dentistry. *R.S.P.E.I. 1974, Cap. D-4, s.7.*

**8. Requirements to practise dentistry**

- (1) No person shall practise dentistry in Prince Edward Island unless his name is registered in the register and unless such person has paid to the registrar any annual fees established by the council and received his annual license therefor.

**Armed forces dentists, exemption**

- (2) Notwithstanding subsection (1), any person who is engaged in dentistry or dental surgery in Her Majesty's forces may, while on the active list of such forces, practise dentistry in this province in connection with said forces without registration or license. *R.S.P.E.I. 1974, Cap. D-4, s.8.*

**9. Annual fee**

- (1) Every dental practitioner who has been registered under this Act shall pay to the registrar an annual fee to be fixed by the council for each year during any part of which he practises dentistry or dental surgery in this province, which annual fee must be paid not later than April





20 in each year; such annual fee, if not paid, shall be a debt due by such dental practitioner on and after April 20 in each year for which the fee is payable and together with any annual fees in arrears is recoverable at the suit of the Dental Association of Prince Edward Island in any court of competent jurisdiction.

**License, issuance of**

- (2) Upon payment of such annual fee, the council shall issue to the member a license which shall entitle him to practise for the year or part thereof for which the license is issued.

**Effect of non-payment of annual fee**

- (3) If any registered dental practitioner omits to pay the annual fee required by the council under this Act before the publication of the annual list, the registrar shall not cause the name of the practitioner to be printed and published in the annual list, and such practitioner shall thereupon cease to be deemed a licensed practitioner until such time as he shall pay the fee together with any fees in arrears, and he is entitled to all his rights and privileges as a registered and licensed member of the Association from the time of the payment. *R.S.P.E.I. 1974, Cap. D-4, s.9.*

**10. Annual list**

- (1) The registrar shall, before June 30 in each year, publish a list to be called the “annual list”, copied from the register, in the Gazette containing the names of all persons then licensed to practise, in alphabetical order, according to the surname, with the respective residence, together with the dental titles, diplomas, and qualifications conferred by any college or body, with the dates thereof, as existing on the day of publication.

**List is *prima facie* evidence of registration**

- (2) A copy of the annual list, purporting to be so printed and published as aforesaid, is *prima facie* evidence in all courts that the persons therein specified are licensed according to this Act, and subject to subsection (3), the absence of the name of any person from such copy of the annual list is *prima facie* evidence that such person is not licensed according to this Act.

**Evidence of registration where name not on list**

- (3) In the case of any person whose name does not appear in such copy of the annual list, a certified copy under the hand of the registrar of the entry of the name of such person on the register, is evidence that that person is registered under this Act. *R.S.P.E.I. 1974, Cap. D-4, s.10.*

**11. Entitlement to practise, recovery of fees**

- (1) Every person registered and licensed under this Act is entitled to practise dentistry or dental surgery in the province of Prince Edward Island and to demand and recover in any court, with costs of suit, reasonable charges for professional aids, advice and visits and the cost of any dental surgical appliances rendered or supplied by him to his patients.

**Limitation of action**

- (2) No person registered under this Act is liable to any civil action for negligence or malpractice by reason of professional services, requested or rendered, unless the action is commenced within six months from the date when, in the matter complained of, the professional services terminated. *R.S.P.E.I. 1974, Cap. D-4, s.11.*

**12. Discipline committee**

- (1) The council shall serve as a discipline committee of the Association and may suspend from practice or delete the name from the register of any member of the Association who
- (a) has been heretofore or is hereafter convicted in Canada or elsewhere, of an indictable offence if his conviction is unreversed; or
  - (b) has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect and such infamous, disgraceful or improper conduct includes fraudulent and exorbitant charging of fees,

but this power shall not be exercised if the conviction is for a political offence committed outside Her Majesty's Dominions, or for an offence which, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry or dental surgery.

