

# **BY-LAWS OF THE ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

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# 1 DEFINITIONS AND INTERPRETATION

## 1.1 Definitions

### 1.1.1 General definitions

In these by-laws,

“**Act**” means the *Dentistry Act, 1991*, Statutes of Ontario, 1991, Chapter 24 and includes the RHPA;

“**Code**” means the *Health Professions Procedural Code* being Schedule 2 to the RHPA;

“**College**” means the Royal College of Dental Surgeons of Ontario;

“**committee**” means a committee of the College, including a statutory, standing, or ad hoc committee, and includes a panel of that committee;

“**Council**” means the Council of the College;

“**designated Register address**” of a member of the College means

- a. where the member practises at a single location in Ontario, the address of that location
- b. where the member practises at more than one location in Ontario, the address of the member’s principal practice location, unless the member designates another practice location in Ontario as his or her designated Register address, or
- c. where the member does not practice, an address in Ontario where the member resides;

“**elected member of Council**”, or “**elected Council member**” means a member elected to Council in accordance with the by-laws and includes a member elected in a by-election or appointed to fill a vacancy created by an elected Council member ceasing to be a member of Council prior to the completion of his or her term;

“**general election**” means the election of the elected members of Council conducted in December 2014 and in every second year thereafter;

“**member of Council**” or “**Council member**” means an elected member of Council, public member of Council, or selected member of Council;

“**Ministry**” means the Ministry of Health and Long-Term Care;

“**non-Council committee member**” means a member of a committee of the College who is a member of the College but not a member of Council;

“**public member of Council**” or “**public Council member**” means a member of Council appointed by the Lieutenant Governor in Council;

“**regulation**” means a regulation passed pursuant to the Act or RHPA;

“**RHPA**” means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 and includes the Code;

“**selected member of Council**” or “**selected Council member**” means a member of Council selected in accordance with the by-laws from members of the faculty of dentistry or school of dentistry in a university in Ontario and includes a member selected or appointed to fill a vacancy created by a selected Council member ceasing to be a member of Council prior to the completion of his or her term;

“**standing committee**” means a committee of the College established by the by-laws;

“**statutory committee**” means a committee of the College established by the Code;

“**teleconference**” means any conference held by telephone, computer network, or any other similar means that allows all participants to communicate with each other simultaneously and instantaneously.

## *1.2 Interpretation*

### *1.2.1 Singular includes the plural*

In these by-laws, the singular shall include the plural and the plural shall include the singular, unless context dictates otherwise.

### *1.2.2 Person includes corporation*

In these by-laws, the term “person” shall include corporations.

### *1.2.3 References to statutes, etc.*

In these by-laws, any reference to a statute, regulation, or by-law, or a section or provision thereof, shall be deemed to extend and apply to any amendment or re-enactment of such statute, regulation, or by-law, or section or provision thereof.

### *1.2.4 Severability*

All articles of these by-laws shall be interpreted in a manner consistent with the Act, and where any inconsistency is found to exist between the Act and the by-laws, the inconsistent article shall be severed and the remaining articles shall continue in force.

### *1.2.5 Computation of time*

Except as otherwise provided by the Act, regulations, or by-laws, in the computation of time under these by-laws the following conventions shall apply:

- a. Where there is a reference to a number of days between two events, the number of days shall be counted by including the day on which the earlier event occurs and excluding the day on which the latter event occurs.
- b. All days, including Saturdays, Sundays, and holidays, shall be counted.
- c. Where the time for the doing of an act expires on a Saturday, Sunday, or holiday, the act may be done on the next day that is not a Saturday, Sunday, or holiday.

### *1.2.6 Written includes electronic*

In these by-laws, unless otherwise required by the Act or regulations, the term “written” shall include any electronically generated text-based format, whether in purely electronic or paper form.

## 2 MEETINGS OF COUNCIL

### *2.1 Prior to Initial Meeting of Council*

#### *2.1.1 Registrar to provide list of new Council members*

Following a general election, the Registrar shall prepare a list of persons who are expected to constitute Council and shall send the list to all of the persons named on the list.

#### *2.1.2 Registrar to circulate agenda*

Prior to the initial meeting of Council following a general election, the Registrar shall send to all persons expected to constitute Council the agenda for the initial meeting of Council.

### *2.2 Initial Meeting of Council*

#### *2.2.1 Registrar as Presiding Officer*

At the initial meeting of Council following a general election, the Registrar shall call the meeting to order and act as the interim Presiding Officer.

#### *2.2.2 Transition to new Council*

The mandate of the previous Council expires and the mandate of the new Council begins at the point of calling to order of the initial meeting of Council following a general election.

#### *2.2.3 Report on elections*

Once the initial meeting of Council following a general election has been called to order, the Registrar shall present a report on elections and then call the roll.

### *2.3 Election of Executive Committee*

#### *2.3.1 Call for nominations for President*

After calling the roll of the initial meeting of Council following a general election, the Registrar shall call for nominations for the office of the President.

#### *2.3.2 Acclamation of President*

Where there is only one member of Council nominated for the office of the President, the Registrar shall declare such member of Council elected by acclamation.

#### *2.3.3 Election of President by secret ballot*

Where more than one member of Council is nominated for the office of the President, an election shall be conducted by secret ballot.



#### *2.3.4 Candidates may address Council*

Members of Council nominated for the office of the President may briefly address Council prior to the election for that office.

#### *2.3.5 Returning officers*

The Registrar shall appoint two returning officers, approved by Council, to conduct the election for the office of the President, to count the votes cast, and to report the results to Council.

#### *2.3.6 Majority*

The member of Council who receives a majority of the votes cast on a ballot in an election for the office of the President shall be declared elected.

#### *2.3.7 Where no majority*

Where more than two members of Council are nominated for the office of the President, and no member receives a majority of the votes cast on the ballot, the member who received the lowest number of votes shall be removed from the ballot and the voting process repeated.

#### *2.3.8 Tied votes*

Where two or more candidates for the office of the President receive an equal number of votes, and the tie must be broken in order to continue the election or declare one candidate elected, a vote by secret ballot shall be conducted for the purpose of breaking the tie.

#### *2.3.9 Tied candidates may address Council*

Prior to the vote conducted under article 2.3.8 (Tied votes), each candidate who received an equal number of votes may briefly address Council.

#### *2.3.10 Tied vote broken by lot after second attempt*

Unless provided otherwise by article 2.3.11 (Council may adopt alternative), where the candidates in a vote to break a tie conducted under article 2.3.8 (Tied votes) receive an equal number of votes on two successive attempts, the tie shall be broken by lot in the presence of the returning officers.

#### *2.3.11 Council may adopt alternative*

Where the candidates in a vote to break a tie conducted under article 2.3.8 (Tied votes) receive an equal number of votes on two successive attempts, Council may adopt by resolution any procedure it deems fit for the breaking of the tie, including holding a new election.

### *2.3.12 President to assume chair*

The President shall immediately assume the chair of the meeting of Council upon election to office.

### *2.3.13 Election of Vice-President, members of Executive Committee*

The Vice-President and the remaining members of the Executive Committee shall be elected according to the same procedure as provided for the election of the President.

## *2.4 Nominations to Committees, Other Appointments*

### *2.4.1 Executive Committee as nominations committee*

The Executive Committee shall present to Council a slate of nominees for all committee memberships and other appointments in accordance with the policy established by Council.

## *2.5 Scheduling of Meetings of Council*

### *2.5.1 Initial meeting within two months of elections*

Council shall hold a meeting within two months after a general election.

### *2.5.2 Regular Council meetings*

Council shall hold at least three regular Council meetings per calendar year, called by the President, at least one of which shall fall during each of the following times:

- a. between 01 January and 30 April
- b. between 01 April and 30 August
- c. between 01 September and 30 December

### *2.5.3 Location of regular Council meetings*

The Registrar shall determine the location of regular Council meetings.

### *2.5.4 Special Council meetings*

A special Council meeting may be called by

- a. the President;
- b. the Executive Committee; or
- c. any eight members of Council who submit to the Registrar a written request specifying the matters for decision at the meeting.

### *2.5.5 Location of special Council meetings*

The Registrar shall determine the location of special Council meetings.

### *2.5.6 Teleconference*

The Registrar may, with the approval of Council or the Executive Committee, determine to hold a special Council meeting by teleconference.

## *2.6 Notice of Council Meetings*

### *2.6.1 Registrar to provide notice*

The Registrar shall provide written notice of Council meetings to members of Council, to be received at least

- a. 14 days before a regular Council meeting; and
- b. 3 days before a special Council meeting.

### *2.6.2 Contents of notice*

The notice of Council meetings provided by the Registrar shall include, as applicable,

- a. whether the meeting will be conducted in person or by teleconference;
- b. the place, date, and time of the meeting; and
- c. the specified matters for decision at a special Council meeting.

## *2.7 Council Meeting Business and Agendas*

### *2.7.1 Business at special Council meetings*

At a special Council meeting, Council may only consider and act on

- a. the matters specified in the request for the special Council meeting provided to the Registrar;
- b. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and
- c. routine and procedural matters, which shall be dealt with in accordance with the rules of order.

### *2.7.2 Business at regular Council meetings*

At a regular Council meeting, Council may only consider and act on

- a. matters brought by the Executive Committee;
- b. recommendations in reports by committees;

- c. motions for which notice was provided by a member of Council
  - i. at the preceding Council meeting, or
  - ii. in writing at least thirty (30) days in advance of the meeting;
- d. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and
- e. routine and procedural matters to be dealt with in accordance with the rules of order.

### *2.7.3 Meeting agendas set by the President*

The President shall set an agenda for each meeting of Council.

## *2.8 Presiding Officer*

### *2.8.1 Presiding Officer as chair*

Council or the Executive Committee may appoint a Presiding Officer who is not a member of Council to act as the chair of Council meetings.

### *2.8.2 Term of office*

The Presiding Officer shall continue in his or her role until dismissed by Council or the Executive Committee.

### *2.8.3 Duties of Presiding Officer*

The Presiding Officer shall act solely as arbiter of Council meeting proceedings in accordance with the Rules of Order and shall not take a role in Council deliberations.

### *2.8.4 Duty of confidentiality*

Prior to assuming his or her duties, the Presiding Officer shall agree to maintain the same standard of confidentiality applicable to a member of Council regarding all matters coming before the Council.

