

## DEFINITIONS

1.0 In these bylaws:

“Act” means the *Health Professions Act*;

“active registrant” means a registrant who is registered in the active full registrant class or the active B registrant class;

“appointed board member” means a person appointed to the board under section 17(3)(b) of the Act;

“board” means the board for the college;

“board chair” means the chair of the board elected under section 1.11(2);

“board election” means an election under section 17(3)(a) of the Act;

“board member” means an appointed board member or an elected board member;

“college” means the College of Denturists of British Columbia;

“deliver”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business, or transmit to the most recent electronic mail address provided to the college by a registrant for the purpose of delivery;

“deputy registrar” means a deputy registrar for the college;

“denturism services” means the services a registrant is authorized under the Act to provide;

“direct supervision” means the supervised person is subject to the direction and review of a registrant, who is present at the same location at the time the supervised person performs a clinical aspect of practice, but is not necessarily involved in the performance of that clinical aspect of practice;

“elected board member” means a person elected to the board under section 17(3)(a) of the Act or appointed to the board under section 1.09(3) or (4);

“examination” means a theoretical examination, given orally or in writing, a clinical examination, or any combination of these, and includes a supplemental examination;

“general meeting” means a general meeting of the college;

“general supervision” means the supervised person is acting subject to the review of a registrant;

“in good standing” means,

(a) the registrant’s registration as a member of the college is not suspended under the Act, and

(b) no limits or conditions are imposed on the practice of denturism by the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act;

“patient” means a person who receives, from a registrant or a health profession corporation, any service or treatment regardless of that person’s location and includes self administered treatment directed by or facilitated by a registrant;

“personal information” means “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“public representative” means a person who

(a) is not a registrant or former registrant, and

(b) has no close family or business relationship with a registrant or former registrant,

and includes an appointed board member;

“record” means a “record” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

“registrant” means a person who is granted registration as a member of the college;

“registrar” means the registrar for the college;

“Regulation” means the Denturists Regulation, B.C. Reg. 277/2008;

“respondent” means a registrant or former registrant named in a citation under section 37 of the Act or a health profession corporation named in a notice of permit revocation hearing under section 9.06;

“special resolution” means a resolution which requires a 3/4 vote of those persons eligible to vote on the resolution;

“standards of practice” means the standards of practice, limits or conditions for the practice of denturism established by the board under section 19(1)(k) of the Act;

“vice-chair” means the vice-chair of the board elected under section 1.11(4).

## **PART 1 – COLLEGE BOARD, COMMITTEES AND PANELS**

### **Composition of the board**

1.01 The board consists of 6 elected board members and the appointed board members.

### **Eligibility for election to the board**

1.02 (1) Subject to subsections (2) and (3), only active registrants are eligible to be elected in a board election.

(2) An active registrant who is an employee of the college is not eligible to be elected in a board election unless he or she files, with the registrar, a written agreement to resign his or her employment with the college if elected in a board election.

(3) An active registrant who is not in good standing is not eligible to be elected in a board election.

### **Voting registrants**

1.03 Only active registrants are eligible to vote in a board election or at a general meeting.

### **Notice of election**

1.04 (1) The registrar must notify every active registrant of a board election by delivering notice at least 90 days prior to the expiry of the term of office of an elected board member.

(2) The notice under subsection (1) must contain information about the nomination procedure and the election procedure, including without limitation the length of the term of office for each vacant or impending vacant board member position to be filled in the board election.

(3) The accidental omission to deliver notice of a board election to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate the board election, any proceedings in relation thereto, or the results thereof.

### **Nomination procedure**

1.05 (1) A candidate for a board election must be nominated by another active registrant who is in good standing and who has not nominated any other candidate for election to the same vacant or impending vacant position in the same board election.

(2) A nomination under subsection (1) must be presented in a manner satisfactory to the registrar, and must be received by the registrar at least 60 days prior to the expiry of the term of office referred to in section 1.04(1), accompanied by

(a) a letter of consent from the person nominated, and

(b) a declaration in writing by the person nominated that he or she will observe the provisions of the Act, the regulations and these bylaws, and the procedures related to the election and the conduct of the election.

(3) A nomination under subsection (1) is not valid if the person nominated is not eligible under section 1.02 for election.

(4) A person must not simultaneously be nominated for election to more than one vacant or impending vacant elected board member position.

### **Election procedure**

1.06 (1) At least 45 days prior to the expiry of the term of office referred to in section 1.04(1), the registrar must prepare and deliver to each active registrant

(a) an election ballot, and

(b) a notice of

(i) the time and date by which the ballot must be received by the registrar, and

(ii) the procedure for completing and delivering the ballot.

(2) Each active registrant is entitled to one election ballot and may vote in favour of one candidate to be elected on such ballot for each vacant or impending vacant position.

(3) The registrar must not count the vote of a registrant under subsection (2) unless the registrant's election ballot is

(a) received by the registrar at least 30 days prior to the expiry of the term of office, and

(b) cast using the procedure for completing and delivering a ballot specified in the notice under subsection (1)(b).

(4) The candidate who, on the return of the ballots, receives the most votes for a vacant or impending vacant elected board member position is elected.

(5) In the case of a tie vote for a vacant or impending vacant elected board member position, the registrar must select the successful candidate by random draw.

(6) The registrar must supervise and administer all board elections and may establish procedures, consistent with these bylaws, for that purpose.

(7) The registrar must determine any dispute or irregularity with respect to any nomination, ballot or board election.

(8) If, at the close of nominations, only one candidate is nominated under section 1.05 for election to a vacant or impending vacant position, the candidate is elected by acclamation.

(9) The registrar must use Form 1 to certify newly elected members of the board under section 17.1(1) of the Act.

### **Terms of office**

1.07 (1) Subject to subsection (2) and section 1.09, the term of office of an elected board member

(a) commences on April 1 of the year in which he or she is elected, and

(b) ends on April 1 in the third year following the year in which he or she was elected.

(2) Despite subsection (1)(b), before the registrar delivers notice of a board election under section 1.04, the board may by special resolution designate that the term for a vacant or impending vacant board elected member position ends on April 1 in the second year following the year in which a board member is elected to that position.

(3) An elected board member may hold office as an elected board member for a maximum of 2 consecutive terms, not including the balance of any term of office that the elected board member is appointed to serve under section 1.09(3) or (4).

(4) An elected board member may resign from office as an elected board member at any time by delivering a notice in writing to the registrar and the resignation is effective upon receipt by the registrar.

### **Removal of elected board member**

1.08 (1) An elected board member ceases to hold office as an elected board member if he or she

(a) ceases to be an active registrant in good standing,

(b) ceases to be a resident of British Columbia,

(c) becomes an employee of the college, or

(d) dies.

(2) An elected board member may be removed from office as an elected board member by special resolution of the board or by special resolution of the registrants.

## **Vacancy**

1.09 (1) If

(a) an elected board member position becomes vacant prior to the expiry of the term of office of the person who was last elected to the position, and

(b) the position is not already due to be filled at the next scheduled board election,

an election must be held at the next scheduled board election to fill the position for the balance of the term of office of the person who was last elected to the position.

(2) Despite subsection (1),

(a) if a vacancy described in subsection (1)(a) occurs 90 days or less before the next scheduled board election, and

(b) the position is not already due to be filled at the next scheduled board election or the following scheduled board election,

an election must be held at the following scheduled board election to fill the position for the balance of the term of office of the person who was last elected to the position.

(3) If an elected board member position becomes vacant prior to the expiry of the term of office of the person who was last elected to the position, the board may by special resolution appoint an active registrant who is in good standing to fill the position until the next scheduled board election is held and the person then elected to the position takes office.

(4) Despite subsection (3), if a vacancy described in that subsection occurs 90 days or less before the next scheduled board election, the board may by special resolution appoint an active registrant who is in good standing to fill the position until the next scheduled board election or the following scheduled board election, as applicable, is held and the person then elected to the position takes office.

## **Remuneration of board members**

1.10 Board members are equally entitled to be

(a) remunerated for time spent on business of the college, in the amount approved by the board, and

(b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

### **Board chair and vice-chair**

1.11 (1) The board chair must

(a) preside as chair at all board meetings,

(b) sign all certificates and other instruments executed on behalf of the college together with such other officers as required by the board,

(c) sign the minutes of each board meeting after they are approved by the board, and

(d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.

(2) At the first board meeting in each fiscal year, the board members must elect a board chair by a majority vote in accordance with the following procedure:

(a) the acting chair for the meeting must call for nominations;

(b) if there is only one nominee, he or she is elected by acclamation;

(c) if there is more than one nominee, an election must be held by secret ballot, and the person with the most votes is elected;

(d) if there is a tie vote, there must be a second vote immediately following the first vote;

(e) if there is a second tie vote, the new board chair must be selected by random draw.

(3) The board chair's term of office as board chair is one year, commencing at the election of the vice-chair under subsection (4), and ending at the start of the first board meeting in the next fiscal year.