**Exercise of powers under subsection (1)**

- (2) Where a member has been guilty of infamous, disgraceful or improper conduct in a professional respect, the power conferred by subsection (1) may be exercised, notwithstanding that he has been acquitted of a criminal charge in respect of the same matter.

**Hearing of complaint**

- (3) Upon receiving a written complaint that any member of the Association is guilty of any of the offences mentioned in subsection (1) or (2), of having violated any of the provisions of this Act or of any of the bylaws, rules or regulations of the Association, the council, if it considers the complaint not to be frivolous or vexatious, shall fix a time and place of the hearing, together with a statement of the matter which is to form the subject of the inquiry, and shall communicate to the person accused, the time and place of the hearing and a copy of the statement at least eight clear days before the date of the hearing.

**Hearing evidence**

- (4) At the time and place so fixed the council shall meet and hear the evidence adduced.

**Testimony under oath**

- (5) The testimony of the witnesses shall be taken under oath, which may be administered by any member of the council and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and reply.

**Representation by counsel**

- (6) Either or both the Association and the person accused may be represented by legal counsel; the costs of the legal counsel for the Association shall be borne by the Association.

**Proceedings in absentia**

- (7) If the person whose conduct is the subject of the inquiry, though duly notified as provided in subsection (3) herein, does not attend, the council may proceed in his absence.

**Witness fees**

- (8) Witnesses are entitled to the like allowances as witnesses attending upon the trial of an action in the Supreme Court of Prince Edward Island. *R.S.P.E.I. 1974, Cap. D-4, s.12.*



**13. Suspension or cancellation of license**

- (1) If the complaint or charge is found to be proven, the council may suspend such member from practice for such period as it sees fit or may cancel his license and may delete his name from the register.

**Re-instatement**

- (2) The member suspended or whose name has been deleted from the register may be *re*-instated, his license renewed and all his rights and privileges under this Act restored in such manner and upon such terms and conditions as the council considers necessary.

**Frivolous complaint**

- (3) Where the complaint is found to be frivolous or vexatious, the council may pay such costs as to it may seem just to a member whose conduct has been the subject of inquiry.

**Costs**

- (4) The costs to be taxed and allowed against a member, including the costs of appeal, if any, shall as far as practicable, be the same or the like costs as in any action in the Supreme Court of the province of Prince Edward Island and the council shall have the right to refuse to restore the name of any member on the register until such costs are paid by such member. *R.S.P.E.I. 1974, Cap. D-4, s.13.*

**14. Limitation of liability of registrar**

- (1) No action shall be brought against the council or registrar for anything done in good faith under this Act notwithstanding any want of form in the proceedings, but any person whose name has been ordered to be deleted from the register may appeal from the decision of the council to the Appeal Division at any time within three months from the date of the order of such deletion, and the court may, upon the hearing of the appeal, make such order as to the restoration of the name so deleted or confirming such deletion, or, for further inquiry by the council into the facts of the case, and as to the costs the court considers just.

**Appeal procedure**

- (2) The appeal may be by application, notice of which shall be served upon the registrar and shall be founded upon a copy of the proceedings before the council, the evidence taken, the council's report and the order of the council in the matter, certified by the registrar, and the registrar shall, upon the request of any person desiring to appeal, and upon payment of the cost thereof, furnish to any such person a certified copy of all proceedings, reports, orders and papers upon which the council has acted in making the order complained of. *R.S.P.E.I. 1974, Cap. D-4, s.14.*

**15. Non-licensed persons, restrictions on**

- (1) A person who is not a licensed member of the Association shall not, by himself or by any other person,
- (a) practise or hold himself out as qualified or entitled to practise the profession of dentistry or any branch thereof;
  - (b) provide or perform any service, act or operation that is part of the practice of dentistry or any branch thereof, or undertake or purport or provide or perform any such service, act or operation;
  - (c) make, produce, reproduce, construct, furnish, supply, alter or repair any prosthetic denture, bridge, appliance or thing to replace, improve or supplement any human