### *2.8.5 Acting chair*

The following rules shall apply with respect to selecting an acting chair of Council meetings:

- a. Where no Presiding Officer has been appointed, the President or his or her designate shall act as chair of Council meetings.
- b. Where the President is absent and no chair has been designated, the Vice President shall act as chair of Council meetings.
- c. Where both the President and Vice-President are absent and no chair has been designated, the members of the Council in attendance at a Council meeting shall elect one of their numbers to act as chair of the meeting.

## *2.9 Quorum*

### *2.9.1 Quorum as majority*

Except as otherwise provided by the Act, a majority of members of Council constitutes a quorum for any Council meeting.

### *2.9.2 Effect of vacancy on quorum*

A vacancy on Council is not counted in determining whether a quorum is present.

## *2.10 Voting*

### *2.10.1 Default method*

Except as otherwise provided in these by-laws, or as determined by Council, every vote at a Council meeting shall be by a show of hands and verbal affirmation.

### *2.10.2 Roll call vote at teleconference*

All votes at a Council meeting held by teleconference or in any manner other than in person shall be by roll call vote.

### *2.10.3 Roll call vote by request*

Except where Council determines to vote by secret ballot, a vote at a Council meeting shall be by roll call vote when requested by a member of Council.

### *2.10.4 Roll call vote recorded in the minutes*

Where a vote at a Council meeting is taken by roll call, the Registrar shall request each member of Council to indicate his or her vote, and each vote will be recorded in the minutes of the matter under consideration.

### *2.10.5 Roll call vote for regulations*

A vote at a Council meeting on a motion to propose or amend a regulation, or to submit a proposed regulation or regulation amendment to the Ministry

- a. shall be by roll call vote; and
- b. the minute of such vote shall record those members of Council in favour, those opposed, those who abstained, and those who were not present.

### *2.10.6 Default is simple majority*

Except as otherwise provided for in the Act, regulations, or by-laws, each vote at a Council meeting shall be decided by a majority of votes cast at the meeting.

### *2.10.7 Vote of chair to be counted*

Where a member of Council is acting as chair of a Council meeting, his or her vote is counted in any matter brought to a vote.

### *2.10.8 Tied votes decided in the negative*

Where there are an equal number of votes at a Council meeting in favour of and opposed to a matter brought to a vote, the matter shall be deemed to have been opposed.

### *2.10.9 Record of dissent upon request*

The dissent of a member of Council who votes against a resolution shall be recorded in the minutes where the member of Council makes such a request at the time that the vote is taken.

## *2.11 Minutes and Adjournments*

### *2.11.1 Minutes of Council meetings*

The proceedings of Council meetings shall be recorded in written minutes in the form and manner determined by Council.

### *2.11.2 Accuracy of minutes*

Minutes of a Council meeting that have been

- a. approved by Council at a subsequent Council meeting, subject to any corrections made at that meeting, and
- b. signed by the recording officer,

are presumed to be an accurate record of the Council meeting that they record.

### *2.11.3 Adjournments*

The Presiding Officer or chair of a Council meeting may adjourn the Council meeting whether or not a quorum is present.

### *2.11.4 Reconvening after an adjournment*

The Presiding Officer or chair of a Council meeting may reconvene a previously adjourned Council meeting provided that either

- a. all members of Council are provided with notice of the reconvened Council meeting in the same manner as for special Council meetings, or
- b. all members of Council are present.

## *2.12 Deputations*

### *2.12.1 Deputations at the request of Council, committees*

At the request of Council or any committee, the President shall designate topics relevant to the affairs of the College as deputation matters and schedule such topics for deputation on a Council meeting agenda.

### *2.12.2 Written request for deputation*

Any person or party may submit to the Registrar a written request to make a deputation to Council at a Council meeting.

### *2.12.3 Timing of written request for deputation*

A written request for a deputation must be received by the Registrar at least thirty (30) days prior to the Council meeting at which the deputation is to take place.

### *2.12.4 Waiver of deputation request period*

The President, in his or her sole discretion, may waive the thirty (30) day period required to request a deputation.

### *2.12.5 Approval of deputation*

The President or Executive Committee may approve a written request for deputation.

### *2.12.6 Notice of approval of deputation*

Where a written request for deputation has been approved, the Registrar shall inform the person or party who made the request of the time at which the deputation has been scheduled, as directed by the President.

### *2.12.7 Deputation limited to two speakers*

A deputation shall have only one or two speakers.

### *2.12.8 Deputation limited to ten minutes*

A deputation is limited to a maximum of ten (10) minutes in total, subject to extension by the chair of the Council meeting.

### *2.12.9 Chair may extend deputation*

The chair of a Council meeting may allocate additional time to a deputation, in his or her sole discretion, to be utilized in the manner he or she deems fit.

#### *2.12.10 Clarifying questions only*

The chair of a Council meeting may accept questions from members of Council regarding a deputation solely for the purpose of clarification, and may permit the deputation speaker(s) to respond to such questions.

#### *2.12.11 No interaction with members during deputation*

Members of Council and the persons or parties making a deputation to Council shall not engage in any direct or indirect exchanges during the Council meeting, except as provided in these by-laws.

### *2.13 Rules of Order*

#### *2.13.1 Rules of order*

*The Standard Code of Parliamentary Procedure* shall be the rules of order of the Council.

#### *2.13.2 Rules inconsistent with Act, etc.*

The Act, regulations, or by-laws govern to the extent of any inconsistency with the rules of order.



### **3 OFFICERS OF THE COLLEGE**

#### *3.1 General*

##### *3.1.1 Officers of the College*

The officers of the College shall be the President, Vice-President, Registrar, and such other officers as the Council may determine.

##### *3.1.2 Duties of officers may be delegated*

Where an officer of the College is absent or otherwise unable to act for any reason, the Council may delegate any or all of the duties and powers of such officer to any other officer or any member of Council.

#### *3.2 President*

##### *3.2.1 Duties of the President*

The President is responsible for

- a. providing leadership to Council and carrying out his or her responsibilities in accordance with the Act, regulations and by-laws;
- b. overseeing the performance of the duties of the officers of the College;
- c. taking reasonable steps to ensure Council adheres to its governance and policy-making role;
- d. representing Council and its decisions to stakeholders; and
- e. such other duties as assigned by Council or the Executive Committee , or as are reasonably required by the office of President.

##### *3.2.2 Powers of the President*

The President shall have all powers assigned by the Act, regulations, by-laws, or Council and as are necessary and incidental to the performance of his or her duties.

#### *3.3 Vice-President*

##### *3.3.1 Duties of the Vice-President*

The Vice-President is responsible for providing the President any assistance that he or she reasonably requests in carrying out his or her responsibilities under the Act, regulations, or by-laws.

### *3.3.2 Powers of the Vice-President*

The Vice-President shall have all the powers and perform all the duties of the President where the President is absent or is unable or refuses to act.

## *3.4 Registrar*

### *3.4.1 Duties of the Registrar*

In addition to the duties set out in the RHPA, the Act, and the regulations thereunder, the Registrar is responsible for

- a. managing the day-to-day operations of the College in accordance with the mandate of Council and generally accepted business and financial practices;
- b. providing leadership and management to College staff;
- c. advising Council on the requirements of and compliance with the by-laws and College policies;
- d. translating the goals, objectives and strategic directions of Council into operational plans and implementing the decisions of Council;
- e. keeping Council, the Executive Committee and the President informed with respect to the operations of the College and implementation of policy;
- f. supporting the President in meeting his or her responsibilities;
- g. supporting Council and the Executive Committee in meeting their responsibilities;
- h. acting as the recording officer for meetings of Council and the Executive Committee and ensuring that minutes and other records of College business are kept in accordance with good recordkeeping practices;
- i. coordinating preparation of annual reports, business plans and other documents for Council as directed by Council, the Executive Committee or the President;
- j. having care and custody of all funds and securities of the College and depositing such funds and securities in the name of the College;
- k. paying all orders drawn on the accounts of the College;
- l. keeping a correct account of all funds received and disbursed on behalf of the College; and
- m. ensuring that the state of the finances of the College are reported to Council annually and at such other times as requested by Council or the Executive Committee.

### *3.4.2 Powers of the Registrar*

The Registrar shall have all powers assigned by the Act, regulations, by-laws, or Council and as are necessary and incidental to the performance of his or her duties.

### *3.4.3 Direction by Council, Executive Committee*

The Registrar shall act in accordance with the direction of the Council and the Executive Committee in carrying out the business and affairs of the College in a timely and accountable fashion.

### *3.4.4 Custodian of seal and other documents*

The Registrar shall act as the custodian of the seal of the College and of all books, papers, records, correspondence, contracts and other documents belonging to the College.

### *3.4.5 Delegation of authority*

The Registrar may delegate any of his or her powers or duties to other officers, agents, or employees of the College.

## *3.5 Acting Registrar*

### *3.5.1 Acting Registrar during absence*

Where the Registrar is absent or otherwise temporarily unable to act, the Deputy Registrar shall have all the powers and perform all the duties of the Registrar until such time as the Registrar is able to resume his or her duties, or the Executive Committee or Council appoints another Acting Registrar.

### *3.5.2 Duty to consult regarding appointment*

Where reasonably practicable, the Executive Committee shall consult the Registrar regarding its appointment of an Acting Registrar.

### *3.5.3 Remuneration of Acting Registrar*

The Executive Committee shall determine the remuneration of any Acting Registrar it appoints.

## *3.6 Inspectors*

### *3.6.1 Appointment of inspectors*

The Registrar may appoint persons to act as inspectors for the College and to perform such duties as the Registrar may determine.

## *3.7 Hiring of Registrar*

### *3.7.1 Definition*

In this chapter, “**search committee**” means a search committee constituted under article 3.7.2.

### *3.7.2 Search committee*

Where a need arises to hire a Registrar, Council shall constitute a search committee composed of the President and such other members as determined by Council on the recommendation of the Executive Committee.

### *3.7.3 Avoidance of conflict of interest*

Where a member of a search committee becomes a candidate for the post to be filled, he or she shall immediately resign as a member of the search committee.

### *3.7.4 Executive recruitment service*

A search committee shall engage a company providing executive recruitment services to assist in all aspects of the hiring process, unless Council, in its sole discretion, approves otherwise.

#### *3.7.4.1 Engagement of Executive Recruitment*

Where the Search Committee decides to engage a firm to provide executive recruitment services, the terms of the engagement, including the fees and expenses related to the engagement, shall be approved by the Executive Committee prior to the College entering into the engagement.

### *3.7.5 Search committee to review job criteria*

A search committee shall review with the representative of the executive recruitment service the job description and essential criteria of the post to be filled.

