

L.R.O. 2007

LAWS OF BARBADOS

DENTAL REGISTRATION ACT

CHAPTER 367

(SUBSIDIARY LEGISLATION)

SUBSIDIARY LEGISLATION INDEX

**Dental Registration**

1. Rules, 1973 ..... A1

**Dental Registration**

Cap. 367.

## DENTAL REGISTRATION RULES, 1973

1973/78.  
1985/153.  
2002/117.

**Authority:** These Rules were made on 30th May, 1973 by the Dental Council under section 29 of the *Dental Registration Act*.

**Commencement:** 4th June, 1973.

## PART I

*Preliminary*

1. These Rules may be cited as the *Dental Registration Rules, 1973*.
2. In these Rules, the expression "the Act" means the *Dental Registration Act*. Cap. 367.

## PART II

*The Dental Council*

3. The Dental Council shall meet at least once in every 3 months and at such other times as may be necessary or expedient for the transaction of its business; and meetings of the Council shall be held at such places and times and on such days as the Council determines.

4. The Council shall appoint a person, not being a member of the Council, to perform the functions of Secretary.

5. (1) The Chairman shall summon a special meeting of the Council to be held not later than 14 days after the receipt by him of a written request for the purpose signed by 3 members of the Council.

(2) Not less than 7 days written notice of that meeting shall be given to members of the Council.

**6.** Minutes of the meetings of the Council shall be kept and copies furnished to each member of the Council not later than 14 days after the date on which the meeting is held.

### PART III

#### *Registration*

**7.** For the purposes of the Act and these Rules, there is hereby established a committee to be known as the Dental Assessment Committee, hereinafter referred to as the Assessment Committee.

**8.** (1) The Chairman of the Council shall be the Chairman of the Assessment Committee, and the Assessment Committee shall consist of such members of the Council and of persons, other than licensed persons, registered under the Act not being members of the Council as the Council considers necessary for the transaction of its business.

(2) The Secretary of the Council shall *ex officio* act as Secretary of the Assessment Committee.

**9.** The Assessment Committee shall examine applications for registration and determine in accordance with section 8 of the Act the additional qualifications to be registered.

**10.** Not less than half of the members of the Assessment Committee shall form a quorum.

**11.** The Assessment Committee shall meet at such times and places as the Chairman thinks fit, and shall report to the Council with respect to its deliberations.

**12.** (1) An applicant who under section 7 or 14(b) of the Act is required by the Council to sit for an examination, or under section 19(6) thereof is permitted to sit for further examination, shall pay in advance to the Secretary

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- (a) in the case of an applicant for registration as a dental practitioner, a fee of \$200 for each subject offered, subject to a maximum fee payable of \$600; 1985/153.
- (b) in the case of an applicant for registration in any other area of dental health, a fee of \$100 for each subject offered, subject to a maximum fee payable of \$400; and 1985/153.
- (c) such fee as the Council determines for the use of the place at which the examination is to be held. 1985/153.
- (2) An applicant shall not, unless the Council in any special circumstances allows, be permitted to be examined more than twice in respect of the same subject.
- (3) Where the Council issues a certificate to an applicant certifying that it is satisfied that the applicant is entitled to be registered under the Act, that certificate must be presented to the Registrar for registration under section 6 within a period of 6 months of the date of issue. 2002/117.
- (4) Where the certificate referred to in paragraph (3) is presented to the Registrar after the time specified in that paragraph, the Registrar shall require proof from the Council that it is satisfied that the applicant is still entitled to be registered under the Act; and shall forward the application to the Council for written verification of that fact. 2002/117.
- (5) On receipt by the Council of the application under paragraph (4), the Council may require the applicant to furnish the Secretary with such information as it determines in respect of any of the matters specified in section 6(1) of the Act, and the applicant shall furnish the information if required to do so. 2002/117.
- (6) Where the Council is satisfied that the applicant referred to under paragraph (4) still meets the requirements for the registration under section 6(1) and is therefore entitled to be registered under that section, it shall indicate this in writing to the Registrar, who shall register the applicant in accordance with the Act. 2002/117.