(4) Immediately following the election of the board chair under subsection (2), the board members must elect a vice-chair by a majority vote in accordance with the procedure set out in subsection (2).

(5) The vice-chair's term of office as vice-chair is one year, commencing at his or her election under subsection (4), and ending at the start of the first board meeting in the next fiscal year.

- (6) The vice-chair must perform the duties of the board chair in the board chair's absence.
- (7) In the absence of both the board chair and vice-chair, an acting chair for a board meeting must be elected by a majority vote of the board members present.
- (8) If the board chair resigns from the board, is removed from the board under section 1.08, or otherwise ceases to hold office as an elected board member before the expiry of his or her term of office as an elected board member, the vice-chair must immediately assume the office of board chair and may hold that position for the balance of the former board chair's term of office as board chair.

### **Board meetings**

- 1.12 (1) The board must meet at least 4 times in each fiscal year and must provide reasonable notice of all board meetings to board members, registrants, and the public.
- (2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.
  - (3) Despite subsection (1), the registrar or the board chair may call a board meeting without providing notice to the registrants if necessary to conduct urgent business.
  - (4) The registrar must call a board meeting on receipt of a written request for a meeting by the board chair or any 4 board members, if the written request sets out any matter or matters on which a decision will be sought at the meeting.
  - (5) The registrar will make the following available to members of the public
    - (a) details of the date, time and place of a board meeting,
    - (b) a copy of the agenda for the board meeting, and
    - (c) a copy of the minutes of any preceding board meeting.
  - (6) Subject to subsection (7), board meetings must be open to registrants and to the public.
  - (7) The board may exclude any person from any part of a board meeting if it is satisfied that one or more of the following matters may be discussed:
    - (a) financial, personal or other matters of such a nature that the interest of any person affected or the public interest in avoiding public disclosure of those matters outweighs the public interest in board meetings being open to the public;



(b) information concerning an application by any individual for registration under section 20 of the Act, the disclosure of which would be an unreasonable invasion of the applicant's personal privacy;

(c) information concerning a complaint against, or an investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy;

(d) information the disclosure of which may prejudice the interests of any person involved in

(i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act or a review under Part 4.2 of the Act, or

(ii) any other criminal, civil or administrative proceeding;

(e) personnel matters;

(f) property acquisitions or disposals;

(g) the contents of examinations;

(h) communications with the Office of the Ombudsperson;

(i) instructions given to or opinions received from legal counsel under section 2.09, or any other matter that is subject to solicitor-client privilege;

(j) information that the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*;

(k) information that the college is otherwise required by law to keep confidential.

(8) If the board excludes any person from part of a board meeting, it must have its reasons for doing so noted in the minutes of the meeting.

(9) The registrar must ensure that minutes are taken at each board meeting, retained on file and, subject to subsection (10), published on the college website.

(10) The registrar may edit minutes posted on the college website under subsection (9) to remove information about any matter referred to in subsection (7), if the reasons for removing the information are noted in the edited minutes.

(11) A majority of the board constitutes a quorum at board meetings.

(12) In taking a vote at a board meeting, other than one conducted by secret ballot, the chair of the meeting must first determine those board members in favour, opposed, and abstaining, after which the chair may cast his or her vote.

(13) The chair of a board meeting is not required to vote whether or not that vote would affect the outcome.

(14) In case of an equality of votes the chair of the board meeting does not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution does not pass.

(15) If some or all of the board members are unable to meet in person, they may meet and conduct business in writing, using video conference, teleconference, internet conference connections, any other electronic means or any combination of these.

(16) Except as otherwise provided in the Act, the regulations, or these bylaws, the most recent edition of Robert's Rules of Order governs the procedures at board meetings.

### **Resolutions in writing**

1.13 (1) A resolution approved by the necessary majority of board members in writing, including by mail, facsimile, or electronic mail, is valid and binding and of the same effect as if such resolution had been duly passed at a board meeting.

(2) A report of any resolution approved under subsection (1) must be verified and made a part of the minutes of the next board meeting.

### **Registration committee**

1.14 (1) The registration committee is established consisting of not less than 3 persons appointed by the board.

(2) The registration committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The registration committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to a particular area of practice or any other matter considered by the committee.

### **Inquiry committee**

1.15 (1) The inquiry committee is established consisting of not less than 3 persons appointed by the board.

(2) The inquiry committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The inquiry committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to a particular area of practice or any other matter considered by the committee.

### **Discipline committee**

1.16 (1) The discipline committee is established consisting of not less than 3 persons appointed by the board.

(2) The discipline committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The discipline committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to a particular area of practice or any other matter considered by the committee.

### **Quality assurance committee**

1.17 (1) The quality assurance committee is established consisting of not less than 3 persons appointed by the board.

(2) The quality assurance committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The quality assurance committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to a particular area of practice or any other matter considered by the committee.

### **Finance and audit committee**

1.18 (1) The finance and audit committee is established consisting of not less than 3 persons appointed by the board.

(2) The finance and audit committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The finance and audit committee may consult, as it considers necessary or appropriate, with registrants or other individuals who have expertise relevant to any matter considered by the committee.

(4) The finance and audit committee must establish policies and procedures consistent with Canadian generally accepted accounting principles and auditing and assurance standards.

### **Executive committee**

1.19 (1) If an executive committee is appointed under section 17.2 of the Act,

(a) the board must appoint the board chair as a member of the executive committee, and

(b) the executive committee may perform all duties and exercise all powers of the board under the Act, except

(i) the powers set out in section 39(2) to (10) of the Act,

(ii) the power to make, amend or repeal a bylaw under section 19 or 49 of the Act, and

(iii) the power to appoint the registrar or a deputy registrar under section 21 of the Act.

(2) If present, the board chair must preside as chair over all meetings of the executive committee.

(3) In the absence of the board chair, the members of the executive committee present at any meeting of the executive committee must elect an acting chair to preside over the meeting.

(4) Three members of the executive committee constitute a quorum at an executive committee meeting, as long as one of those members is an appointed board member.

(5) A resolution approved by at least 2/3 of the members of the executive committee in writing, including by mail, facsimile or electronic mail, is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the executive committee.

(6) A report of any resolution approved under subsection (5) must be verified and made a part of the minutes of the next meeting of the executive committee.

### **Patient relations committee**

1.20 (1) The patient relations committee is established consisting of not less than 3 persons appointed by the board.

(2) The patient relations committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The patient relations committee must

- (a) establish and maintain procedures by which the college deals with complaints of professional misconduct of a sexual nature,
- (b) monitor and periodically evaluate the operation of procedures established under paragraph (a),
- (c) develop and coordinate, for the college, educational programs on professional misconduct of a sexual nature for registrants and the public as required,
- (d) establish a patient relations program to prevent sexual misconduct, including professional misconduct of a sexual nature,
- (e) develop guidelines for the conduct of registrants with their patients, and
- (f) provide information to the public regarding the college's complaint and disciplinary process.

(4) For the purposes of this section, "professional misconduct of a sexual nature" means

- (a) sexual intercourse or other forms of physical sexual relations between the registrant and the patient,
- (b) touching, of a sexual nature, of the patient by the registrant, or
- (c) behaviour or remarks of a sexual nature by the registrant towards the patient,

but does not include touching, behaviour and remarks by the registrant towards the patient that are of a clinical nature appropriate to the service being provided.

### **Nominations committee**

1.21 (1) The nominations committee is established consisting of not less than 3 persons appointed by the board.

(2) The nominations committee must include at least 1/3 public representatives, at least one of whom must be an appointed board member.

(3) The nominations committee must

- (a) act in accordance with section 1.05 for obtaining nominations for vacant or impending vacant elected board member positions, and

(b) use reasonable efforts to obtain at least one candidate for each vacant or impending vacant elected board member position in a board election.

## **Committees**

1.22 (1) A person appointed to a committee established in these bylaws

(a) may serve as a member of the committee for a term of office determined by the board, not exceeding 3 years, and

(b) is eligible for reappointment as a member of the committee, but may not serve more than 2 consecutive terms as a member of the same committee.

(2) A committee member, except an *ex officio* member, may be removed by a majority vote of the board.

(3) The board must designate a committee chair and a committee vice chair from among the members of each committee.

(4) Each committee must annually submit a written report of its activities to the board.

(5) A person cannot be appointed to more than one of the inquiry committee, the discipline committee or the quality assurance committee at the same time.

## **Committee panels**

1.23 (1) The discipline committee, the inquiry committee, the registration committee and the quality assurance committee may each meet in panels of 3 persons.

(2) A panel of a committee referred to in subsection (1) must have not less than one public representative.

(3) The chair of a committee referred to in subsection (1) must appoint the members of a panel and must designate a chair of the panel.

(4) A panel of a committee referred to in subsection (1) may perform any duty or exercise any power of that committee.

## **Meetings of a committee or panel**

1.24 (1) A majority of a committee constitutes a quorum at a committee meeting.