### *3.7.6 Position to be advertised*

A search committee shall ensure that the position is broadly advertised, which shall include positing the position on the College's website.

### *3.7.7 Short list of candidates*

A search committee shall review a short list of candidates compiled by the executive recruitment service after the deadline for receipt of applications.

### *3.7.8 Recommendation to Council*

A search committee shall interview the candidates on the short list compiled by the executive recruitment service with a representative from the executive recruitment service and shall report to Council with its recommendation.

### *3.7.9 Council may approve recommendation*

Council may approve the recommendation made by a search committee or make such other direction as it deems fit.

### *3.8 Remuneration of Registrar*

#### *3.8.1 Remuneration set by resolution*

The remuneration of the Registrar shall be determined by resolution of Council.

### *3.9 Removal of President, Vice-President or other officers*

#### *3.9.1 Two-thirds vote to remove President, Vice-President*

Council may remove the President or Vice-President from office by a two-thirds vote of the members of Council, excluding vacancies.

#### *3.9.2 Replacement of President, Vice-President after removal*

Where the President or Vice-President is removed from office, Council shall elect a new President or Vice-President from among its members to hold office for the remainder of the term.

#### *3.9.3 Removal of other officers*

Council may remove officers, other than the President or Vice-President, from office by resolution.

#### *3.9.4 Removal from office not termination*

Where an officer is an employee of the College, removal from office does not constitute, in itself, termination of employment.

### *3.10 Vacancies*

#### *3.10.1 President, Vice-President*

If the President or Vice-President resigns, dies, or otherwise becomes unable to act due to a physical or mental infirmity, Council shall elect a new President or Vice-President from among its members, to hold office for the remainder of the term.

## 4 COMMITTEES OF THE COLLEGE

### *4.1 Executive Committee*

#### *4.1.0 Composition*

The Executive Committee shall be composed of five (5) members of Council, three (3) being elected or selected members of Council and two (2) being public members of Council.

#### *4.1.1 President and Vice-President*

The President and Vice-President shall be two (2) of the five (5) members of the Executive Committee.

#### *4.1.2 President as chair*

The President shall act as the chair of the Executive Committee, but he or she may delegate the function to another member of the Executive Committee.

#### *4.1.3 Registrar as secretary*

The Registrar shall act as the secretary of the Executive Committee.

#### *4.1.4 Quorum*

A majority of members of the Executive Committee constitutes quorum.

#### *4.1.5 Procedure for meetings*

The procedure for the calling and conduct of meetings of the Executive Committee shall be determined by the Executive Committee.

#### *4.1.6 Invitation to attend*

The Executive Committee may invite officers, members of Council, members of College staff, or any other individuals to attend meetings of the Executive Committee and to participate in the discussion and consideration of the affairs of the College as determined by the Executive Committee.

#### *4.1.7 Powers of the Executive Committee*

Between the meetings of Council, the Executive Committee has all the powers of Council with respect to any matter that, in the Executive Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

#### *4.1.8 Report to Council*

If the Executive Committee exercises a power of the Council under article 4.1.7 (Powers of the Executive Committee), it shall report on its actions to the Council at the Council's next regular meeting.

### *4.2 Registration Committee*

#### *4.2.1 Composition*

The Registration Committee shall be composed of the following members:

- a. at least three (3) members of Council who are members of the College;
- b. at least one (1) public member of Council; and
- c. one (1) non-Council committee member.

### *4.3 Inquiries, Complaints and Reports Committee*

#### *4.3.1 Composition*

The Inquiries, Complaints and Reports Committee shall be composed of the following members:

- a. at least eight (8) members of the College who are either elected or selected members of Council, or non-Council committee members; and
- b. at least one (1) public member of Council.

### *4.4 Discipline Committee*

#### *4.4.1 Composition*

The Discipline Committee shall be composed of the following members:

- a. at least three (3) members of Council who are members of the College;
- b. at least four (4) public members of Council; and
- c. at least five (5) non-Council committee members.

#### *4.4.2 Vice-chair, Discipline Committee*

Council shall appoint a vice-chair of the Discipline Committee from among the members of the Discipline Committee.

#### *4.4.3 Powers of vice-chair, Discipline Committee*

The vice-chair of the Discipline Committee shall have all of the authority of the chair of the Discipline Committee where any of the following occurs:

- a. The chair requests the vice-chair to assume any or all of the duties of the chair.
- b. The position of chair becomes vacant for any reason.
- c. The Registrar is unable to reach the chair despite reasonable efforts, and there is a matter of urgency that requires the action of the chair.

#### *4.5 Fitness to Practise Committee*

##### *4.5.1 Composition*

The Fitness to Practice Committee shall be composed of the following members:

- a. two (2) members of Council who are members of the College;
- b. two (2) public members of Council; and
- c. at least two (2) non-Council committee members.

#### *4.6 Quality Assurance Committee*

##### *4.6.1 Composition*

The Quality Assurance Committee shall be composed of the following members:

- a. two (2) members of Council who are members of the College;
- b. at least one (1) public member of Council; and
- c. two (2) non-Council committee members.

#### *4.7 Patient Relations Committee*

##### *4.7.1 Composition*

The Patient Relations Committee shall be composed of the following members:

- a. one (1) member of Council who is a member of the College;
- b. two (2) public members of Council; and
- c. at least two (2) non-Council committee members.

#### *4.8 [Revoked] (September 15, 2022, effective January 19, 2023)*

#### *4.9 Dental CT Scanner Committee*

##### *4.9.1 Composition*

The Dental CT Scanner Committee shall be composed of those persons who are members of the Quality Assurance Committee and its chair shall be the chair of the Quality Assurance Committee.



#### *4.9.2 Terms of Reference*

The Dental CT Scanner Committee shall perform

- a. such functions as required of it under the by-laws; and
- b. such other functions as may be assigned from time to time by Council or the Executive Committee.

#### *4.10 Elections Committee*

##### *4.10.1 Composition*

The Elections Committee shall be composed of three (3) public members of Council.

##### *4.10.2 Terms of reference*

The Elections Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the election of elected members of Council;
- b. the selection of selected members of Council;
- c. the selection for appointment of non-Council committee members;
- d. the election of the Officers of the College and members of the Executive Committee; and
- e. such other matters as may be assigned by Council or the Executive Committee.

#### *4.11 Finance, Audit and Risk Committee*

##### *4.11.1 Composition*

The Finance, Audit and Risk Committee shall be composed of the following members:

- a. the President;
- b. two (2) members of Council who are members of the College;
- c. two (2) public member of Council;
- d. one (1) non-Council committee member.

##### *4.11.2 Terms of reference*

The Finance, Audit and Risk Committee may exercise any authority given to it under the by-laws of the College and, in addition thereto, shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the financial and property requirements of the College;

- b. the financial implications of proposed changes to the College's policies and programs;
- c. the annual budget of the College;
- d. the disbursement of the funds of the College;
- e. allowances paid to and reimbursements of expenses for Council members;
- f. the appointment or reappointment of an Auditor, after reviewing the remuneration and other terms of such appointment;
- g. the scope of the Auditor's examination, the nature and level of support provided by the College's internal accounting function, and any staff reports arising from these matters;
- h. the College's annual audited financial statements;
- i. the effectiveness of the external audit function and any matter which the Auditor wishes to bring to the attention of the College;
- j. appropriate systems of internal control over financial reporting;
- k. any litigation, claim or other contingency that could have a material effect upon the financial position or operating results of the College; and
- l. such other matters as may be assigned by Council or the Executive Committee.

#### *4.11.3 Report to Council*

The Finance, Audit and Risk Committee shall report to Council at least once per year.

### *4.12 Legal and Legislation Committee*

#### *4.12.1 Composition*

The Legal and Legislation Committee shall be composed of the following members:

- a. the President;
- b. three (3) members of Council who are members of the College; and
- c. one (1) public member of Council.

#### *4.12.2 Terms of reference*

The Legal and Legislation Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. matters having legal, legislative or regulatory significance for the practice of dentistry in Ontario or for the governance of the College and its members;
- b. legal and legislative suggestions received from committees or other groups or individuals;

- c. the current application of the Act, other statutes, the regulations and by-laws; and
- d. such other matters as may be assigned by the Council or Executive Committee.

#### *4.13 Professional Liability Program Committee*

##### *4.13.1 Composition*

The Professional Liability Program Committee shall be composed of the following members:

- a. one (1) public member of Council, who shall act as chair of the committee; and
- b. five (5) non-Council committee members.

##### *4.13.2 Limitation on chair*

The chair of the Professional Liability Program Committee shall not be a member of any statutory committee of the College.

##### *4.13.3 Terms of reference*

The Professional Liability Program Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the policies and practices of the Professional Liability Program; and
- b. such other matters as may be assigned by Council or the Executive Committee.

##### *4.13.4 Approval of claims*

The Professional Liability Program Committee shall consider and may approve all claims expenditures for sums in excess of the limit authorized for the individual responsible for managing the claims administered through the Professional Liability Program.

##### *4.13.5 Report to Council*

The Professional Liability Program Committee shall report to Council at least once per year.

#### *4.14 Sedation and General Anaesthesia Committee*

##### *4.14.1 Composition*

The Sedation and General Anaesthesia Committee shall be composed of those persons who are members of the Quality Assurance Committee and its chair shall be the chair of the Quality Assurance Committee.

##### *4.14.2 Terms of Reference*

The Sedation and Anaesthesia Committee shall perform

- a. such functions as required of it under the by-laws; and
- b. such other functions as may be assigned from time to time by Council or the Executive Committee.

*4.15 [Revoked] (November 18, 2021)*

*4.16 Pension Governance Committee*

*4.16.1 Composition*

The Pension Governance Committee shall be composed of the following members:

- a. the President;
- b. two (2) elected members of Council; and
- c. one (1) public member of Council.

*4.16.2 Terms of reference*

The Pension Governance Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. to ensure the College meets each of its pension plan's obligations, including legal and compliance obligations;
- b. the sufficiency of each existing pension plan;
- c. the appropriateness of pension plan documents and administrative policies;
- d. the performance of each pension plan; and
- e. such other matters as may be assigned by Council or the Executive Committee.

*4.16.3 Report to Council*

The Pension Governance Committee shall report to Council at least once per year.

*4.17 Eligibility Review Committee*

*4.17.1 Composition*

The Eligibility Review Committee shall be composed of at least three (3) individuals selected by the Executive Committee from among persons with significant expertise relating to professional regulation and governance, other than current or former employees of the College, current members of Council, and current or former members of the College.

