

CONSOLIDATION OF DENTAL MECHANICS ACT
R.S.N.W.T. 1988,c.D-2

(Current to: November 16, 2006)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:
S.N.W.T 1995,c.3

AS AMENDED BY NUNAVUT STATUTES:
S.Nu. 2001,c.10,s.3
s.3 in force May 29, 2001

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Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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DENTAL MECHANICS ACT

INTERPRETATION

Definitions

1. In this Act,

"complete denture construction" means

- (a) the making and repairing of any complete upper or complete lower denture; or
- (b) the taking of impressions, bite registrations, tryings and insertions for the making, producing, constructing and furnishing of any complete upper or complete lower denture for the intended wearer of the complete denture; (*fabrication de prothèses dentaires complètes*)

"dental mechanic" means a person registered as a dental mechanic in the Register; (*prothésiste dentaire*)

"licence" means a licence issued under subsection 3(2); (*permis*)

"partial denture construction" means

- (a) the making and repairing of any partial denture, or
- (b) the taking of impressions, bite registrations, tryings and insertions for the making, producing, constructing and furnishing of any partial denture for the intended wearer of the partial denture; (*fabrication de prothèses dentaires partielles*)

"Register" means the Dental Mechanics Register referred to in subsection 3(1); (*registre*)

"Registrar" means the Registrar of Health Professions appointed under the *Dental Profession Act*. (*registraire*)

S.N.W.T. 1995,c.3,s.2; S.Nu. 2001,c.10,s.3(2).

REGISTRATION AND LICENSING

Prohibition

2. Subject to this Act and any other Act, no person who is not registered in the Register as a dental mechanic shall engage in complete denture construction or in partial denture construction. S.N.W.T. 1995,c.3,s.3.

Dental Register

3. (1) The Registrar shall keep a register called the Dental Mechanics Register, in which shall be entered the names of all persons entitled under this Act to be registered in the Dental Mechanics Register.

Licences

(2) The Registrar may issue a licence to any person who is registered in the Register. S.Nu. 2001,c.10,s.3(3),(4).

Qualifications for registration in Part One

4. (1) A person is qualified to be registered in Part One of the Register where that person

- (a) holds a licence issued by a province to engage in the business of complete denture construction; and
- (b) satisfies the Registrar that he or she is of good character.

Qualifications for registration in Part Two

(2) A person is qualified to be registered in Part Two of the Register where that person

- (a) is registered in Part One of the Register;
- (b) satisfies the Registrar that he or she possesses adequate training and experience in partial denture construction; and
- (c) if required by regulations, provides proof that he or she has or will have liability insurance coverage on the terms and in the amount prescribed.
S.N.W.T. 1995,c.3,s.4; S.Nu. 2001,c.10,s.3(5),(6).

Registration

5. A person who is qualified to be registered in Part One or in Part Two of the Register is, on payment of the prescribed fee, entitled to be registered in the Register. S.N.W.T. 1995,c.3,s.4.

Prohibition respecting x-rays and diagnosis

5.1. (1) No dental mechanic registered in Part One or in Part Two of the Register shall

- (a) take or interpret X-rays of the oral cavity; or
- (b) diagnose conditions relating to the health of the oral cavity.

Prohibition respecting partial denture construction

(2) No dental mechanic registered in Part Two of the Register shall construct partial dentures except in accordance with a written prescription from a dentist licensed under the *Dental Profession Act* or licensed under similar legislation of a province or the Yukon Territory. S.N.W.T. 1995,c.3,s.4.

Validity of licences

6. No licence is valid unless

- (a) the licence fee in respect of the year for which the licence is issued is paid; and
- (b) the holder of the licence is registered under subsection 3(1).

Duration of licence

7. A licence expires on March 31 next following the day on which it was issued.

Display of licence

8. A dental mechanic shall display his or her licence in a conspicuous place in his or her office or other place in which the dental mechanic usually practises.

ACTIONS BY AND AGAINST DENTAL MECHANICS

Fees respecting unlicensed practice

9. (1) No person shall recover a fee or charge for services rendered as a dental mechanic unless he or she holds a licence at the time the services are rendered.

Exception

- (2) Subsection (1) does not apply to a charge for professional services rendered by
- (a) a dentist or medical practitioner who is entitled to practise in the Territories; or
 - (b) personnel working in a hospital dispensary, a university or a local clinic, acting on the certificate or order of a dentist or medical practitioner who is entitled to practise in the Territories.