(2) All members of a panel constitute a quorum at a panel meeting.

(3) The provisions of section 1.12(5) to (8) and (11) to (15) and section 1.13 apply to a committee or a panel as if it were the board.

### **Remuneration of committee members**

1.25 Committee members, except the registrar, are equally entitled to be

(a) remunerated for time spent on business of the college, in the amount approved by the board, and

(b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

## **PART 2 – COLLEGE ADMINISTRATION**

### **Seal**

2.01 (1) A seal for the college must be approved by the board.

(2) The seal of the college must be affixed, by those persons designated by the board, to certificates of registration and such other documents as the board may direct by resolution.

### **Registrar**

2.02 (1) In addition to the registrar's powers and duties under the Act, the registrar is the chief executive officer of the college, responsible to the board, for all administrative and operational matters of the college, including hiring college employees or retaining other persons to assist the registrar.

(2) Despite section 1.22(5), the registrar is an *ex officio* non-voting member of every committee of the college.

(3) The registrar is authorized to establish, by bylaw, forms for the purposes of these bylaws, and to require the use of such forms by registrants.

### **Deputy registrar**

2.03 If a deputy registrar is appointed,

(a) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and

(b) if the registrar is absent or unable to act for any reason, the deputy registrar is authorized to perform all duties and exercise all powers of the registrar.

### **Fiscal year**

2.04 The fiscal year of the college commences on April 1 and ends on March 31 of the next year.

### **Banking**

2.05 The board must establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary.

### **Financial Authority**

2.06 (1) The board may raise or secure the payment or repayment of money on behalf of and in the name of the college, in the manner it decides, in order to carry out the purposes of the college.

(2) The board may invest funds of the college, in the name of the college, in any investments consistent with sections 15.1 and 15.2 of the *Trustee Act* and may change those investments.

(3) The registrar may approve payments or commitments for the purchase of goods and services up to \$5,000.

(4) The board, or a board member designated for this purpose by the board, must approve payments or commitments for the purchase of goods and services in the amount of \$5,000 or more.

### **Borrowing powers**

2.07 (1) The board may not borrow funds in excess of \$50,000 without a special resolution approved by active registrants, at a general meeting.

(2) The borrowing powers of the board may be restricted by a special resolution approved by active registrants at a general meeting, but a restriction so imposed expires at the next annual general meeting of the college.

### **Auditor**

2.08 (1) The board must appoint a chartered accountant or a certified general accountant to be the auditor.



(2) The registrar must submit the financial statements to the auditor within 60 days of the end of the fiscal year.

(3) A copy of the auditor's report must be included in the annual report submitted under section 18(2) of the Act.

### **Legal counsel**

2.09 The board or, with the approval of the board, a committee or panel, may retain legal counsel for the purpose of assisting the board, committee or panel in exercising any power or performing any duty under the Act.

### **General meeting**

2.10 (1) An annual general meeting must be held in British Columbia at a time and place determined by the board, at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

(2) The following matters must be considered at an annual general meeting:

(a) financial statements;

(b) the report of the board;

(c) the report of the auditor;

(d) a resolution for which written notice was delivered in accordance with the requirements of section 2.12(1).

(3) Every general meeting, other than an annual general meeting, is a special general meeting.

(4) The board

(a) may convene a special general meeting by resolution of the board, and

(b) must convene a special general meeting within 75 days after receipt by the registrar of a request for such a meeting signed by at least 10 percent of all active registrants.

(5) A general meeting must be open to the public.

(6) The registrar must

(a) provide reasonable notice of each general meeting to the public, and

(b) provide to members of the public on request a copy of the notice given under section 2.11(1).

### **Notice of general meeting**

2.11 (1) The board must deliver notice of a general meeting to every registrant at least 60 days prior to the meeting.

(2) Notice of a general meeting must include

(a) the place, date and time of the meeting, and

(b) the general nature of the business to be considered at the meeting.

(3) The accidental omission to deliver notice of a general meeting or resolution to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings at that general meeting.

### **Resolutions proposed by registrants**

2.12 (1) Any 10 active registrants may deliver a written notice to the registrar at least 30 days prior to the date of a general meeting requesting the introduction of a resolution.

(2) On receipt of a notice specified in subsection (1) and at least 14 days prior to the date of that meeting, the registrar must deliver a notice and a copy of the resolution to each active registrant.

(3) An active registrant may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.

(4) Subject to section 2.07, all resolutions under this section are for the consideration of the board and are not binding on the board.

### **Proceedings at general meeting**

2.13 (1) A quorum at a general meeting is 15 active registrants.

(2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.

(3) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present.

(4) In the case of an annual general meeting under section 2.10(1) or a special general meeting under section 2.10(4)(a),

(a) if there is no quorum present within 30 minutes from the time appointed for the start of the meeting, or

(b) if there is no quorum present within 30 minutes from any time during the meeting when there ceases to be a quorum present,

the meeting must be adjourned to a date within 45 days, at a time and place to be determined by the board, and those registrants who attend that later meeting will be deemed to be a quorum for that meeting.

(5) In the case of a special general meeting under section 2.10(4)(b),

(a) if there is no quorum present within 30 minutes from the time appointed for the start of the meeting, or

(b) if there is no quorum present within 30 minutes from any time during the meeting when there ceases to be a quorum present,

the meeting must be adjourned and cancelled and no further action may be taken in respect of the request under section 2.10(4)(b).

(6) If present, the board chair must preside as chair over a general meeting.

(7) In the absence of both the board chair and the vice-chair, an acting chair for a general meeting must be elected from the board members present by a majority vote of the active registrants present.

(8) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished from the adjourned meeting.

(9) When a general meeting is adjourned under subsection (4) or (8), notice of the rescheduled meeting must be delivered as in the case of the original meeting.

(10) Except as otherwise provided in the Act, the regulations or these bylaws, the most recent edition of Robert's Rules of Order governs the procedures at a general meeting.

(11) Every active registrant who is present at a general meeting is entitled to one vote and the chair of the meeting, if the chair is an active registrant, is entitled to one vote.

(12) Voting at a general meeting may be conducted by ballot or hand count.

(13) In the case of an equality of votes the chair of a general meeting does not have a casting or second vote in addition to the vote to which he or she is entitled under subsection (11), if any, and the proposed resolution does not pass.

### **Notice to public representatives**

2.14 Every notice or mailing provided to the general membership of the college must also be provided to each public representative serving on the board or a committee.

## **PART 3 – COLLEGE RECORDS**

### **Responsibility for administration of *Freedom of Information and Protection of Privacy Act***

3.01 (1) The registrar is the “head” of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.

(2) The registrar may authorize a person employed by the college, or a person who has been contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.

(3) The board is responsible for ensuring that the registrar fulfils his or her duties under the *Freedom of Information and Protection of Privacy Act*.

(4) The registrar must report annually to the board regarding the steps he or she has taken to fulfill his or her duties under the *Freedom of Information and Protection of Privacy Act*.

### **Protection of personal information**

3.02 (1) The board must take all reasonable measures to ensure that the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*.

(2) The board must take reasonable measures to ensure that, if personal information is sent to any person or service organization for processing, storage or destruction, a contract is made with that person or organization which includes an undertaking by the person or organization that confidentiality will be maintained.

### **Disclosure of annual report**

3.03 The college must make each annual report under section 18(2) of the Act available electronically and free of charge on the college website and must notify registrants that the report is available.

### **Disclosure of registration status**

3.04 (1) If an inquiry about the registration status of a person is received by the board or the registrar, the registrar must disclose, in addition to the matters required by section 22 the Act,

- (a) whether the discipline committee has ever made an order relating to the person under section 39 of the Act and the details of that order,
- (b) whether the person has ever consented to an order under section 37.1 of the Act and the details of that order, and
- (c) whether the person has ever given an undertaking or consented to a reprimand under section 36 of the Act and the details of that undertaking or reprimand.

(2) When acting under subsection (1), the registrar must not release information which might enable a person to identify

- (a) a complainant or patient, or
- (b) another person, other than the registrant, affected by the matter,

except with the consent of the complainant, patient or other person.

### **Manner of disposal of college records containing personal information**

3.05 The registrar must ensure that a college record containing personal information is disposed of only by

- (a) effectively destroying a physical record by utilizing a shredder or by complete burning,
- (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
- (c) returning the record to the person the information pertains to, or
- (d) returning the record to the registrant who compiled the information.

## **PART 4 – REGISTRATION**

### **Classes of registrants**

4.01 (1) The following classes of registrants are established:

- (a) active full registrants;
- (b) limited registrants;
- (c) active B registrants;
- (d) temporary registrants;
- (e) non-practising registrants;
- (f) intern registrants.

(2) For the purposes of this Part, “former registrant” means an individual who was previously registered with the college as an active registrant or a non-practising registrant.