*4.17.2 Terms of Reference*

The Eligibility Review Committee shall:

- a. determine eligibility under chapter 7.2 or 8.1 in response to written requests from members under articles and 7.2.5, 7.2.7.1, 8.1.2 and 8.1.4.1; and
- b. make recommendations to Council, the nominations committee, or the Executive Committee on matters as may be assigned by Council or the Executive Committee.

#### *4.17.3 Quorum*

A quorum of the Eligibility Review Committee shall be three (3).

#### *4.17.4 Chair of Eligibility Review Committee*

One member of the Eligibility Review Committee shall be chosen by the members of the Eligibility Review Committee to chair each meeting of the Eligibility Review Committee, provided there is a quorum.

## 5 COMMITTEE PROCEDURE

### *5.1 Appointments to Committees*

#### *5.1.1 Appointment to statutory committees*

Except as provided otherwise by the Act, Council shall appoint the members of each statutory committee in accordance with the by-laws.

#### *5.1.2 Chair of statutory committees*

Except as provided otherwise by the Act, Council shall appoint a chair for each statutory committee from among the members of the committee in accordance with the by-laws.

#### *5.1.3 Term of committee appointment*

Every appointment to a committee expires after Council has completed its appointments for that committee at the first regular meeting of Council following the next general election.

#### *5.1.4 Non-Council committee members permitted*

Except as provided otherwise by the Act or by-laws, Council may appoint members of Council or individuals who are not members of Council to committees.

### *5.2 Standing and Ad Hoc Committees*

#### *5.2.1 Creation of standing and ad hoc committees*

Council may appoint one or more standing or ad hoc committees.

#### *5.2.2 Terms of reference for standing, ad hoc committees*

Council shall establish the terms of reference for any standing or ad hoc committee at the time of its appointment.

#### *5.2.3 Members, chair of standing and ad hoc committees*

Unless otherwise delegated by Council, Council shall appoint the members of any standing or ad hoc committee and shall appoint a chair from among the members of the committee in accordance with the by-laws.

#### *5.2.4 Quorum, standing, ad hoc committees*

A majority of members of a standing or ad hoc committee shall constitute a quorum.

### *5.2.5 Standing committees*

The following are the standing committees of the College:

- a. [Revoked] (September 15, 2022 effective January 19, 2023)
- b. Elections Committee
- b1. Eligibility Review Committee
- c. Finance, Audit and Risk Committee
- d. Legal and Legislation Committee
- e. Professional Liability Program Committee
- f. Sedation and General Anaesthesia Committee
- g. Dental CT Scanner Committee
- h. [Revoked] (November 18, 2021)

Pension Governance Committee

## *5.3 Delegation to Committees*

### *5.3.1 Delegation to committees*

Council may delegate to any committee any power or authority to manage and direct the affairs of the College, except as provided otherwise by the Act, regulations, or by-laws.

### *5.3.2 Delegated powers subject to approval*

The exercise of any power delegated by Council to a committee is subject to approval by Council, unless the delegation of such power by Council expressly provides otherwise.

## *5.4 Vacancies on a Committee*

### *5.4.1 Committee continued during vacancy*

Where there is a vacancy in the membership of a committee, the remaining members of the committee shall constitute the committee until the vacancy is filled, provided that there are sufficient members to constitute a quorum.

### *5.4.2 Effect of vacancy on quorum*

A vacancy on a committee is counted in determining whether quorum exists.

### *5.4.3 Vacancy of committee chair*

Except in the case of the Discipline Committee, where a vacancy on a committee is the chair of the committee, the remaining members of the committee shall select one of their number to act as chair until the vacancy is filled.

#### *5.4.4 Vacancy of Discipline Committee chair*

Where the chair of the Discipline Committee becomes vacant, the vice chair shall assume the chair of the committee.

#### *5.4.5 Filling vacancies on committees*

The Executive Committee may appoint persons to fill any vacancies in the membership of a committee, other than the Executive Committee, and it shall make an appointment to fill a vacancy on a committee where necessary for the committee to achieve quorum or to comply with the Act or regulations.

#### *5.4.6 Filling vacancy of committee chair*

Where the Executive Committee makes an appointment to fill a vacancy created by the departure of the chair or vice chair of a committee, the Executive Committee shall appoint a new chair or vice chair of the committee from among the members of the committee.

#### *5.4.7 Term for filled vacancies*

Every individual appointed by the Executive Committee to fill a vacancy on a committee shall remain a member or chair of the committee, as applicable, until the earliest of the following events occurs:

- a. The individual is replaced by Council in accordance with the by-laws.
- b. The first regular meeting of Council following the general election is held.

#### *5.4.8 Confirming, replacing vacancy appointments*

Council shall confirm an appointment by the Executive Committee to fill a vacancy on a committee or replace the appointed individual at its next regular meeting, or such later meeting as Council may determine.

#### *5.4.9 Replacing appointed chair*

Where Council replaces an individual appointed by the Executive Committee to serve as chair or vice chair of a committee following a vacancy, Council shall appoint a new chair or vice chair of the committee from among the members of the committee.

### *5.5 Removing Committee Members*

#### *5.5.1 Automatic removal of former Council members*

A member of a committee who is also a member of Council ceases to be a member of the committee upon ceasing to be a member of Council.



### *5.5.2 Removing Council member of statutory committee*

Council may remove any member of a statutory committee who is also a member of Council by a two-thirds vote of the members of Council present at a meeting of Council.

### *5.5.3 Replacement, member of Council*

Where Council removes a member of a statutory committee who is also a member of Council, Council shall elect a replacement from among the members of Council to hold membership on the committee for the remainder of the term.

### *5.5.4 Replacement chair, statutory committee*

Where Council removes the chair of a statutory committee and elects a member of Council to fill the vacancy, Council shall appoint a new chair from among the members of the committee.

### *5.5.5 Removing non-Council member, member of standing, ad hoc committee*

Council may remove any member of a statutory committee who is not a member of Council or any member of a standing or ad hoc committee by resolution.

### *5.5.6 Replacement, non-Council, standing or ad hoc*

Where Council removes a member of a statutory committee who is not a member of Council or a member of a standing or ad hoc committee, Council shall appoint an individual to hold membership on the committee for the remainder of the term.

### *5.5.7 Replacement chair, standing or ad hoc committee*

Where Council removes the chair of a standing or ad hoc committee and makes an appointment to fill the vacancy, Council shall appoint a new chair from among the members of the committee.

## *5.6 Committee Meetings*

### *5.6.1 Scheduling*

Committees shall meet at the direction of Council, Executive Committee, or chair of the committee, or as required by the Act, regulations, or by-laws, on a date and time designated by the committee chair.

### *5.6.2 No formal notice required*

No formal notice is required for a meeting of a committee, unless otherwise required by law.

### *5.6.3 Informal notice*

The chair of a committee shall direct College staff to make reasonable efforts to notify all members of the committee of every meeting of the committee, and to arrange the meeting date and time for the convenience of the members.

### *5.6.4 Chair or designate presides*

The chair of a committee or his or her designate shall preside over meetings of the committee.

### *5.6.5 Panel chair*

Where a chair of a committee selects a panel of the committee that does not include the chair, he or she shall designate a member of that panel to act as chair of the panel.

### *5.6.6 Selection by panel*

Where a committee chair does not designate a panel chair, the members of the panel shall select a chair from among their number.

### *5.6.7 Decision by majority*

Every question before a committee shall be decided by a majority of votes cast by the members present.

### *5.6.8 Tied votes decided in the negative*

Where there are an equal number of votes at a committee meeting in favour of and opposed to a matter brought to a vote, the matter shall be deemed to have been opposed.

### *5.6.9 Minutes of committee meetings*

The proceedings of committee meetings, except for hearings held pursuant to the Act, shall be recorded in written minutes in the form and manner determined by the presiding committee member.

### *5.6.10 Accuracy of committee minutes*

Minutes of a committee meeting that have been

- a. approved by the committee at a subsequent meeting, subject to any corrections made at that meeting, and
- b. signed by the presiding and recording committee member,

are presumed to be an accurate record of the committee meeting.

#### *5.6.11 Committee meetings by teleconference*

Subject to the Act, any meeting of a committee, other than one held to conduct a hearing, may be held by teleconference with the approval of the committee chair.

#### *5.6.12 Voting at teleconference*

A vote at a meeting of a committee held by teleconference shall be taken in the manner determined by the chair of the committee.

#### *5.6.13 Roll call vote by request*

Where requested by a member of the committee, a vote taken at a meeting of a committee held by teleconference shall be by roll call.

## **6 MEMBERS OF COUNCIL**

### *6.1 Electoral Districts*

#### *6.1.1 Electoral districts established*

The twelve electoral districts set out in appendix 28.2.5 are established for the purpose of the election of members to Council.

#### *6.1.2 Counties, etc. set*

The counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in appendix 28.2.5 are those that existed as at December 31, 1996.

#### *6.1.3 Electoral districts complete*

The geographical territory of each electoral district set out in appendix 28.2.5 shall be interpreted to ensure that all parts of Ontario fall into one of the counties, united counties, regional municipalities, municipalities, district municipalities or territorial districts described therein.

### *6.2 Elected Members of Council*

#### *6.2.1 Number of elected members*

There shall be one elected member of Council from each electoral district.

#### *6.2.2 Term of office*

The term of office of an elected member of Council commences at the initial regular meeting of Council following the general election and continues until his or her successor takes office at the initial regular meeting of Council following a subsequent general election.

#### *6.2.3 Maximum term*

A member of the College may be elected to Council in four (4) consecutive general elections.

#### *6.2.4 Cooling off period, elected Council members*

A member of the College who has been elected to Council in four consecutive general elections is ineligible to stand for election to Council until the general election that is more than five (5) calendar years after the member was last elected as a member of Council.

### *6.2.5 By-election counted*

An election in a by-election shall be counted in determining whether a member of the College is eligible to stand for election under article 6.2.4.

## *6.3 Selected Members of Council*

### *6.3.1 Number of selected members*

For the purposes of clause 6(1)(c) of the Act, one member of Council shall be selected by the Faculty of Dentistry at the University of Toronto and one member of Council shall be selected by the Schulich School of Medicine and Dentistry at Western University.

### *6.3.2 Term of office*

The term of office of a selected member of Council commences after the member completes and submits to the Registrar an eligibility questionnaire in the form approved by Council and satisfies the Registrar that the member is eligible to be selected, and continues until the first regular meeting of Council following the next general election after his or her selection.

### *6.3.3 Maximum term*

A selected member of Council may be selected for four consecutive terms.