(7) The Registrar shall not register an applicant who has failed to satisfy the Council's requirements under paragraph (5).

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PART IIIA

*Services that may be performed by Dental Auxiliaries,  
Dental Hygienists, Dental Technicians and  
Dental Licensed Persons*

**12A.** A dental auxiliary may, in addition to such dental services as may be prescribed, perform on a child the following services:

- (a) extraction of primary teeth, including preparation and after-care;
- (b) extraction of permanent teeth if the Council is satisfied that the auxiliary has received appropriate training to do so;
- (c) administration of infiltration anaesthetics, including inferior dental block;
- (d) fillings not involving exposure of dental pulp, and preparation for such fillings;
- (e) scaling, cleaning and polishing teeth;
- (f) topical application of anticariogenic agents to teeth;
- (g) exposure and processing of dental X-ray films; and
- (h) teaching and giving advice on oral hygiene and mouth care.

**12B.** A dental hygienist may, in addition to such dental services as may be prescribed, perform the following services:

- (a) scaling, cleaning and polishing teeth;
- (b) topical application of anticariogenic agents to teeth;
- (c) teaching and giving advice on oral hygiene and mouth care; and
- (d) exposure and processing of dental radiographs.

**12C.** A dental technician may carry out the fabrication or repair of a dental appliance on the prescription of a dental practitioner, making use of models, dyes or impressions provided by the dental practitioner.

**12D.** A dental licensed person may perform only those services specified in his licence.

#### PART IV

##### *Professional Conduct and General Fitness to Practise Dentistry and to Perform Dental Services*

**13.** It is the duty of the Council to do such things and to exercise such care as in its judgement is necessary to maintain proper standards of professional conduct in the practice of dentistry and the performance of dental services and proper standards of general fitness to practise dentistry by dental practitioners and to perform dental services by dental hygienists, auxiliaries, technicians and dental licensed persons. 1985/153.

**14.** (1) A dental practitioner shall provide such services as are necessary for the diagnosis and treatment of any dental condition in the human being, and shall prescribe and furnish such medication, prosthetic appliances and therapeutic devices as are necessary for such diagnosis and treatment.

(2) For the purposes of the Act and of these Rules, professional misconduct on the part of a dental practitioner includes any act or thing done by him that is contrary to the generally recognised duty and responsibility of a dental practitioner to his patient or that is contrary to dental ethics, or the failure to do any act or thing with respect to a patient in accordance with generally recognised dental ethics and, without limiting the generality of the foregoing, includes

- (a) adultery or other improper conduct or association with a patient;

- (b) any form of advertising, canvassing or promotion, either directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage;
- (c) wilful or deliberate betrayal of a professional confidence;
- (d) knowingly giving a certificate with respect to dental health which the practitioner knows or ought to know is untrue, misleading or otherwise improper;
- (e) the division with any person who is not a partner or assistant of any fees or profits resulting from consultation or surgery procedures without the patient's knowledge or consent;
- (f) the excessive ingestion of intoxicating liquor or drugs;
- (g) the impersonation of another dental practitioner;
- (h) association with unqualified or unregistered persons whereby such persons are enabled to practise dentistry;
- (i) the holding out, directly or indirectly, by a dental practitioner to the public that he is a specialist or is specially qualified in any particular branch of dentistry, unless he has taken a special course in that branch and such special qualification has been registered in accordance with section 8 of the Act;
- (j) commercialisation of a secret remedy;
- (k) knowingly practising dentistry or treating a patient, other than in a case of emergency, while suffering from a mental or physical condition, or while under the influence of alcohol or drugs, to such an extent as to constitute a danger to the public or a patient; and
- (l) the doing of or failure to do any act or thing in connection with his professional practice, the doing of which or the failure to do which is in the opinion of the Council unprofessional or discreditable.