### **Active full registration**

4.02 (1) For the purposes of section 20(2) of the Act, the conditions and requirements for active full registration are

- (a) graduation from one of the recognized denturist education programs specified in Schedule A,
- (b) successful completion, prior to writing the complete denture examination and the objective structured clinical examination required under subsection (c)(iii) and (iv), of the internship portfolio described in Schedule B,
- (c) successful completion, less than 3 years prior to the date of the application for active full registration submitted under paragraph (e)(i), of
  - (i) the theory examination,
  - (ii) the jurisprudence examination,
  - (iii) the complete denture examination, and
  - (iv) the objective structured clinical examinationspecified by the registration committee,

(d) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of denturism, and

(e) receipt by the registrar of

(i) a signed application for active full registration in Form 2,

(ii) the application fee for active full registration specified in Schedule C,

(iii) any other outstanding fine, fee, debt or levy owed to the college,

(iv) an original transcript, or other evidence satisfactory to the registration committee, reflecting the applicant's degree or diploma and evidence satisfactory to the registration committee that the applicant is the person named therein,

(v) a passport sized photograph of the applicant taken within one year of the date of application, signed by a notary or lawyer, confirming that the person pictured in the photograph is the applicant,

(vi) a statutory declaration in Form 3,

(vii) a signed criminal record check authorization in the form required by the *Criminal Records Review Act*,

(viii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's Canadian citizenship or authorization to work in Canada,

(ix) proof of professional liability insurance coverage as required under section 8.02,

(x) in the case of an applicant who is practising or has practised denturism or another health profession in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of the application, and

(xi) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of denturism or another health profession in a jurisdiction where the applicant is, or has been, authorized to practise denturism or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the applicant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the applicant's entitlement to practise.

(2) Despite subsection (1), an applicant who is authorized to practise denturism in another Canadian jurisdiction may be granted registration under this section if the applicant

(a) satisfies the registration committee that he or she is currently authorized to practise denturism in that other jurisdiction as the equivalent of an active full registrant under these bylaws,

(b) successfully completes the jurisprudence examination required under subsection (1)(c)(ii), and

(c) meets the conditions or requirements established in subsection (1)(d) and (e)(i) to (iii) and (v) to (xi).

(3) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the Act that the applicant meets the conditions or requirements for registration under this section, to

(a) consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standard of academic or technical achievement and the competencies or other qualifications established in subsection (1)(a) and (b), and

(b) grant registration under this section on that basis if the applicant

(i) has successfully completed the examinations required under subsection (1)(c), and

(ii) meets the conditions and requirements established in subsection (1)(d) and (e)(i) to (iii) and (v) to (xi).

### **Limited registration**

4.03 (1) An applicant under section 4.02 who does not meet the conditions and requirements established in section 4.02(1)(a), (b) and (c)(i), (iii) and (iv), (2)(a) or (3)(a), as applicable, may be granted limited registration if the following conditions and requirements, established for the purposes of section 20(2) of the Act, are satisfied with respect to the application:

(a) in the opinion of the registration committee, the applicant is capable of practising as a limited registrant without any undue risk to public health or safety;

(b) the applicant meets the conditions and requirements established in section 4.02(1)(c)(ii), (d) and (e)(i) to (iii) and (v) to (xi).

(2) A limited registrant may only provide denturism services under the general supervision of an active full registrant.



(3) A limited registrant must not delegate any aspect of practice involving patient assessment or treatment.

(4) A limited registrant must not be appointed to, or serve on, any of the committees established under these bylaws.

(5) Limited registration under subsection (1) may be granted for a period of up to one year.

(6) Limited registration may be renewed once for a period of up to one year if, prior to the cancellation of the registration granted under subsection (1), the limited registrant

(a) pays the registration renewal fee specified in Schedule C,

(b) meets the conditions and requirements for registration renewal established in section 4.09(1)(a) and (c) to (f), and

(c) provides proof of having completed all applicable requirements under Part 5.

(7) Active full registration may be granted to a limited registrant who

(a) completes the conditions and requirements established in section 4.02(1)(a), (b) and (c)(i), (iii) and (iv), (2)(a) or (3)(a), as applicable, and

(b) pays the fee specified in Schedule C for change in registration status from limited registrant to active full registrant.

### **Active B registration**

4.04 (1) In this section, “effective date” means the date of coming into force of this section.

(2) Subject to sections 4.09 to 4.12, a person is entitled to active B registration if the person

(a) held registration as an Active Limited B registrant immediately before the effective date, and

(b) has not successfully completed the conditions and requirements established in subsection (4) for upgrading to active full registration.

(3) An active B registrant may only carry out non-surgical intraoral procedures to

(a) make, repair, reline, replace or furnish complete dentures, and

(b) replace teeth or make repairs to partial dentures and overdentures.

(4) For the purposes of section 20(2) of the Act, the conditions and requirements for an active B registrant to be granted active full registration are, despite section 4.02(1) or (3),

- (a) receipt by the registrar of
  - (i) a signed application for active full registration in Form 2, and
  - (ii) the fee specified in Schedule C for change in registration status from active B registrant to active full registrant,
- (b) successful completion of an upgrading program required by the registration committee, and
- (c) successful completion of the examinations required by the registration committee.

### **Temporary registration**

4.05 (1) For the purposes of section 20 (2) of the Act, the conditions and requirements for temporary registration are

- (a) the applicant is a member in good standing of a body responsible for the regulation of denturism, and is authorized to practise denturism, in a Canadian or foreign jurisdiction recognized by the board for the purposes of this section,
- (b) successful completion of the jurisprudence examination required by the registration committee,
- (c) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of denturism, and
- (d) receipt by the registrar of
  - (i) a signed application for temporary registration in Form 4,
  - (ii) the application and registration fees for temporary registration specified in Schedule C,
  - (iii) any other outstanding fine, fee, debt or levy owed to the college,
  - (iv) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, attesting to the applicant's membership status in a body described in paragraph (a), and evidence satisfactory to the registration committee that the applicant is the person described therein,

(v) a passport sized photograph of the applicant, taken within one year of the date of application, signed by a notary or lawyer, confirming that the person pictured in the photograph is the applicant,

(vi) a statutory declaration in Form 3,

(vii) a signed criminal record check authorization in the form required by the *Criminal Records Review Act*,

(viii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's Canadian citizenship or authorization to work in Canada,

(ix) proof of professional liability insurance coverage as required under section 8.02, and

(x) in the case of an applicant who is practising denturism in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of application.

(2) Temporary registration under subsection (1) may be granted for a period of up to 3 months, and may be renewed for additional periods of up to 3 months, if, upon each renewal,

(a) the temporary registration renewal fee specified in Schedule C is paid,

(b) a signed application for registration renewal in Form 5 is delivered to the registrar prior to the cancellation of the temporary registration granted to the registrant under subsection (1) or a prior renewal under this subsection, and

(c) if applicable, the applicant's authorization to work in Canada has been extended for the additional period.

(3) The maximum total period that a person may hold temporary registration is 15 months.

(4) For the purpose of subsection (3), a record of temporary registration is cumulative and survives any period of non-registration.

(5) A temporary registrant must not be appointed to, or serve on, any of the committees established under these bylaws.

## Non-practising registration

4.06 (1) For the purposes of section 20(2) of the Act, the conditions and requirements for non-practising registration are

- (a) the applicant is currently an active registrant, and
- (b) receipt by the registrar of
  - (i) a signed application for non-practising registration in Form 6,
  - (ii) the fee specified in Schedule C for change in registration status from active registrant to non-practising registrant,
  - (iii) any other outstanding fine, fee, debt or levy owed to the college, and
  - (iv) a statutory declaration that the applicant will not provide denturism services in British Columbia while registered under this section.

(2) A non-practising registrant must not provide, delegate or supervise denturism services in British Columbia.

(3) For the purposes of section 20(2) of the Act, the conditions and requirements for a non-practising registrant to return to active registration are, despite section 4.02(1) or (3),

- (a) the non-practising registrant is not in contravention of the Act, the regulations or these bylaws, and
- (b) receipt by the registrar of
  - (i) a signed application for return to active registration in Form 7,
  - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (iii) in the case of a non-practising registrant who is practising or has practised denturism or another health profession in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of the application,
  - (iv) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of denturism or another health profession in a jurisdiction where the non-practising registrant is, or has been, authorized to practise denturism or another health profession, specifying particulars of any cancellation, suspension,

limitation or conditions on the non-practising registrant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the non-practising registrant's entitlement to practise,

(v) proof of completion of all applicable requirements under Part 5 as though the non-practising registrant had been an active registrant for the period since he or she ceased to be an active registrant,

(vi) the fee for change in registration status from non-practising registrant to active registrant specified in Schedule C,

(vii) any other fee, fine, levy or debt owed to the college under the Act,

(viii) proof of professional liability insurance coverage as required under section 8.02, and

(ix) evidence satisfactory to the registration committee that the non-practising registrant remains a person of good character suitable for registration as a member of the college,

(c) in the case of a non-practising registrant who, during the 3 year period immediately prior to the date of application under this subsection, did not engage in at least 675 hours of the practice of denturism as defined in the Regulation, he or she either

(i) successfully completes the complete denture examination and the objective structured clinical examination required under section 4.02(1)(c)(iii) and (iv), or

(ii) satisfies the registration committee that his or her knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in section 4.02(1)(a) to (c), and

(d) if the non-practising registrant has previously only been an active B registrant, successful completion of the conditions or requirements established in section 4.04(4)(b) and (c).