### *6.3.4 Cooling off period, selected Council members*

A selected member of Council who has been selected and served for four (4) consecutive terms is ineligible to be re-selected until more than five calendar years after the member was last selected to be a member of Council.

### *6.3.5 Vacancy counted*

A selection as a selected member of Council to fill a vacancy shall be considered as a selection for the purposes of determining eligibility under article 6.3.4.

## *6.4 Resignations*

### *6.4.1 Notice of resignation*

An elected or selected member of Council may resign by providing written notice to the President, Vice-President, or Registrar.

### *6.4.2 Effective date of resignation*

The resignation of an elected or selected member of Council is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

### *6.4.3 Resignation irrevocable*

The resignation of an elected or selected member of Council is irrevocable and may not be withdrawn or rescinded.

## *6.5 Vacancies*

### *6.5.1 Vacancies*

The seat of an elected or selected member of Council becomes vacant upon the death, resignation, or disqualification of the member.

### *6.5.2 Short-term vacancy*

Where the seat of an elected member of Council becomes vacant in an electoral district not more than six months before the date of the next scheduled general election, the Council may

- a. leave the seat vacant,
- b. appoint a member of the College who would be eligible for election in that electoral district as of the date of his or her appointment, or
- c. direct the Registrar to hold a by-election in that electoral district.

### *6.5.3 Long-term vacancy*

Where the seat of an elected member of Council becomes vacant more than six months before the date of the next scheduled general election, the Registrar shall hold a by-election in that electoral district.

### *6.5.4 Where no nominations*

Where no eligible candidates are nominated during a by-election to fill a vacancy on Council, Council may

- a. leave the seat vacant, or
- b. appoint a member of the College who would be eligible for election in that electoral district as of the date of his or her appointment.

### *6.5.5 Vacancy, selected member*

Where the seat of a selected member of Council becomes vacant, the Council shall request the faculty or school of dentistry from which the member was selected to select an eligible candidate to serve for the remainder of the term.

## **7 ELECTIONS TO COUNCIL**

### *7.1 Timing of Elections*

#### *7.1.1 Election date*

A general election shall be held on the second Wednesday of December in 2014 and the second Wednesday of December in every second year thereafter.

### *7.2 Eligibility*

#### *7.2.1 Definitions*

The “voting eligibility date” is the day that is sixty (60) days before the date of the election.

#### *7.2.2 Eligibility to vote*

A member of the College may vote in a general election provided that he or she satisfies all of the following conditions on the voting eligibility date:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry or resides in Ontario;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College; and
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

#### *7.2.3 Electoral district*

The electoral district in which a member is eligible to vote is the district in which the designated Register address of the member is located on the voting eligibility date.

#### *7.2.4 Eligibility to stand for election*

Subject to article 7.2.5, a member of the College is eligible to stand for election to Council in an electoral district provided that he or she satisfies all of the following conditions on the deadline for receipt of nominations:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry in the electoral district in which he or she wishes to stand for election, or the member is not engaged in the practice of dentistry and resides in the electoral district in which he or she wishes to stand for election;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;

- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession;
- e.01 the member is not the subject of a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code;
- e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;
- e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of the Inquiries, Complaints and Reports Committee, on or after October 1, 2015;
- e.2 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries, Complaints and Reports Committee, in connection with the maintaining of professional boundaries;
- e.3 the member does not have a notation on the Register of an undertaking provided to the College in relation to a matter involving the Inquiries, Complaints and Reports Committee or the Discipline Committee;
- e.4 the member does not have a notation on the Register of a finding of professional negligence or malpractice made against the member;
- e.5 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;
- e.6 the member is not currently the subject of an undertaking provided to the College in relation to a fitness to practise issue;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national or provincial dental association or organization, including a specialty association or organization, or other similar national, international, or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;
- h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);



- j. the member does not have a criminal finding of guilt as an adult under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);
- j.1 the member does not have a finding of guilt as an adult under any provincial statute for which the member received a sentence of jail or imprisonment;
- j.2 the member is not the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);
- k. the member has not been found to have committed professional misconduct by the Discipline Committee or by any discipline committee in any jurisdiction relating to dentistry or any other profession;
- k.1 the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;
- l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);
- m. the member is not a party to a legal proceeding against the College;
- n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) year;
- o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;
- p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and
- q. unless article 7.2.4.1 applies, the member has satisfied the Eligibility Review Committee that the member has all of the competencies to be an effective member of Council as set out in a list of competencies approved by Council.

#### *7.2.4.1 Exception*

Paragraph q of article 7.2.4 shall not be applicable to a member who has previously been determined by the Eligibility Review Committee to have met the requirement of that paragraph provided there has been no change to the list of competencies approved by Council since the Eligibility Review Committee made that determination.

#### *7.2.5 Review by Eligibility Review Committee*

A member who would not otherwise be eligible to stand for election to Council under one or more of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 7.2.4 may submit to the Registrar, along with the member's nomination a written request, a current Curriculum

Vitae, and supporting documentation for review by the Eligibility Review Committee so as to allow the Eligibility Review Committee time to decide the member shall be deemed to be eligible to stand for election.

#### *7.2.5.1 Clarification*

For greater clarity, where a member has been deemed by a decision of the Eligibility Review Committee to be eligible to stand for election to Council under articles 7.2.5 and 7.2.8, the member continues to be eligible to stand for future elections and need not re-apply to the Eligibility Review Committee unless the facts which caused the member to have had to apply to the Eligibility Review Committee have changed since the member made the original request to that committee to be deemed eligible to stand for election.

#### *7.2.6 Criteria for review*

Without limiting the Eligibility Review Committee's decision making authority to refuse a written request made under article 7.2.5 for other reasons, the Eligibility Review Committee shall not exercise its discretion under article 7.2.5 unless

- i. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College; and
- ii. the time elapsed since the event or conduct that caused the member not to be eligible under article 7.2.4 is at least five (5) years,
  - a. in the case of the event or conduct referred to in paragraph e.1 of article 7.2.4, from when the member attended and received the oral caution, or from when the member completed the specified continuing education program, including any monitoring required,
  - b. in the case of the event or conduct referred to in paragraph e.3 of article 7.2.4, from the date of the undertaking, if the undertaking related solely to a fitness to practise issue, and otherwise, from when the notation was placed on the Register,
  - c. in the case of the event or conduct referred to in paragraph e.4 of article 7.2.4, from when the notation was placed on the Register,
  - d. in the case of the event or conduct referred to in paragraph e.6 of article 7.2.4, from the date of the undertaking,
  - e. in the case of the event or conduct referred to in paragraphs j and j.1 of article 7.2.4, from when the member finished serving and/or complied with any penalty imposed as a result of the finding of guilt, or if no penalty was imposed, from the date of the finding of guilt, and
  - f. in the case of the event or conduct referred to in paragraph k of article 7.2.4, from when the member finished serving and/or complied with any penalty imposed or order made as a result of the finding of professional misconduct, or if no penalty was imposed or order made, from the date of the finding of professional misconduct.

### *7.2.7 Criteria for Eligibility Review Committee consideration*

Before making any decision to allow a member to stand for election, the Eligibility Review Committee will consider the following criteria in making a decision under article 7.2.5:

- a. the time elapsed since the event or conduct which caused the member not to be eligible under article 7.2.4;
- b. the severity of the event or conduct which caused the member not to be eligible under article 7.2.4;
- c. the relevance of the event or conduct which caused the member not to be eligible under article 7.2.4 in the context of serving on Council and its committees;
- d. the extent to which the event or conduct which caused the member not to be eligible under article 7.2.4 calls into question the integrity and honesty of the member;
- e. how the event or conduct which caused the member not to be eligible under article 7.2.4 would affect the operations of the Council and its committees, if known to the members of Council and its committees;
- f. the member's history with the College both before and after the event or conduct which caused the member not to be eligible under article 7.2.4; and
- g. any written submission provided by the member to the Committee.

#### *7.2.7.1 Eligibility Review Committee and Competency Requirement*

A member wishing to satisfy the competency requirement of paragraph q of article 7.2.4 shall provide to the Registrar, along with the member's nomination, a written request, a current Curriculum Vitae, and supporting documentation so as to allow the Eligibility Review Committee time to decide if the member meets the requirement of that paragraph.

### *7.2.8 Decisions of the Eligibility Review Committee*

The Eligibility Review Committee shall notify each member affected and the Registrar of any decision made by it under article 7.2.5 and/or article 7.2.7.1 at least forty-five (45) days before the date of the election.

#### *7.2.8.1 Independent legal consultant*

The Eligibility Review Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

#### *7.2.8.2 Decision final*

The Eligibility Review Committee's decisions under articles 7.2.5 and 7.2.7.1 are solely within the discretion of that Committee, final and not subject to challenge and an election

result is not subject to challenge on the basis that a member of the College was not permitted to stand for election as a result of the decision of the Eligibility Review Committee.

### *7.3 Disputes*

#### *7.3.1 Disputed eligibility to vote*

Any dispute with respect to the eligibility of a member of the College to vote in a general election shall be decided by the Elections Committee.

#### *7.3.2 Disputed candidacy*

A member of the College standing for election to Council in an electoral district may dispute the eligibility of another candidate standing for election in the same district by filing a written notice with the Registrar.

#### *7.3.3 Registrar to refer*

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall take one of the following actions:

- a. where the notice or information is received on or before the twenty-second (22nd) day before the election, refer the matter to the Elections Committee to determine the candidate's eligibility to stand for election; or
- b. where the notice or information is received after the twenty-second (22nd) day before the election and the candidate is successful in the election, refer the matter to Council to determine if the newly elected member should be disqualified.

#### *7.3.4 Registrar may postpone dates during dispute*

Where the Registrar refers a matter to the Elections Committee to determine the eligibility of a candidate under article 7.3.3, the Registrar may postpone the date of the election, in the impacted electoral district by a maximum of seven (7) days.

#### *7.3.5 Independent legal consultant*

In determining a candidate's eligibility in a matter referred to it under article 7.3.3, the Elections Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

#### *7.3.6 Full disclosure*

The Elections Committee shall provide a candidate whose eligibility it is considering with full disclosure of any information it receives with respect to the matter, including any information it receives from an independent legal consultant retained under article 7.3.5.

### *7.3.7 Submissions from disputed candidate*

The Elections Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make written and oral submissions.

### *7.3.8 Notice of decision*

The Elections Committee shall notify the Registrar of its decision concerning the eligibility of a candidate referred to it under article 7.3.3, and the Registrar shall immediately notify the candidate and any member who filed a notice under article 7.3.2 of the decision of the Election Committee.