- tooth, or to prevent, alleviate, correct or improve any condition in the oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or give any advice or assistance in connection therewith except on the prescription or instruction of a member of the Association, and where the use of a design, impression or cast is necessary, except by the use of a design, impression or cast furnished by a member of the Association with such prescription or instruction;
- (d) take or use any name, title, addition or description, representing or implying that he holds a license to practise dentistry or that he is a member of the Association; or
  - (e) represent that he is, or take or use any name, title, addition or description representing or implying that he is a graduate of a dental college or that he practises or is entitled or qualified to practise dentistry or any branch thereof, or that contains the words “dentist”, “dentistry”, “dental”, “dental surgery”, or any similar word or words or any derivative thereof, or any letters, signs or abbreviations having a similar significance.

**Dental technician, written prescription to by dentist**

- (2) A member of the Association shall furnish to a dental technician or other person instructed by him to undertake or perform any work or service or give any advice or assistance described in clause (1)(c) a written prescription therefor signed by such member, and where necessary a design, impression or cast, at the time of giving such prescription or instructions.

**Exception to clause (1)(c)**

- (3) No work, service, advice or assistance described in clause (1)(c) that is undertaken, performed or given by a person pursuant to a prescription or instructions of a member of the Association, and by the use of a design, impression, or cast furnished by a member of the Association with such prescription or instructions, where a design, impression or cast is necessary, shall be deemed to be a contravention of this section.

**Exception re dental hygienists**

- (4) No work, service, advice or assistance that is part of the practice of dental hygienists or other ancillary dental bodies and that is undertaken, performed or given in the office or clinic of a member of the Association and under his supervision and control, shall be deemed to be a contravention of this section.

**Having dental equipment other than by member, prohibition**

- (5) Except with the written permission of the council no person in pursuit of his business, trade or calling shall have, in any place, dental equipment of a character similar to that which a place of business of a member of the Association is equipped, and which equipment would enable the person generally to practise dentistry or any branch thereof and the presence of such equipment in such place is *prima facie* evidence that the practice of dentistry is being carried on therein.

**Offences & penalties**

- (6) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable for the first offence of a fine of not less than \$50 and not more than \$200, for the second offence to a fine of not less than \$200 and not more than \$500, and for every subsequent offence a fine of not less than \$500, and he is not entitled to sue or recover in any court for any services that he performed or materials that he provided in the ordinary and customary work of a dental surgeon.



**Fines payable to registrar**

- (7) The fines recovered under this section shall be paid over by the convicting provincial judge to the registrar. *R.S.P.E.I. 1974, Cap. D-4, s.15.*

**16. Search for dental equipment used contrary to Act**

Upon information on oath by a duly authorized agent of the council that he has reasonable cause to believe that there is in a building or premises any dental equipment that is being, has been or is likely to be used contrary to this Act, or that any prosthetic denture, bridge, appliance or thing is being, has been or is likely to be made, produced, reproduced, fitted, constructed, furnished, supplied, altered or repaired, contrary to this Act, it is lawful for any provincial judge by warrant under his hand, to authorize and empower such agent or other person named therein to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or any receptacle therein that might contain any such dental equipment, prosthetic denture, bridge, appliance or thing. *R.S.P.E.I. 1974, Cap. D-4, s.16.*

**17. Burden of proof**

- (1) In a prosecution under section 15, the burden of proof
- (a) of the membership in the Association;
  - (b) that a prescription was or instructions were given by a member of the Association; and
  - (c) that any design, impression or cast used in complying with such prescription or instruction was furnished by a member of the Association

is upon the person charged with contravention of section 15.

**Limitation of action**

- (2) Every prosecution under section 15 shall be commenced within six months from the date of the alleged offence. *R.S.P.E.I. 1974, Cap. D-4, s.17.*

**18. Medical practitioners may act**

- (1) Nothing in this Act prevents duly qualified medical practitioners as defined and interpreted by the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 from extracting teeth, or otherwise attending to teeth for the prevention of disease or the relief of pain. R.S.P.E.I.

**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. 1974, Cap. D-4, s.18; 2003,c.2,s.24.