### **Intern registration**

4.07 (1) For the purposes of section 20(2) of the Act, the conditions and requirements for intern registration are

(a) the applicant is enrolled, or was enrolled during the 6 months prior to the date of application under this subsection, as a student in one of the recognized dentist education programs specified in Schedule A,

(b) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of denturism, and

(c) receipt by the registrar of

(i) a signed mentor contract in Form 8,

(ii) the application fee for intern registration specified in Schedule C,

(iii) any other outstanding fine, fee, debt or levy owed to the college,

(iv) a notarized statement, or other evidence satisfactory to the registration committee, of the applicant's name and date of birth,

(v) a notarized statement, or other evidence satisfactory to the registration committee, of the applicant's enrolment in a denturist education program described in paragraph (a),

(vi) a passport sized photograph of the applicant, taken within one year of the date of application signed by a notary or lawyer, confirming that the person pictured in the photograph is the applicant,

(vii) a statutory declaration in Form 3,

(viii) a signed criminal record check authorization in the form required by the *Criminal Records Review Act*,

(ix) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's Canadian citizenship or authorization to work in Canada,

(x) in the case of an applicant who is practising or has practised denturism or another health profession in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of the application, and

(xi) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of denturism or another health profession in a jurisdiction where the applicant is, or has been, authorized to practise denturism or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the applicant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the applicant's entitlement to practise.

(2) An intern registrant may do the following only under the general supervision of an active full registrant:

- (a) observation of an aspect of practice;
- (b) office management functions.

(3) An intern registrant may do the following only under the direct supervision of an active full registrant:

- (a) examination of patients, history taking, developing a treatment plan, or delivery of the registrant's report of findings and treatment plan;
- (b) performing a restricted activity specified in section 5 of the Regulation, or application of any other therapeutic modalities or treatments.

(4) Subject to subsection (8), the registration of an intern registrant is cancelled on March 31 in each year unless renewed under subsection (5).

(5) For the purposes of section 20(2) of the Act, the conditions and requirements for renewal of intern registration are receipt by the registrar of

- (a) a written request for renewal in a form acceptable to the registration committee,
- (b) the intern registration renewal fee specified in Schedule C, and
- (c) any other outstanding fine, fee, debt or levy owed to the college.

(6) An intern registrant must not delegate any aspect of practice involving patient assessment or treatment.

(7) An intern registrant must not be appointed to, or serve on, any of the committees established under these bylaws.

(8) The registration of an intern registrant is cancelled and cannot be renewed

- (a) upon the intern registrant becoming an active full registrant under section 4.02 or a limited registrant under section 4.03, or
- (b) if he or she does not become an active full registrant or a limited registrant within 90 days after successfully completing all examinations required under section 4.02(1)(c).

(9) The maximum total period that a person may hold intern registration is 42 months.

(10) For the purpose of subsection (9), a record of intern registration is cumulative and survives any period of non-registration.

## **Delegation and supervision**

4.08 (1) Subject to sections 4.03(3), 4.06(2) and 4.07(6), a registrant may delegate any aspect of practice that does not involve the performance of a restricted activity specified in section 5 of the Regulation, if

- (a) any aspect of practice involving patient assessment or treatment is performed under the direct supervision of the registrant,
- (b) any other aspect of practice is performed under the general supervision of the registrant,
- (c) the person to whom the aspect of practice is delegated is employed by or contracted with the registrant, or a registrant or health profession corporation with which the registrant is associated, and
- (d) the registrant is satisfied that the person to whom the aspect of practice is delegated is competent to perform the aspect of practice safely.

(2) Whenever a registrant delegates any aspect of practice, the registrant remains ultimately responsible.

## **Registration renewal**

4.09 (1) For the purposes of section 20(2) of the Act, the conditions and requirements for renewal of the registration of an active registrant or a non-practising registrant are, despite sections 4.02 and 4.06, receipt by the registrar of

- (a) a signed application for renewal of registration in Form 5,
- (b) the registration renewal fee specified in Schedule C,
- (c) any other outstanding fine, fee, debt or levy owed to the college,
- (d) in the case of an active registrant, proof of having completed all applicable requirements under Part 5, including without limitation the basic practice hours requirement specified in section 5.01, and
- (e) proof of professional liability insurance coverage as required under section 8.02.

(2) Notice of the annual registration renewal fee must be delivered to each active registrant and non-practising registrant no later than February 1 in each year and must describe the consequences of late payment or non-payment of fees.



(3) Each active registrant and non-practising registrant must, on or before March 31 in each year, meet the conditions and requirements established in subsection (1).

(4) The annual registration renewal fee may be paid in advance instalments if approved by the board.

(5) If an active registrant or a non-practising registrant meets the conditions and requirements established in subsection (1) and, if applicable, pays a late renewal fee in accordance with subsections (6) and (7), the registrar must issue to the registrant a receipt stating that the registrant's registration has been renewed.

(6) If an active registrant or a non-practising registrant fails to meet, on or before March 31 in a year, all of the conditions and requirements established in subsection (1), he or she must pay, in addition to the registration renewal fee, the late renewal fee specified in Schedule C.

(7) The registration of an active registrant or a non-practising registrant described in subsection (6) is cancelled if he or she fails to do both of the following on or before April 15 in a year:

(a) meet the conditions and requirements established in subsection (1),

(b) pay the late renewal fee required under subsection (6).

### **Reinstatement within 2 months of failure to renew registration**

4.10 For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a former registrant whose previous registration was cancelled under section 4.09(7) are, despite section 4.02(1) or (3), 4.06 or 4.11,

(a) the former registrant was in good standing upon the cancellation of his or her previous registration,

(b) the former registrant is not in contravention of the Act, the regulations or these bylaws, and

(c) receipt by the registrar of

(i) a reinstatement application in Form 9 not later than June 15 in the year of the cancellation under section 4.09(7),

(ii) in the case of a former active registrant, proof of completion of all applicable requirements under Part 5, as though the former registrant's registration had not been cancelled under section 4.09(7),

(iii) the registration reinstatement fee specified in Schedule C,

(iv) any other fee, fine, levy or debt owed to the college under the Act, including without limitation any fee still owing under section 4.09, and

(v) proof of professional liability insurance coverage as required under section 8.02.

### **Reinstatement where section 4.10 or 4.12 does not apply**

4.11 For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a former registrant are, despite section 4.02(1) or (3) or 4.06,

(a) the former registrant is not in contravention of the Act, the regulations or these bylaws,

(b) evidence satisfactory to the registration committee that the former registrant is of good character and fit to engage in the practice of denturism,

(c) receipt by the registrar of

(i) a reinstatement application in Form 9,

(ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,

(iii) in the case of a former registrant who is practising or has practised denturism or another health profession in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of the application,

(iv) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of denturism or another health profession in a jurisdiction where the former registrant is, or has been, authorized to practise denturism or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the former registrant's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the former registrant's entitlement to practise,

(v) in the case of a former full registrant, proof of completion of all applicable requirements under Part 5, except section 5.01, as though the former registrant had been an active registrant for the period since the cancellation of his or her previous registration,

(vi) the registration reinstatement fee specified in Schedule C,

(vii) any other fee, fine, levy or debt owed to the college under the Act, including without limitation any fee still owing under section 4.09, and

(viii) proof of professional liability insurance coverage as required under section 8.02,

(d) subject to paragraph (e), in the case of a former active registrant who, during the 3 year period immediately prior to the date of application under this section, did not engage in at least 675 hours of the practice of denturism as defined in the Regulation, he or she either

(i) successfully completes the complete denture examination and the objective structured clinical examination required under section 4.02(1)(c)(iii) and (iv), or

(ii) satisfies the registration committee that his or her knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in section 4.02(1) (a) to (c), and

(e) if the former active registrant has previously only been an active B registrant, successful completion of the conditions and requirements established in section 4.04(4)(b) and (c).

### **Reinstatement following disciplinary action**

4.12 (1) In this section, “disciplined person” means a former registrant whose previous registration was cancelled

(a) under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, or

(b) under section 4.09(7), or on the agreement or request of the former registrant at a time when it was suspended under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act.