(3) For the purposes of the Act and of these Rules, professional misconduct on the part of a dental auxiliary, a dental hygienist, a dental technician or a dental licensed person includes

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- (a) the performance of any dental procedures not authorised by the Act or these Rules;
- (b) wilful or deliberate betrayal of a professional confidence;
- (c) the impersonation of another person registered under the Act;
- (d) the holding out, directly or indirectly, to the public that he is registered as a dental practitioner;
- (e) knowingly practising his profession while suffering from a mental or physical condition, or while under the influence of alcohol or drugs, to such an extent as to constitute a danger to a patient;
- (f) dishonesty, negligence or incompetence in the performance of his duties;
- (g) refusal without lawful or proper excuse to obey a lawful order given in the course of duty by a person in authority;
- (h) the doing of or failure to do any act or thing in connection with his professional practice, the doing of which or the failure to do which is in the opinion of the Council unethical or discreditable.

(4) For the purposes of paragraphs (2)(c) and (3)(b), any disclosure which is legally justifiable or required for the treatment of a patient shall be deemed not to be a wilful or deliberate betrayal of a professional confidence.

## PART V

*Discipline*

1985/153. **15.** Where a complaint is made to the Council against a person registered under the Act alleging professional misconduct or a conviction as mentioned in paragraph (a) or (b) of section 22(1) of the Act, or where such an allegation comes to the notice of the Council, the Council shall direct the Secretary to investigate the matter and submit his findings to the Council.

**16.** The Secretary shall, within 7 days of the date of reporting his findings to the Council, notify in writing the person affected (in these Rules referred to as the respondent) of the nature of the allegation, and request that he submit within 21 days of the date of the request a written statement of such explanations or representations as are necessary.

**17.** (1) The Council, having regard to any explanation or representation made by the respondent, may

- (a) determine that no enquiry shall be held; or
- (b) institute disciplinary proceedings against the respondent;

(2) If the Council determines that no enquiry shall be held, the Secretary shall inform the complainant, if any, and the respondent of the fact in such manner as the Council directs.

**18.** (1) Where the Council institutes disciplinary proceedings against the respondent, the Secretary shall serve on him a notice of enquiry (in these Rules referred to as the notice) which shall

- (a) specify in the form of a charge the matters into which the enquiry is to be held; and
- (b) state the time and place at which the enquiry is proposed to be held.

(2) Except with the consent of the respondent, an enquiry shall not be fixed for a date earlier than 28 days after the date of the notice.

(3) The notice shall be served personally or by prepaid registered post on the respondent at the address shown on the register, or at his last-known address if that address differs from that on the register.

(4) Where there is a complainant, a copy of the notice shall be sent to him.

**19.** The respondent is entitled to receive free copies of, or to be allowed access to, any documentary evidence relied on for the purpose of the enquiry, and upon request he shall be given a copy of the evidence, (including copies of documents tendered in evidence) after the enquiry is closed.

**20.** The respondent is entitled to be represented by an attorney-at-law in any disciplinary proceedings instituted against him.

**21.** Where the respondent does not appear at the date fixed for the hearing of the enquiry, the Council, if it is satisfied that the notice has been served on the respondent, may proceed with the enquiry in his absence.

**22.** Where witnesses are examined by the Council, the respondent shall be given an opportunity of attending and of putting questions to the witnesses in his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

**23.** The respondent shall be permitted to give evidence, call witnesses, and make submissions orally or in writing in his own behalf.

**24.** The Council may call additional witnesses and may adjourn the proceedings to another convenient time or place.

**25.** If, having heard the evidence in support of the charges, the Council is of the opinion that the evidence is insufficient, it may dismiss the charges without calling upon the respondent for his defence.

**26.** If at the conclusion of the hearing the Council is of the opinion that the respondent is not guilty of professional misconduct or that he has not been convicted as mentioned under paragraph (a) or (b) of section 22(1) of the Act, it shall immediately notify him of its findings; but where the respondent is found guilty of any such charge, the Council shall proceed to deal with the matter in accordance with section 22(2) of the Act.

1985/153.      **27.** Where a person registered under the Act is convicted of an indictable offence in Barbados,

(a) the Registrar, in the case of a conviction on indictment; or

(b) the magistrate, in the case of a summary conviction,

shall as soon as practicable thereafter notify the Secretary of the conviction.