DISCIPLINE

Board of Inquiry

10. The Commissioner may establish a Board of Inquiry composed of not less than three and not more than five persons appointed by the Commissioner for the purposes of investigating any complaint made against a dental mechanic with respect to misconduct on the part of that dental mechanic.

Remuneration of members

11. The Commissioner may determine the fees and allowances for expenses to be paid to members of a Board of Inquiry.

Reference of complaints to Board

12. Where a complaint is made to the Commissioner in respect of any alleged misconduct by a dental mechanic, the Commissioner may refer it to a Board of Inquiry.

Report to Commissioner

13. (1) A Board of Inquiry shall investigate every complaint referred to it and shall, on completion of the investigation, make a report in writing of its findings to the Commissioner.

Power of Board

- (2) In investigating a complaint, a Board of Inquiry may
- (a) summon and bring before it any person whose attendance it considers necessary;
 - (b) swear and examine persons under oath;
 - (c) compel the production of documents; and
 - (d) do all things necessary to conduct a full and proper investigation.

Appeal

14. (1) An appeal lies from a finding of a Board of Inquiry within 30 days to a judge of the Supreme Court.

Decision of judge of Supreme Court

(2) A judge of the Supreme Court to whom an appeal is made under subsection (1) may make an order quashing or confirming the finding of the Board.

Striking off name from Register

15. Where a dental mechanic is found by a Board of Inquiry to be guilty of misconduct and

- (a) no appeal is made within the time referred to in subsection 14(1),
or
- (b) an appeal is made and the judge to whom the appeal is made confirms the finding,

the Registrar may strike the name of the dental mechanic off the Register and suspend or cancel the licence of that dental mechanic. S.Nu. 2001,c.10,s.3(7).

Reinstatement

16. A dental mechanic

- (a) whose name has been struck off the Register, and
- (b) whose licence has been suspended or cancelled,

may be reinstated on the Register, his or her licence renewed and his or her rights and privileges under that licence restored in the manner and on the conditions that the Commissioner may decide.

OFFENCES AND PUNISHMENT

Unlawful practice

17. (1) Every person who is not the holder of a licence and who

- (a) engages in the business of complete denture construction or partial denture construction, other than a dentist or medical practitioner entitled to practise in the Territories,
- (b) appends to his or her name the title of dental mechanic or any word indicative of that title or used in substitution or abbreviation of that title, or
- (c) holds himself or herself out in any way to be entitled to engage in complete denture construction or partial denture construction in the Territories,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both.

Offences relating to Board of Inquiry and punishment

(2) Every person who, contrary to a request of a Board of Inquiry,

- (a) fails without valid excuse to attend an inquiry,

- (b) fails to produce any document, book or paper in his or her possession or under his or her control, or
- (c) refuses during an inquiry to
 - (i) take an oath, or
 - (ii) answer any proper question,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

Offences relating to prohibited activities and punishment

(3) Every dental mechanic who

- (a) takes or interprets x-rays of the oral cavity,
- (b) diagnoses conditions relating to the health of the oral cavity, or
- (c) constructs partial dentures except in accordance with a written prescription from a dentist,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both.

S.N.W.T. 1995,c.3,s.5,6.

Limitation period

18. (1) A prosecution for an offence under this Act may not be commenced after two years from the time when the subject-matter of the prosecution arose.

Burden of proof

(2) In a prosecution for an offence under this Act, the burden of proof that the person against whom the charge is laid is the holder of a licence is on the person against whom the charge is laid.

REGULATIONS

Regulations

19. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing the discipline and control of dental mechanics, including the adoption and enforcement of any reasonable rules of conduct;
- (b) respecting the investigation of a complaint that a dental mechanic has been guilty of misconduct or has displayed such incompetence as to render it desirable in the public interest that the licence of that dental mechanic be cancelled or suspended;
- (c) providing for the cancellation or suspension of the licence of a person found by the Board of Inquiry to be guilty of misconduct or to have been incompetent;
- (c.1) respecting liability insurance;
- (c.2) respecting any condition or limitation on the construction of partial dentures;
- (d) prescribing the amount of fees to be paid in respect of a licence issued under this Act;

- (e) defining "misconduct" for the purpose of this Act and the regulations; and
 - (f) governing such other matters not inconsistent with the intent of this Act as may be thought necessary to further the purposes and objects of this Act.
- S.N.W.T. 1995,c.3,s.7.