(2) For the purposes of section 20(2) of the Act, the conditions and requirements for reinstatement of the registration of a disciplined person are, despite section 4.02, 4.06, 4.10 or 4.11 and subject to any applicable order or agreement under the Act,

(a) the disciplined person is not in contravention of the Act, the regulations or these bylaws,

(b) evidence satisfactory to the registration committee that

(i) the former registrant is of good character and fit to engage in the practice of denturism, and

(ii) the disciplined person's registration will not

(A) pose any undue risk to public health or safety, or

(B) otherwise be contrary to the public interest,

(c) receipt by the registrar of

(i) a reinstatement application in Form 9,

(ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,

(iii) in the case of a disciplined person who is practising or has practised denturism or another health profession in a jurisdiction outside of Canada, a criminal record check from that jurisdiction in a form satisfactory to the registration committee obtained no more than 60 days prior to the date of the application,

(iv) a letter or certificate, in a form satisfactory to the registration committee and dated within 60 days prior to the date of application, from each body responsible for the regulation of denturism or another health profession in a jurisdiction where the disciplined person is, or has been, authorized to practise denturism or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the disciplined person's entitlement to practise, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the disciplined person's entitlement to practise,

(v) in the case of a disciplined person who is a former active registrant, proof of completion of all applicable requirements under Part 5, except section 5.01, as though the disciplined person had been an active registrant for the period since the cancellation of his or her previous registration,

(vi) the registration reinstatement fee specified in Schedule C,

(vii) any other fee, fine, levy or debt owed to the college under the Act, including without limitation any fee still owing under section 4.09, and

(viii) proof of professional liability insurance coverage as required under section 8.02.

(d) subject to paragraph (e), in the case of a disciplined person who is former active registrant and who, during the 3 year period immediately prior to the date of application

under this section, did not engage in at least 675 hours of the practice of denturism as defined in the Regulation, he or she either

(i) successfully completes the complete denture examination and the objective structured clinical examination required under section 4.02(1)(c)(iii) and (iv), or

(ii) satisfies the registration committee that his or her knowledge, skills and abilities are substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications established in section 4.02(1)(a) to (c), and

(e) if the disciplined person has previously only been an active B registrant, successful completion of the conditions and requirements established in section 4.04(4)(b) and (c).

### **Certificate of registration**

4.13 (1) The registrar must issue a certificate in Form 10 to

(a) each person who

(i) is granted active full registration under section 4.02 or 4.03, or is reinstated to active full registration under section 4.11 or 4.12, and

(ii) pays the applicable registration fee specified in Schedule C,

(iii) pays at least 50 percent of the regulation fee established in section 10.01 and specified in Schedule C,

(b) each person who

(i) is granted limited, temporary, non-practising or intern registration under section 4.03, 4.05, 4.06 or 4.07, or is reinstated to non-practising registration under section 4.11 or 4.12, and

(ii) pays the applicable registration fee specified in Schedule C,

(c) an active B registrant who is granted active full registration under section 4.04(4),

(d) a limited registrant whose registration is renewed under section 4.03(6),

(e) a temporary registrant whose registration is renewed under section 4.05(2),

(f) an intern registrant whose registration is renewed under section 4.07(5),

(g) an active registrant or a non-practising registrant whose registration is reinstated under section 4.10.

(2) A certificate issued by the registrar under subsection (1) must specify

(a) whether the named registrant is entitled to practise denturism in the province of British Columbia as a member of the applicable class of registrants, subject to his or her compliance with the Act, the regulations, and the bylaws,

(b) any limits or conditions that apply to named registrant's class of registrants,

(c) any applicable limits or conditions imposed on the named registrant under section 20(2.1) of the Act, and

(d) the named registrant's permanent licence number.

(3) A certificate of active registration or non-practising registration, or any renewal of such certificate, is valid until not later than the following March 31.

(4) A certificate of temporary registration or limited registration is valid until the date shown on the certificate.

(5) Subject to section 4.07(8), a certificate of intern registration is valid until not later than the following March 31.

(6) A certificate of registration is the property of the college and must be returned to the college if so requested.

### **Use of titles**

4.14 (1) A registrant may only use a title reserved for the exclusive use of registrants under the Regulation if the registrant

(a) is registered in a class of registrants that is authorized under these bylaws to use the title, and

(b) uses the title in the manner authorized under these bylaws for the class of registrants in which he or she is registered.

(2) Active registrants, limited registrants and temporary registrants may use the titles reserved for exclusive use by registrants under the Regulation, as well as the terms "regulated", "registered" and "licensed", or an abbreviation of one of those terms.

(3) Non-practising registrants may use the titles reserved for exclusive use by registrants under the Regulation, as well as the terms "regulated", "registered" and "licensed", or an abbreviation

of one of those terms, but only in association with the term “non-practising” or the term “retired”.

(4) Intern registrants may use only the titles “intern denturist” and “denturist intern”.

## **Examinations**

4.15 (1) Any examinations required to be taken must be prepared by or under the direction of the registration committee and approved by the board.

(2) An applicant for active full registration who, to the satisfaction of the registration committee, has met the other applicable registration requirements is eligible to write any applicable examination required by the registration committee.

(3) An applicant for active full registration who on the first attempt fails an examination required by the registration committee may

(a) write the examination a second time, and

(b) if the applicant fails the examination again on his or her second attempt, write the examination a third time after meeting any conditions set by the registration committee to be eligible to do so.

(4) Despite subsection (3), an applicant for active full registration who fails a required examination 3 times may not write the examination again.

(5) If an invigilator has reason to believe that an applicant has engaged in improper conduct during the course of an examination, the invigilator must make a report to the registration committee and may recommend that the registration committee take one or more of the following courses of action

(a) fail the applicant,

(b) pass the applicant,

(c) require the applicant to rewrite the examination, or

(d) disqualify the applicant from participating in any examination for a period of time.

(6) After considering a report made under subsection (5), the registration committee may take one or more of the courses of action specified in subsection (5).

(7) An applicant disqualified under subsection (5)(d) must be provided with written reasons for the disqualification.

## **Notification of change of registration information**

4.16 A registrant must immediately notify the registrar in writing of any change of address, name or any other registration information previously provided to the registrar.

## **PART 5 – QUALITY ASSURANCE**

### **Basic practice hours requirement**

5.01 For every 3 year period of active registration, an active registrant must engage in a minimum of 675 hours of the practice of denturism as defined in the Regulation.

### **Quality assurance program requirements**

5.02 (1) For every one year period of either active registration or limited registration, or any combination of both, a registrant must complete the following quality assurance program requirements:

- (a) 20 hours of professional development activities;
- (b) a continuing competence exercise assigned by the quality assurance committee;
- (c) a practice self assessment.

(2) The quality assurance committee must establish criteria and guidelines for achieving the quality assurance program requirements established in subsection (1).

(3) Each active registrant and limited registrant must maintain and retain records of practice hours and information related to meeting the quality assurance program requirements established in subsection (1).

### **Assessment of professional performance**

5.03 (1) The quality assurance committee or an assessor appointed by the committee may

- (a) assess the clinical ability of a registrant,
- (b) collect records and information from the registrant for the purposes of this Part, including information and records retained by the registrant under section 5.02(3),
- (c) establish remedial procedures to assist registrants in identifying and correcting deficiencies in their clinical abilities or places of practice, and



(d) review all aspects of the management and conduct of health profession corporations to ensure their compliance, and the compliance of their registrant shareholders, with the Act, the regulations, these bylaws and the policies of the college.

(2) As part of the quality assurance committee's review and assessment of professional performance under subsection (1), the committee may require each active registrant to complete a quality assurance practitioner review form once every 5 years.

(3) Upon receiving a quality assurance practitioner review form or any other request for practice information from the quality assurance committee under subsection (1), a registrant must send the committee the completed form or his or her response to the request within 30 days.

(4) If the quality assurance committee is not satisfied with a response provided by a registrant in a quality assurance practitioner review form or in reply to a request for practice information, the committee may return the quality assurance practitioner review form to the registrant or repeat the request for information.

(5) Despite subsection (4), the quality assurance committee, or an assessor on behalf of the committee, may assess a registrant's professional practice and inspect his or her records under section 26.1(2) and (3) of the Act, if

(a) the registrant does not send the quality assurance committee a completed quality assurance practitioner review form or a response to a request for information under subsection (3) or (4), or

(b) the committee is not satisfied with a response provided by the registrant in a quality assurance practitioner review form or in reply to a request for information under subsection (3) or (4).

(6) If the quality assurance committee or an assessor acts under subsection (5), the registrant must pay the office assessment fee specified in Schedule C.

(7) The quality assurance committee or an assessor must not observe a registrant while the registrant is providing a service to a patient except if

(a) the consent, in writing, of the patient being treated has been obtained in advance, or

(b) the service is being provided in a public setting.

(8) If the quality assurance committee is required to notify the inquiry committee of a matter in accordance with subsection 26.2(3) of the Act, it must also deliver notice in writing to the registrar.

## **PART 6 – INSPECTIONS, INQUIRIES AND DISCIPLINE**

### **Inspections**

6.01 An inspector must not observe a registrant while the registrant is providing a service to a patient, except if

- (a) the consent of the patient being treated has been obtained in advance, or
- (b) the service is being provided in a public setting.

### **Registrar authority**

6.02 The registrar is authorized to act under section 32(3) of the Act.

### **Alternate dispute resolution**

6.03 (1) If the complainant and the registrant agree, the inquiry committee may recommend under section 33(6)(b) of the Act that a complaint be referred to alternate dispute resolution.