### *7.3.9 Decision final*

A decision of the Elections Committee under article 7.3.1 or 7.3.8 is final and not subject to challenge, and an election result is not subject to challenge on the basis that a member of the College was not entitled to vote or a candidate was not permitted to stand for election as result of a decision of the Elections Committee.

## *7.4 Nominations and Election Procedure*

### *7.4.1 Registrar to supervise nominations and elections*

The Registrar shall supervise the nomination of candidates for and the election of members to Council.

### *7.4.2 Registrar to set nominations deadline*

The Registrar shall set a deadline for the receipt of nominations of candidates for election to Council that is at least eighty (80) days before the date of the election.

### *7.4.3 Registrar to notify*

The Registrar shall notify every member of the College who is eligible to vote of the following information at least one hundred and ten (110) days prior to the date of an election:

- a. the date, time, place, and method of the election;
- b. the procedure for standing for election; and
- c. the deadline for receipt of nominations.

### *7.4.4 Nomination procedure*

A member of the College wishing to stand for election to Council shall submit the following information to be received by the Registrar on or before the deadline for the receipt of nominations set by the Registrar:

- a. a completed nomination using the method and the form approved by the Registrar;

- b. a completed and signed declaration using the method and the form approved by the Registrar; and
- c. if required to be eligible to stand for election, the written request referred to in article 7.2.5. and/or article 7.2.7.1.

#### *7.4.5 Withdrawal of nomination*

A member of the College may withdraw his or her nomination as a candidate in an election by notifying the Registrar in writing at least twenty-two (22) days prior to the date of the election.

#### *7.4.6 Registrar to provide labels, lists*

Where an election is to be held in an electoral district, the Registrar shall provide the following items to each member of the College standing for election in that district, as soon as the Registrar knows all of the eligible candidates for the election in that district but in any event not more than fifty (50) days prior to the date of the election:

- a. the slate of candidates standing for election in that district;
- b. two sets of mailing labels containing the designated register address of each member of the College eligible to vote in the electoral district; and
- c. one printed list containing the designated register address and telephone number of each member of the College eligible to vote in the electoral district.

#### *7.4.7 Where no nominated candidates*

Where no eligible candidate is nominated in an electoral district, the Registrar shall hold a by-election for that electoral district in accordance with the by-laws.

#### *7.4.8 Where no nominated candidates in by-election*

Where no eligible candidate is nominated during a by-election in an electoral district, Council may

- a. leave the seat vacant, or
- b. appoint a member of the College who would be eligible for election in that electoral district as of the date of his or her appointment.

### *7.5 Acclamation*

#### *7.5.1 Election by acclamation*

Where there is only one eligible candidate nominated to stand for election to Council in an electoral district, the Registrar shall declare that candidate to be elected by acclamation.

## *7.6 Voting Procedure*

### *7.6.1 Electronic voting*

Voting for eligible candidates shall be by electronic ballot cast in the manner determined by the Registrar.

#### *7.6.1.1 Access to Ballot Listing*

Access to a ballot listing all of the eligible candidates and voting instructions shall be provided to every member eligible to vote in an electoral district in which an election is to take place on a date to be determined by the Registrar which date shall be not less than fourteen (14) days and not more than sixteen (16) days before the date of the election.

### *7.6.2 One vote per member*

A member of the College shall not cast more than one vote in a general election.

#### *7.6.2.1 Deadline for ballots*

Only ballots cast before 2:00 pm Eastern Standard Time on the day of the election shall be tabulated.

### *7.6.3 Registrar to supervise election*

The Registrar shall supervise and administer the election of candidates and, without limiting the generality of the foregoing, shall

- a. adopt a process to provide members who claim not to have received access to a ballot listing all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots;
- b. retain an independent organization to receive the ballots cast and to tabulate the results of each election; and
- c. provide for the notification of all candidates and members of the College of the results of the election.

### *7.6.4 Registrar to notify candidates*

The Registrar shall notify all candidates for election to Council of the date on which members will be sent a ballot listing all of the eligible candidates and giving voting instructions, after setting that date.

### *7.6.5 Mailing irregularities*

A failure to send, on the date set by the Registrar, access to a ballot listing all of the eligible candidates and giving voting instructions in an election does not, in and of itself, invalidate the results of an election.

### *7.6.6 Mail service interruption*

Where there is a service interruption during the period of nomination or election of members to Council, the Registrar may extend the deadline for receipt of nominations, postpone the date of the election, or both, for such period of time as the Registrar considers necessary to compensate for the interruption.

### *7.6.7 Ballots to be opened, counted*

Ballots cast in an election on or before 2:00 pm Eastern Standard Time on the day of an election shall be tabulated by an independent organization appointed by the Registrar.

## *7.7 Tied Votes*

### *7.7.1 Full equality of votes determined by lot*

Where in an election to Council all of the candidates in an electoral district receive an equal number of votes, the Registrar shall break the tie by lot in the presence of at least one member of the Elections Committee.

### *7.7.2 Partial equality of votes determined by run-off election*

Where in an election to Council in an electoral district at least two candidates receive the highest number of votes and at least one candidate receives fewer votes, a run-off election shall be conducted between only those candidates who received the highest number of votes in the manner provided in article 7.7.3.

### *7.7.3 Run-off election procedure*

A run-off election shall be conducted in the same manner as provided in chapter 7.6 (Voting Procedure) with such necessary modifications, including that

- a. chapter 7.1 (Timing of Elections) and chapter 7.4 (Nominations and Election Procedure) shall not apply;
- b. the only candidates for election shall be those who obtained the highest number of votes in the election that gave rise to the run-off election;
- c. the Registrar shall determine the date of the run-off election and the deadline for receipt of ballots, bearing in mind the need to complete the run-off election prior to the next regular meeting of Council; and
- d. where the run-off election results in a full or partial equality of votes cast for the candidates, the registrar shall break the tie between those candidates holding the



highest number of votes by lot in the presence of at least one member of the Elections Committee.

## *7.8 Election Results*

### *7.8.1 Successful candidate*

The successful candidate in a general election is the eligible candidate who received the highest number of votes or whose name was chosen by the Registrar by lot in accordance with article 7.7.1 or article 7.7.3.

### *7.8.2 Registrar to notify*

As soon as possible following the tabulation of the vote in an election, the Registrar shall

- a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;
- b. notify each eligible candidate that he or she may require a recount; and
- c. where the registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the registrar broke the tie.

## *7.9 Recounts*

### *7.9.1 Candidate may require recount*

An eligible candidate in an election of the members of Council may require a recount of the results of the election by providing a written request to the Registrar no more than five (5) days after being advised of the results of the election.

### *7.9.2 Registrar to hold recount*

The Registrar shall arrange for a re-tabulation of the results of an election no more than five (5) days after receiving a request under article 7.9.1.

### *7.9.3 Recount procedure*

The results of a recount shall be reported to the Elections Committee and once directed by it, the Registrar shall report the results of the recount to the candidates involved in the recounted election, including the number of votes cast determined to have been cast for each candidate.

### *7.9.4 Destruction of ballots*

Unless otherwise directed by the Registrar, the ballots cast in an election and information held by the independent organization appointed by the Registrar to tabulate the votes cast, shall be destroyed

- a. following the first regular meeting of Council after the election provided that no recount has been requested under article 7.9.1 (Candidate may require recount) and the period of time in which to request such a recount has expired, or
- b. following the first regular meeting of Council following a recount conducted under article 7.9.1 (Candidate may require recount).

#### *7.10 By-Elections*

##### *7.10.1 By-election procedure*

A by-election in an electoral district shall be held in the same manner as a general election in that district, and the provisions of this by-law applicable to a general election shall apply with such necessary modifications, except

- a. all time limits and deadlines specified for the holding of a general election do not apply with respect to the by-election, and
- b. the Registrar shall be responsible for all aspects of the by-election, including setting the date of the by-election and determining all other dates and deadlines required to hold the by-election.

#### *7.11 Validity of Elections and By-Elections*

The failure by the Registrar or the College to comply with any of the timelines set out in this by-law shall not be sufficient to change the results of any election or by-election for any electoral district unless the Elections Committee is satisfied that the failure likely resulted in a result which would not have occurred if the timelines had been followed.

## 8 SELECTIONS TO COUNCIL

### *8.1 Eligibility*

#### *8.1.1 Eligibility for selection*

Subject to article 8.1.2, a member is eligible to be selected as a selected member of Council provided that he or she satisfies all of the following conditions on the date of his or her selection:

- a. the member holds a full-time appointment of professorial rank in the faculty or school of dentistry that selected him or her;
- b. the member submitted a completed and signed written declaration in the form approved by the Registrar and that written declaration was received by the Registrar;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession;
- e.01 the member is not the subject of a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code;
- e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;
- e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of the Inquiries, Complaints and Reports Committee, on or after October 1, 2015;
- e.2 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries, Complaints and Reports Committee, in connection with the maintaining of professional boundaries;
- e.3 the member does not have a notation on the Register of an undertaking provided to the College in relation to a matter involving the Inquiries, Complaints and Reports Committee or the Discipline Committee;

- e.4 the member does not have a notation on the Register of a finding of professional negligence or malpractice made against the member;
- e.5 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;
- e.6 the member is not currently the subject of an undertaking provided to the College in relation to a fitness to practise issue;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;
- h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. the member does not have a criminal finding of guilt as an adult under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);
  - j.1 the member does not have a finding of guilt as an adult under any provincial statute for which the member received a sentence of jail or imprisonment;
  - j.2 the member is not the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);
- k. the member has not been found to have committed professional misconduct by the Discipline Committee or by any discipline committee in any jurisdiction relating to dentistry or any other profession;
  - k.1 the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;
- l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);
- m. the member is not a party to a legal proceeding against the College;

- n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) years;
- o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;
- p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and
- q. unless article 8.1.1 applies, the member has satisfied the Eligibility Review Committee that the member has all of the competencies to be an effective member of Council as set out in a list of competencies approved by Council.

#### *8.1.1.1. Exception*

Paragraph q of article 8.1.1 shall not be applicable to a member who has previously been determined by the Eligibility Review Committee to have met the requirement of that paragraph provided there has been no change to the list of competencies approved by Council since the Eligibility Review Committee made that determination.

