

1980

c 114 Dental Technicians Act

Ontario

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Bibliographic Citation

Dental Technicians Act, RSO 1980, c 114

Repository Citation

Ontario (1980) "c 114 Dental Technicians Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 2, Article 23.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss2/23>

CHAPTER 114

Dental Technicians Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Governing Board of Dental Technicians;
- (b) "dental technician" means a person who upon the prescriptions or orders of legally qualified dentists or physicians makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with a human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof;
- (c) "register" means the register under this Act. R.S.O. 1970, c. 107, s. 1.

2.—(1) The board of governors known as the Governing Board of Dental Technicians established under *The Dental Technicians Act, 1946* is continued and shall be composed of five persons appointed by the Lieutenant Governor in Council. ^{Board 1946, c. 18}

(2) The Board is hereby constituted a corporation and the Board may, for its purposes, purchase, acquire, hold, mortgage, lease and dispose of real and personal property. ^{Board a corporation}

(3) Every member of the Board shall hold office for a period of two years, but any member is eligible for reappointment at the expiration of his term of office. ^{Term of office}

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member. ^{Vacancies}

(5) The chairman, the vice-chairman and the secretary-treasurer of the Board shall be elected by the Board from time to time from among its members. ^{Officers}

Member
ex officio

(6) In addition to the five members of the Board mentioned in subsection (1), the immediate past chairman of the Board is a member *ex officio* of the Board for a period of one year immediately following his term of office as chairman. R.S.O. 1970, c. 107, s. 2.

Regulations

3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for the examination of applicants for registration and prescribing the fees payable for such examination;
- (d) providing for the establishment of a committee of examiners to conduct examinations and prescribing the fees payable to examiners;
- (e) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon;
- (f) prescribing the discipline and control of registered technicians, including the adoption and enforcement of reasonable canons of ethics;
- (g) providing for the investigation of any complaint that a dental technician has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (h) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent, and, in addition to or as an alternative for such cancellation or suspension, providing for the assessment against and the recovery from any such dental technician of the expense, or part of the expense, incurred by the Board in the investigation and hearing conducted by the Board with respect to such misconduct or incompetence;

- (i) defining "misconduct" for the purpose of this section and the regulations;
- (j) providing for the payment of reasonable fees and disbursements to members of the Board in respect of the discharge of the duties of the Board;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) All regulations made by the Board shall be submitted in writing to The Royal College of Dental Surgeons of Ontario not less than thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions on the part of the College with respect to any such regulations shall be presented to the Lieutenant Governor in Council with the application for approval of the regulations. Submission to College
 R.S.O. 1970, c. 107, s. 3.

4.—(1) A person registered under this Act has the right to use the designation "Registered Dental Technician" or the letters "R.D.T." and may describe his business as a dental laboratory. Designation:

(2) A person is not entitled to use the designation "Dental Technician" or "Registered Dental Technician" or any other name, title, initials or description implying that he is a dental technician unless he is registered under this Act. use of, prohibited
 R.S.O. 1970, c. 107, s. 4.

5. Nothing in this Act or the regulations applies to or affects the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of the Legislature. Right to practise profession
 R.S.O. 1970, c. 107, s. 5.

6.—(1) In this section, "dentists in association" means dentists practising together in the same suite of offices in the same building and sharing the expenses of their practices. Interpretation

(2) Nothing in this Act or the regulations shall be deemed to prohibit, When un-registered persons not affected

- (a) a person licensed to engage in the practice of dentistry under Part II of the *Health Disciplines Act*; R.S.O. 1980, c. 196
- (b) a person licensed to engage in the practice of medicine under Part III of the *Health Disciplines Act*;

- (c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or medical practitioner;
- (d) apprenticed dental technicians and other persons working as employees of a registered dental technician; or
- (e) a person who is not a dental technician and who is a full-time employee of one dentist or of not more than three dentists in association where no dental laboratory services are furnished by the dentist or dentists in association or the employee,

from performing work or services ordinarily performed by a dental technician.

Application
of cl. (2) (e)

(3) Clause (2) (e) does not apply to any person who was employed as a dental technician in a lawful manner on the 1st day of July, 1961 so long as he remains in such employment. R.S.O. 1970, c. 107, s. 6, *revised*.

Corporations

7.—(1) No corporation shall operate a dental laboratory,

- (a) unless the majority of the directors are registered dental technicians;
- (b) unless a majority of each class of shares of the corporation is owned by and registered in the names of registered dental technicians; and
- (c) unless a registered dental technician is at all times in charge of the actual operations of the laboratory.

Offences

(2) Every registered dental technician on the board of directors of a corporation that operates a dental laboratory and the registered dental technician in charge of the actual operations of the laboratory shall be deemed guilty of any contravention of this Act by the corporation. R.S.O. 1970, c. 107, s. 7.

R.S.O. 1980,
c. 196
to apply

8. Nothing in this Act or the regulations limits, alters or affects the application of any provision of Part II of the *Health Disciplines Act* or of any regulation made thereunder. R.S.O. 1970, c. 107, s. 8, *revised*.

Offences

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician, or who advertises or uses or affixes any prefix or suffix to his name signifying that he is

carrying on business as a dental technician or that he is qualified to carry on business as a dental technician, is guilty of an offence and on conviction is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence. R.S.O. 1970, c. 107, s. 9.

10. In all cases where proof of registration under this Act is required to be made, the production of a certificate under the hand of the secretary-treasurer of the Board is sufficient evidence of the registration or non-registration of the person or persons named therein in lieu of the production of the original register, and any such certificate purporting to be signed by a person in his capacity of secretary-treasurer of the Board is *prima facie* evidence of his signature and election. R.S.O. 1970, c. 107, s. 10.

11. Any fine imposed for a contravention of this Act shall be paid over by the convicting provincial offences court to the Board. R.S.O. 1970, c. 107, s. 11.