(2) Alternate dispute resolution may include, but is not limited to mediation.

(3) If an agreement between the complainant and the registrant is reached through alternate dispute resolution, the terms of the agreement must be approved by the inquiry committee.

(4) If any term of an agreement between the complainant and the registrant reached through alternate dispute resolution requires the registrant to undertake or consent to an action referred to in section 36(1) of the Act, the inquiry committee may request that the registrant make such an undertaking or consent if the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.

(5) If the terms of an agreement are approved by the inquiry committee under subsection (3), the inquiry committee must retain a copy of the agreement on file.

(6) If an agreement is not reached through alternate dispute resolution, or the terms of an agreement are not approved under subsection (3), the inquiry committee may then act under section 33(6)(a), (c) or (d) of the Act.

### **Citation for disciplinary hearing**

6.04 (1) On the direction of a panel of the discipline committee, the registrar may join one or more complaints or other matters which are the subject of a discipline hearing in one citation as appropriate in the circumstances.

(2) On the direction of a panel of the discipline committee, the registrar may sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances.

(3) On the direction of a panel of the discipline committee, the registrar may amend a citation issued under section 37 of the Act.

(4) If a citation is amended under subsection (3) prior to a discipline hearing, the amended citation must be delivered to the respondent by personal service or sent by regular mail to the respondent at the last address for the respondent recorded in the register referred to in section 21(2) of the Act not fewer than 14 days before the date of the hearing.

(5) If a citation is amended under subsection (3) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar must notify any complainant of the amendment not fewer than 14 days before the date of the hearing.

### **Notice of disciplinary committee action under section 39.1 of Act**

6.05 The discipline committee must notify a registrant not fewer than 14 days before making an order under section 39.1 of the Act.

### **Hearings of discipline committee**

6.06 (1) No member of the discipline committee may hear a matter under section 38 of the Act in which he or she

(a) was involved as a member of the inquiry committee, or

(b) has otherwise had any prior involvement.

(2) Information about the date, time and subject matter of the hearing must be provided to any person on request.

(3) The registrar or the discipline committee must provide, by registered mail or by personal service, notice in Form 11 to a person who is required under section 38(6) or 47 of the Act to attend a hearing under section 38 or 44 of the Act.

(4) All discipline hearings must be recorded and any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.

(5) In determining the penalty to be imposed on a registrant under section 39 of the Act, the discipline committee must, after making a determination on the facts, consider any previous relevant action taken regarding the registrant, including

(a) a consent or undertaking given by the registrant under section 36 of the Act, an order under section 35 or 39 of the Act, or a consent order under section 37.1 of the Act, and

(b) an undertaking by the registrant or a decision of a similar committee under the dentist enactments in another jurisdiction.

### **Notice of disciplinary decision**

6.07 If a consent or undertaking under section 36 of the Act, an order under section 35 or 39 of the Act, or a consent order under section 37.1 of the Act results in the suspension or cancellation of a registrant's authorization to practise or includes a limit or condition on the registrant's authorization to practise, the registrar must notify all registrants of the college, and as directed by the inquiry committee or the discipline committee, must notify

(a) the regulatory bodies governing the practice of denturism in every other Canadian jurisdiction, and

(b) on request, any body responsible for the regulation of denturism outside Canada.

### **Retention of discipline committee and inquiry committee records**

6.08 (1) Records of the inquiry committee must be retained for not less than 10 years following the conclusion of an investigation and records of the discipline committee must be retained for not less than 10 years following the date a decision is rendered.

(2) Despite subsection (1), documents setting out decisions and reasons of the inquiry and discipline committees relating to actions taken under sections 32, 32.2, 32.3, 33(6)(c) or (d), 35, 36, 37.1, 38, 39, 39.1 or 44 of the Act must be kept on permanent record at the office of the college.

### **Registrant under suspension**

6.09 (1) A registrant whose registration is suspended must, for the duration of the suspension,

(a) not engage in the practice of denturism or hold himself or herself out as a registrant,

(b) not hold office in the college,

(c) not make appointments for patients or prospective patients,

(d) not contact or communicate with patients or prospective patients, except for the purpose of

(i) advising a patient or prospective patient of the fact and duration of the suspension,

(ii) advising a patient or prospective patient that another registrant will continue to act or provide denturism services in the suspended registrant's place, or

(iii) referring a patient or prospective patient to another registrant in good standing,

(e) remove or effectively cover any sign relating to the registrant's practice from any premises where the registrant practises denturism, and any building in which any such premises are located,

(f) prominently display, if required by an order under section 35 or 39 of the Act or a consent order under section 37.1 of the Act, a notice of suspension in Form 12 in an area approved by the registrar, which states the duration and reasons for the suspension,

(g) immediately surrender to the registrar the certificate of registration issued to the registrant under section 4.13, and

(h) pay any fee required by the college when due in order to remain a registrant, and any other outstanding fine, fee debt or levy owed to the college.

(2) No registrant or former registrant is entitled to any refund of any fine, fee, debt or levy paid to the college solely on the basis that it was paid during or in relation to a period of suspension from practice.

(3) During the period of suspension, a suspended registrant may permit another registrant in good standing to practise within the premises where the registrant practised, provided that the suspended registrant complies with subsection (1).

(4) Any communication under subsection (1)(d) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service, or other telephonic device specifically for that purpose.

## **Fines**

6.10 The maximum amount of a fine that may be ordered by the discipline committee under section 39 of the Act is \$50,000.

## **Cost tariffs**

6.11 The tariffs of costs applicable to sections 33(7), 37.1(1) and (5), and 39(4) and (5) of the Act are set out in Schedule D.

## **PART 7 – REGISTRANT RECORDS**

### **Treatment records**

7.01 (1) For each patient a registrant must make and keep contemporaneous records that include

- (a) a dated entry for each time the patient was seen,
- (b) all particulars of a physical examination,
- (c) a description of any investigation ordered and the results of same,
- (d) a description of all diagnoses made,
- (e) a description of proposed treatment,
- (f) a description of actual treatment provided, and
- (g) a statement of account or other record of financial transaction.

(2) A registrant must keep the records referred to in subsection (1) for a period of not less than 16 years from the date of the last recorded entry or the date the patient reaches the age of majority, whichever is later.

(3) A registrant may keep the records referred to in subsection (1) in electronic form if the information kept can be reproduced promptly in written form when required, and if the material so reproduced, either by itself, or in conjunction with other records, constitutes orderly and legible permanent records that would provide, without delay, the information required.

(4) A registrant must make records kept under this section and any written or electronically, computerized, or mechanically-recorded documentation relevant to those records available at reasonable hours for inspection by representatives of the college, including the registrar, members of the inquiry committee, the discipline committee and the quality assurance committee, and assessors and inspectors appointed under any provision of these bylaws or the Act.

## **Privacy requirements**

7.02 A registrant must take all reasonable measures to ensure that the collection, use, disclosure and disposal of patient personal information occurs in accordance with the *Personal Information Protection Act*, and all other relevant legal requirements, and, without limitation, a registrant must

- (a) ensure that patient personal information collected under section 7.01 is current, legible, accurate and completely recorded,
- (b) at all times protect and maintain the confidentiality of patient personal information collected under section 7.01,
- (c) upon request, provide patients, or legal representatives of patients, with access to their patient personal information in accordance with the *Personal Information Protection Act*, and all other relevant legal requirements, and
- (d) ensure that all records from his or her practice containing patient personal information are safely and securely stored, or disposed of, by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

## **PART 8 – GENERAL**

### **Standards of professional ethics and practice**

8.01 (1) The board must publish, on the college website or in another manner accessible to registrants and the public, all standards, limits and conditions established by the board in accordance with the authority set out in section 19 (1)(k), (l) and (z) and (1.1) of the Act.

(2) Registrants must at all times conduct their practice in a manner that is in keeping with the standards, limits or conditions published by the board under subsection (1).

### **Liability insurance**

8.02 (1) Each active registrant must ensure he or she has professional liability insurance coverage for negligence in the provision of denturism services in an amount of at least \$2,000,000 per claim in a form that is satisfactory to the college.

(2) A registrant who ceases to be covered by professional liability insurance as required under subsection (1) must cease practice the day such insurance coverage expires, and the requirements of section 6.09 apply as though the registrant's registration were suspended.

## Promotion

8.03 (1) In this section:

“advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or products or enhancing the image of the registrant, or a health profession corporation;

“registrant” includes a health profession corporation;

“marketing” includes

- (a) an advertisement,
- (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance, or any other means by which professional services are promoted, and
- (c) contact with a prospective patient initiated by or under the discretion of a registrant.