#### *8.1.2 Review by Eligibility Review Committee*

A member who would not otherwise be eligible to be a selected member of Council under one or more of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 8.1.1 may submit to the Registrar a written request, a current Curriculum Vitae, and supporting documentation for review by the Eligibility Review Committee and provided the Registrar receives the request at least sixty (60) days before the expected date of selection, the Eligibility Review Committee may deem the member eligible to be a selected member of Council.

#### *8.1.2.1 Clarification*

For greater clarity, where a member has been deemed by a decision of the Eligibility Review Committee to be eligible to stand for election to Council under articles 8.1.2 and 8.1.5, the member continues to be eligible to be selected to Council and need not re-apply to the Eligibility Review Committee unless the facts which caused the member to have had to apply to the Eligibility Review Committee have changed since the member made the original request to that committee to be deemed eligible to be selected to Council.

### *8.1.3 Criteria for review*

Without limiting the Eligibility Review Committee's decision making authority to refuse a written request made under article 8.1.2 for other reasons, the Eligibility Review Committee shall not exercise its discretion under article 8.1.2 unless

- i. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College; and
- ii. the time elapsed since the event or conduct that caused the member not to be eligible under article 8.1.1 is at least five (5) years,
  - a. in the case of the event or conduct referred to in paragraph e.1 of article 8.1.1, from when the member attended and received the oral caution, or from when the member completed the specified continuing education program, including any monitoring required,
  - b. in the case of the event or conduct referred to in paragraph e.3 of article 8.1.1, from the date of the undertaking, if the undertaking related solely to a fitness to practise issue, and otherwise, from when the notation was placed on the Register,
  - c. in the case of the event or conduct referred to in paragraph e.4 of article 8.1.1, from when the notation was placed on the Register,
  - d. in the case of the event or conduct referred to in paragraph e.6 of article 8.1.1, from the date of the undertaking,
  - e. in the case of the event or conduct referred to in paragraphs j and j.1 of article 8.1.1, from when the member finished serving and/or complied with any penalty imposed as a result of the finding of guilt, or if no penalty was imposed, from the date of the finding of guilt, and
  - f. in the case of the event or conduct referred to in paragraph k of article 8.1.1, from when the member finished serving and/or complied with any penalty imposed or order made as a result of the finding of professional misconduct, or if no penalty was imposed or order made, from the date of the finding of professional misconduct.

### *8.1.4 Criteria for Eligibility Review Committee consideration*

Before making any decision to allow a member to be a selected member of Council, the Eligibility Review Committee will consider the following criteria in making a decision under article 8.1.2:

- a. the time elapsed since the event or conduct which caused the member not to be eligible under article 8.1.1;
- b. the severity of the event or conduct which caused the member not to be eligible under article 8.1.1;
- c. the relevance of the event or conduct which caused the member not to be eligible under article 8.1.1 in the context of serving on Council and its committees;
- d. the extent to which the event or conduct which caused the member not to be eligible under article 8.1.1 calls into question the integrity and honesty of the member;

- e. how the event or conduct which caused the member not to be eligible under article 8.1.1 would affect the operations of the Council and its committees, if known to the members of Council and its committees;
- f. the member's history with the College both before and after the event or conduct which caused the member not to be eligible under article 8.1.1; and
- g. any written submission provided by the member to the Committee.

#### *8.1.4.1. Eligibility Review Committee and Competency Requirement*

A member wishing to satisfy the competency requirement of paragraph q of article 8.1.1 shall provide to the Registrar a written submission, a current Curriculum Vitae, and supporting documentation, at least sixty (60) days before the expected date of selection, so as to allow the Eligibility Review Committee time to decide if the member meets the requirement of that paragraph.

#### *8.1.5 Decision of the Eligibility Review Committee*

The Eligibility Review Committee shall notify each member affected and the Registrar of the decisions made by it under article 8.1.2 and/or article 8.1.4.1 within thirty (30) days of receiving from the member the written submission, a current Curriculum Vitae, and, if applicable, the supporting documentation.

##### *8.1.5.1 Independent legal consultant*

The Eligibility Review Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

##### *8.1.5.2 Decisions final*

The Eligibility Review Committee's decisions under articles 8.1.2 and 8.1.4.1 are solely within the discretion of that Committee, final and not subject to challenge.

## 9 NON-COUNCIL COMMITTEE MEMBERS

### 9.1 General

#### 9.1.1 Definition

In this by-law, the “**eligibility date**” means, in the case of a member of the College applying for appointment as a non-Council committee member, 9:00 a.m. on the day upon which applications for the appointment must be submitted to the Registrar, as provided in this by-law.

#### 9.1.2 Non-Council committee members

Council shall appoint non-Council committee members from among eligible candidates in accordance with the by-laws.

### 9.2 Eligibility

#### 9.2.1 Eligibility for non-Council committee members

A member of the College is eligible for appointment as a non-Council committee member provided that the member satisfies all of the following conditions on the eligibility date:

- a. the member has filed a completed application in the form approved by the Registrar;
- b. the member is not ineligible for election or selection as a member of Council under article 6.2.3 (Maximum term - elected) or article 6.3.3 (Maximum term - selected);
- c. the member is not in default of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession;
- e.01 the member is not the subject of a Registrar’s investigation under clause 75(1)(a) or subsection 75(2) of the Code;
- e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;
- e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries,



Complaints and Reports Committee, in connection with the maintaining of professional boundaries;

- e.2 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;
- h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. the member is not the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);
- k. the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;
- l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);
- m. the member is not a party to a legal proceeding against the College;
- n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) years;
- o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;
- p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and,

- q. where a member has served as a non-Council committee member for three (3) consecutive terms on one or more committees, other than the Professional Liability Program Committee, or two (2) consecutive terms on the Professional Liability Program Committee, at least one year has expired since the member last served as a non-Council committee member.

#### *9.2.2 Vacancy counted*

An appointment as a non-Council committee member to fill a vacancy shall be considered an appointment for the purposes of determining eligibility under article 9.2.1.

#### *9.2.3 Reappointment permitted*

Subject to meeting the eligibility criteria set out in article 9.2.1, a non-Council committee member may be reappointed.

#### *9.2.4 Members of Council disqualified*

A member of the College may not be a member of Council and a non-Council committee member at the same time.

#### *9.2.5 Automatic termination*

The appointment of a non-Council committee member automatically terminates if the member becomes a member of Council.

### *9.3 Resignation*

#### *9.3.1 Resignation by non-Council committee member*

A non-Council committee member may resign his or her appointment by giving written notice.

#### *9.3.2 Effective date of resignation*

The resignation of a non-Council committee member is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

#### *9.3.3 Resignation irrevocable*

The resignation of a non-Council committee member is irrevocable and may not be withdrawn or rescinded.

## *9.4 Disqualification*

### *9.4.1 Termination by Council*

The Executive Committee shall terminate the appointment of a non-Council committee member where it is satisfied that the member meets any of the following criteria:

- a. the Executive Committee determines that the member had not met one or more of the eligibility conditions in article 9.2.1;
- b. the member, after being appointed, ceases to meet one or more of the eligibility conditions set out in article 9.2.1;
- c. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;
- d. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been appointed;
- e. [Revoked] (March 10, 2022)
- f. the member breaches section 36 of the RHPA (duty of confidentiality); or
- g. the member breaches any of the rules respecting conflicts of interest set out in bylaw 13 (CONFLICTS OF INTEREST).

## *9.5 Procedure*

### *9.5.1 Registrar to notify*

Subject to article 9.5.2, the Registrar shall notify every member of the College of the following information no later than sixty (60) days prior to the anticipated termination of the term of office of a non-Council committee member:

- a. the opportunity to be appointed as a non-Council committee member;
- b. the eligibility date set by the Registrar;
- c. the eligibility criteria to be appointed as a non-Council committee member; and
- d. the procedure to apply for appointment.

### *9.5.2 Exception*

The provisions of article 9.5.1 do not apply where the Registrar is seeking applications to fill a vacancy.

### *9.5.3 Registrar to set application procedure*

The Registrar shall establish the procedure for applying for appointment as a non-Council committee member, in consultation with the Executive Committee.

#### *9.5.4 Application procedure may include forms, documentation*

The procedure to apply for appointment as a non-Council committee member shall include the completion of a form set by the Registrar and the submission of relevant documentation, including the applicant's curriculum vitae.

#### *9.5.5 Mail service interruption*

Where there is a mail service interruption during the process of seeking application for appointment as a non-Council committee member, the Registrar may extend the date for the receipt of applications for such period as the Registrar considers appropriate to compensate for the interruption.

#### *9.5.6 Registrar to prepare list of candidates*

After the eligibility date or any extension under article 9.5.5, the Registrar shall

- a. prepare a list of all eligible candidates for appointment as non-Council committee members, and
- b. submit the list, along with any documentation received from the candidates, to the Executive Committee.

#### *9.5.7 Executive Committee to present slate*

Following receipt of the list of eligible candidates for appointment as non-Council committee members, the Executive Committee shall present a slate of members for appointment for each committee, having regard for the composition requirements of each committee as set out in the by-laws.

##### *9.5.7.1 Selection criteria*

Before selecting any member to present to Council for appointment as a non-Council committee member, the Executive Committee shall consider the member's history with the College as well as whether the member would have been eligible for election to Council under the existing eligibility requirements including paragraphs e.1, e.3, e.4, e.6, j, j.1 and k of article 7.2.4, taking into consideration the criteria set out for eligibility reviews in articles 7.2.6 and 7.2.7.

#### *9.5.8 Council to appoint non-Council committee members*

After receiving the recommendations of the Executive Committee and subject to any amendments by Council, Council shall appoint members of the College as non-Council committee members to the committees.

*9.6 Revoked (March 10, 2016)*

*9.7 Term of Office*

*9.7.1 Members not on the Professional Liability Program Committee*

Subject to article 9.7.3, the term of office of a non-Council member of a committee other than the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the initial Council meeting following the next general election.

*9.7.2 Members on the Professional Liability Program Committee*

Subject to article 9.7.3, the term of office of a non-Council member of the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the first regular Council meeting in the third calendar year after the date of appointment.

*9.7.3 Term of office, vacancies*

The term of office of a non-Council committee member appointed to fill a vacancy commences on the date of his or her appointment and continues for the balance of the term of office of the member whom he or she replaced.

*9.7.4 Termination*

Council may, by resolution, terminate the appointment of a non-Council committee member at any time and for any reason without notice, with or without cause.

*9.8 Vacancies*

*9.8.1 Vacancies*

A vacancy occurs where for any reason, a member appointed as a non-Council committee member ceases to act in that capacity, including as a result of the member's death, resignation, disqualification or termination of the appointment by Council prior to the completion of the term.