(2) Any marketing undertaken or authorized by a registrant in respect of the registrant’s professional services must not be

- (a) false or inaccurate,
- (b) reasonably expected to mislead the public,
- (c) unverifiable,
- (d) misrepresentative of the effectiveness of any technique, procedure, instrument or device,
- (e) contrary to the public interest or the ethical standards of the profession, or
- (f) in bad taste, offensive, self laudatory, or otherwise contrary to the honour and dignity of the profession or maintenance of a high standard of professionalism.

(3) Without limitation, marketing violates subsection (2) if it

- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,



(b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the services the registrant can perform or provide results which the registrant can achieve,

(c) implies that the registrant can obtain results

(i) not achievable by other registrants,

(ii) by improperly influencing a public body or official or any corporation, agency or person having an interest in the welfare of the recipient or intended recipient, or

(iii) by any other improper means,

(d) compares the quality of services provided by the registrant with those provided by

(i) another registrant,

(ii) a person authorized to provide health care services under another enactment, or

(iii) another health profession,

(e) makes claims of special skills that are not supported by the education and experience of the registrant, or announces or holds out that the registrant has special qualifications that are not possessed by the registrant, or

(f) is for the purpose of marketing products and

(i) the primary purpose of the registrant's activity is the sale of a product(s), and

(ii) the product being sold is not used in the provision of denturism services.

(4) A registrant who, in any advertisement, includes a statement of fees for a specific service

(a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be performed or provided and the cost to the patient, and

(b) must not compare the fees charged by the registrant with those charged by another registrant or registrants of another college.

(5) A registrant must not use the word "specialist" or any similar designation suggesting a recognized special status, accreditation, or education in any marketing for the purpose of distinguishing the registrant from other registrants.

(6) A registrant must verify statements made in any marketing by, on behalf of, or respecting the registrant when asked by the inquiry committee to do so.

(7) Registrants who limit their practices to certain branches or areas of denturism may state in any marketing the branch or area to which practice is restricted.

(8) The name or names of each active registrant who practises denturism, and each health profession corporation that provides denturism services, at a place of business must be prominently displayed.

(9) The name or names of each active registrant who practises through a health profession corporation must be included in all marketing materials in each instance.

(10) A registrant must retain all marketing material for one year after the date of publication or broadcast, and must, upon request, provide to the registrar, the inquiry committee, the discipline committee or the board

(a) a copy of any such publication, including a publication made by use of any electronic media including e-mail or the Internet,

(b) a recording or videotaping of any such broadcast made by use of any electronic media, including radio and television, and

(c) a written record of when and where the publication or broadcast was made.

(11) A registrant must not

(a) state publicly that he or she speaks on behalf of the college unless she or he has been expressly authorized by the board to state the official position of the college,

(b) endorse or lend her or his name as a registrant whether for reward or not, to the advertisement of any property, product, investment or service for sale to the public whatever its merits, or

(c) use the name of another registrant or former registrant without the prior approval of the college.

### **Clinic names**

8.04 (1) A registrant must advise the registrar of any name under which the registrant is operating or intends to operate a denture clinic.

(2) A registrant cannot use a name for a clinic that contravenes section 8.03.

(3) A registrant cannot use a name for a clinic if another registrant can demonstrate to the satisfaction of the registrar that he or she is and has been using

(a) an identical name, or

(b) a name so closely resembling the name which the first registrant wants or has begun to use that it is likely to confuse or mislead the public.

## **PART 9 – HEALTH PROFESSION CORPORATIONS**

### **Application for health profession corporation permit**

9.01 (1) A corporation incorporated under the *Business Corporations Act* may apply to the board for a permit to carry on the business of providing denturism services to the public by delivering to the board

(a) a completed permit application in Form 13,

(b) a true copy of the certificate of incorporation of the company, and

(c) a permit fee in the amount specified in Schedule C.

(2) A corporation that is applying for or has been granted a permit under subsection (1) must promptly advise the board in writing of any change to the information contained in its permit application.

### **Issuance of health profession corporation permit**

9.02 A permit is valid from the issue date shown on the permit until not later than the following March 31.

### **Renewal of health profession corporation permit**

9.03 (1) A health profession corporation which intends to continue to provide denturism services to the public must, before its permit expires, apply for a renewal of the permit delivering to the board

(a) a completed permit renewal application in Form 14, and

(b) the permit renewal fee in the amount specified in Schedule C.

(2) A renewal permit is valid from the issue date shown on the renewal permit until not later than the following March 31.

(3) A health profession corporation must promptly advise the board in writing of any change to the information contained in its most recent permit renewal application.

### **Health profession corporation advertising**

9.04 A health profession corporation which carries on the business of providing denturism services to the public must disclose on all letterhead and business cards, and in all other advertisements, that the denturism services are being provided by a health profession corporation.

### **Disposition of shares**

9.05 The articles of the corporation must provide for the disposition, in accordance with section 43 of the Act, of the shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practise denturism.

### **Hearings respecting revocation of permits**

9.06 (1) The duties and powers of the board set out in section 44 of the Act are delegated to the discipline committee.

(2) The discipline committee may conduct a permit revocation hearing on the receipt of a written complaint or on its own motion.

(3) The discipline committee may conduct an oral hearing or a hearing by written submission to determine if a health corporation permit should be revoked.

(4) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the Act if there is similarity of subject matter between the 2 hearings.

(5) A consolidated hearing under subsection (4) must be an oral hearing conducted in accordance with the requirements of section 38 of the Act.

(6) The registrar or discipline committee must provide, by registered mail or by personal service, written notice of a permit revocation hearing under section 44 of the Act to the registered office of the health profession corporation not less than 30 days before the date of the hearing.

(7) The notice of permit revocation hearing must

(a) name the health profession corporation as respondent,

(b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,

(c) if the hearing is to be an oral hearing,

(i) specify the date, time and place of the hearing,

(ii) advise the respondent that the discipline committee is entitled to proceed with the hearing in the absence of representatives of the health profession corporation, and

(iii) advise the respondent that the respondent and the college may appear as parties with counsel at a hearing, and

(d) if the hearing will be conducted by written submission

(i) specify the date of the hearing, and

(ii) advise the respondent that the respondent is entitled to submit a written submission no later than 14 days prior to the dated of the hearing.

(8) At an oral permit revocation hearing of the discipline committee

(a) the testimony of witnesses must be taken on oath, which may be administered by any member of the discipline committee, and

(b) there must be a full right to cross examine witnesses and call evidence in defence and reply.

(9) If the respondent does not attend, the discipline committee may

(a) proceed with the hearing in the respondent's absence on proof of receipt of the notice of permit revocation hearing by the respondent, and

(b) without further notice to the respondent, take any action that it is authorized to take under the Act, the regulations or the bylaws.

(10) The registrar or discipline committee must provide, by registered mail or by personal service, notice in Form 11 to a person who is required under section 47 of the Act to attend an oral permit revocation hearing under section 44 of the Act.

(11) The discipline committee must provide written reasons for its decision.

## **PART 10 – REGULATION FEE**

10.01 (1) Each active registrant of the College must pay a regulation fee in the amount specified in Schedule C.

(2) All funds collected from active registrants under subsections (1) and (6) must be separately accounted for.

(3) A minimum threshold of \$100,000.00 is established for the regulation fee account.

(4) An active registrant must pay the balance of the regulation fee within 12 months of making a payment under section 4.13(1)(a)(iii).

(5) Subject to subsection (7), the funds of the regulation fee account must be dedicated exclusively to covering costs, fees and expenses incurred by the college in connection with

(a) sections 27 to 39.3 and 44 of the Act,

(b) responding to a review conducted by the Health Professions Review Board under Part 4.2 of the Act, whether the review relates to a registration committee decision, a failure of the inquiry committee to dispose of a complaint or investigation within the time required under section 50.55 of the Act, or the disposition of a complaint by the inquiry committee, and

(c) any applications to the court for judicial review or appeals in relation to the matters specified in paragraphs (a) and (b).

(6) If the amount of funds in the regulation fee account falls below the minimum threshold specified in subsection (3), each active registrant must, upon assessment by the college, pay an equal amount as required to return the account to the threshold amount.

(7) Any interest accrued to the regulation fee account may be transferred to the general operating account of the college.

(8) If under sections 33(7), 37.1(3), 37.1(6) or 39(5) of the Act the inquiry committee or the discipline committee orders costs to be paid to the college by a registrant or awards costs to the college against a registrant, any and all funds collected by the college further to the order or award must be paid into the regulation fee account.

(9) Subject to subsections (10) and (11), the regulation fee paid by a registrant under subsection (1) or (6) will be returned to the registrant within 3 months of the cancellation of his or her registration, less any outstanding fine, fee, debt or levy owed to the college.

(10) If a former registrant's registration was cancelled under section 4.09(7), the time period established in subsection (9) for return of any portion of the regulation fee does not begin to run

until the deadline for submission by the former registrant of a reinstatement application under section 4.10 has passed.

(11) If a former registrant's registration was cancelled under section 36, 37.1, 39 or 39.1 of the Act, the former registrant is not entitled to return of any portion of the regulation fee paid by him or her under subsection (1) or (6).