*9.8.2 Appointment of replacement member*

Where a vacancy occurs, as contemplated by article 9.8.1, the Executive Committee may appoint, in accordance with this article and effective immediately, a member who had made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

*9.8.3 Verify willingness, eligibility*

Before making the appointment, the Executive Committee shall verify that the proposed replacement member appointed pursuant to article 9.8.2 is both willing and eligible to be appointed as a non-Council committee member.

#### *9.8.4 Eligibility of replacement member*

A proposed replacement member appointed pursuant to article 9.8.2 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

#### *9.8.5 Where no eligible member*

Where no willing and eligible member can be found under article 9.8.2, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

#### *9.8.6 Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.8.2 at its next regular meeting, or such later meeting as Council may determine.

#### *9.8.7 Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.8.2 the member appointed shall immediately cease to be a non-Council committee member and shall immediately cease to be member of the committee or committees to which he or she was appointed.

#### *9.8.8 Clarification*

Subject to the requirements of these by-laws, the Executive Committee may fill a committee vacancy with a member who is currently a non-Council committee member of another committee, in which event article 9.8 would not apply.

### *9.9 Additional Non-Council Committee Members*

#### *9.9.1 Additional non-Council committee members*

Where the Executive Committee believes that one (1) or more additional non-Council committee members is required by the College, the Executive Committee may appoint, in accordance with this article, and effective immediately, one (1) or more members who had previously made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

#### *9.9.2 Verify willingness, eligibility*

Before making the appointment, the Executive Committee shall verify that the proposed additional member appointed pursuant to article 9.9.1 is both willing and eligible to be appointed as a non-Council committee member.

### *9.9.3 Eligibility of additional member*

A proposed additional member appointed pursuant to article 9.9.1 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

### *9.9.4 Where no eligible member*

Where no willing and eligible member can be found under article 9.9.1, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

### *9.9.5 Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.9.1 at its next regular meeting, or such later meeting as Council may determine.

### *9.9.6 Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.9.1, the member appointed shall immediately cease to be a non-Council Committee member and shall immediately cease to be member of the Committee or Committees to which he or she was appointed.

## 10 REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES

### *10.1 General*

#### *10.1.1 Definitions*

In this by-law,

a “**full day**” means a period of time, including time permitted for travel, that is more than six (6) hours;

a “**three-quarter day**” means a period of time, including time permitted for travel, that is more than four (4) hours but is not more than six (6) hours;

a “**half day**” means a period of time, including time permitted for travel, that is more than two (2) hours but is not more than four (4) hours;

a “**quarter day**” means a period of time, including time permitted for travel, that is not more than two (2) hours;

an “**expense**” or “**expenses**” include, but are not limited to, costs associated with travel to and from a person’s principal residence in Ontario or dental office in Ontario and a meeting destination as well as accommodation, meals, gratuities, and local travel during the period of time necessary to attend a meeting; and

a “**meeting**” means an in-person, telephone, or virtual meeting of Council or a committee, and an in-person, telephone, or virtual attendance for College business authorized or approved by Council, the Executive Committee, the President, or the Registrar, and includes hearings of a panel of a committee

#### *10.1.2 Application to public members of Council*

The articles of this by-law related to the payment of allowances and the reimbursement of expenses do not apply to public members of Council, but do apply to other members of Council and members of the College.

#### *10.1.3 Other allowances and expenses*

Where a person requests the payment of allowances or the reimbursement of expenses not provided for in these by-laws, the Executive Committee shall determine whether the requested amounts shall be paid.



## *10.2 Allowances and Per Diems*

### *10.2.1 Revoked (November 17, 2020 effective December 31, 2020)*

### *10.2.2 President's annual allowance*

The President shall be paid an annual allowance of \$50,000.00 in recognition of the responsibilities and activities (for example, briefings by senior management, personal contact with Council members) undertaken by the President in their role and on behalf of the Council and College. In addition, specific per diems will be paid for any other permitted attendance provided for in this by-law.

### *10.2.3 President's per diem*

The President shall receive a per diem of \$1,700.00 for a full day or the pro-rated amount for a quarter day, half day, or three-quarter day for attending meetings:

### *10.2.4 Permitted attendances*

The President shall receive a per diem for attending meetings, including, but not limited to:

- a. meetings of Council, the Executive Committee, or other College committees or approved College working groups;
- b. [Revoked] (June 15, 2023);
- c. Ontario Dental Association meetings which may include Local Society meetings if deemed necessary to support College communication initiatives;
- d. [Revoked] (June 15, 2023);
- e. other federal or provincial-level meetings to which the President should attend based on College initiatives and interests;
- f. official ceremonies of Ontario faculties or schools of dentistry such as those related to convocation or for internationally trained students.

### *10.2.5 Chair per diem*

A chair of a committee shall receive a per diem of \$1,375.00 for a full day or the prorated amount for a quarter day, half day, or three-quarter day for attending and presiding at a meeting of the committee.

### *10.2.6 Council, committee member per diem*

Each member of Council and each member of a committee, other than the President or a chair of a committee, shall receive a per diem of \$1,150.00 for a full day or the pro-rated amount for a quarter day, half day, or three-quarter day for attending meetings.

### *10.2.7 Revoked*

## *10.3 Allowances and Per Diems – Application and Limitations*

### *10.3.1 Minimum length of time*

No person shall receive a per diem for any meeting which amounts to less than fifteen (15) minutes, excluding time permitted for travel.

### *10.3.2 No more than a full day per diem*

No more than one (1) full day per diem shall be paid to any person otherwise entitled to per diem under this by-law for meetings in a single calendar day, unless specifically provided for in this by-law or approved by the Finance, Audit and Risk Committee.

### *10.3.3 Preparation time not included*

Except for meetings of a panel of the Inquiries, Complaints and Reports Committee, preparation time shall not be included in determining whether any per diem is payable.

### *10.3.4 Additional per diem, ICRC preparation*

In recognition of the extraordinary amount of preparation that may be spent for meetings of panels of the Inquiries, Complaints and Reports Committee, each member of such panel shall be eligible for up to two (2) additional full day per diems at the rate for nonchair committee members for each full day attendance at a meeting of the panel.

### *10.3.5 Additional per diem, Discipline Committee reasons*

The member of a panel of the Discipline Committee responsible for preparing the draft reasons for decision of the panel shall be paid an additional per diem at the rate for nonchair committee members for the time actually spent to prepare the reasons, up to a maximum of two (2) full days per hearing.

### *10.3.6 Payment for expected meeting duration*

Where the actual duration of a meeting is less than the planned duration or reasonably expected duration as determined in advance of the meeting, any per diem payable under this by-law shall be paid at the rate for the planned or reasonably expected duration of the meeting.

### *10.3.7 Travel time included*

Except as otherwise provided in this by-law, in determining whether a person's attendance at a meeting was a full day, three-quarter day, half day, or quarter day in duration, the reasonable time the person actually spent in travelling from the person's principal residence in Ontario or dental office in Ontario to the meeting shall be included.

### *10.3.8 Extended travel time*

Except as otherwise provided in this by-law, where a person reasonably needed to travel on the day prior to or the day after the meeting, the person shall be paid an additional full day, three-quarter day, half day, or quarter day per diem, as applicable, in respect of the person's extended travel time.

### *10.3.9 Cancellation*

Where a member of a committee is requested to attend a meeting for which the member would be entitled to a per diem but the meeting is cancelled with less than seven (7) days' notice, the member shall be paid the per diem to which the member would have been entitled, provided that

- a. the member would have earned professional income from the practice of dentistry but for the member's arrangement to attend the meeting; and
- b. the member made reasonable efforts to mitigate against the loss of income, but was unable to do so.

#### *10.3.9.1 Sufficient notice of cancellation*

Where a meeting is cancelled with seven (7) or more days' notice, no per diem will be payable under this by-law.

### *10.3.10 Partial mitigation*

A member of a committee who is able to partially mitigate the member's loss of professional income caused by the cancellation of a meeting shall be paid a pro-rated portion of the per-diem otherwise payable under this by-law.

### *10.3.11 Extraordinary Preparation, ICRC Preparation and Reasons*

Notwithstanding article 10.3.4, where the Executive Committee determines by unanimous vote of its members that the workload or expected workload of panels of the Inquiries, Complaints and Reports Committee is significantly greater than otherwise expected, the Executive Committee may approve policy authorizing:

- (a) the payment of an additional half day per diem at the rate for non-chair committee members for each full day attendance at a meeting of the panel if the time taken to prepare for a meeting of the panel exceeds two (2) days for each full day attendance at a meeting of the panel.
- (b) the payment of an additional per diem at the rate for non-chair committee members for the time spent by a member of the panel to review draft reasons for decision(s) of the panel, up to a maximum of one (1) full day per diem for each full day attendance at a meeting of the panel.

Any policy approved by the Executive Committee under article 10.3.11 automatically expires on the earlier date specified in the motion approving the policy or December 31<sup>st</sup> of

the year in which the policy was approved. Any policy approved by the Executive Committee under article 10.3.11 may be expressly renewed by the Executive Committee.

#### *10.4 Revoked*

#### *10.5 Expenses – General*

##### *10.5.1 Expenses reimbursed*

The College shall reimburse all persons for valid allowable expenses incurred in attending meetings, in accordance with the College's expense policy.

##### *10.5.2 Other sources*

The College shall not reimburse any expense for which reimbursement is available from other sources.

#### *10.6 Claims Procedure*

##### *10.6.1 Claims submitted within thirty days*

All claims for payment or reimbursement under this by-law or the College's expense policy shall be submitted to the College within thirty (30) days of the close of the meeting to which they relate.

##### *10.6.2 Claims automatically adjusted*

Any claim not permitted by this by-law or in excess of the allowable maximums set in this by-law or the College's expense policy shall be adjusted before being paid.

##### *10.6.3 Disputed claims*

Except as otherwise provided in this by-law, the Finance, Audit and Risk Committee shall decide any dispute regarding the allowances, per diems, or expenses payable under this by-law or the College's expense policy.

## **11 CODE OF ETHICS**

### *11.1 General*

#### *11.1.1 Council to adopt Code of Ethics*

Council shall adopt a Code of Ethics for members of the College.

*For ease of reference, a copy of the Code of Ethics adopted by Council is attached as appendix 28.4 to these by-laws.*

#### *11.1.2 Purpose of Code of Ethics*

The purpose of the Code of Ethics is to ensure the dignity and integrity of members of the College and to define obligations and professional duties to be observed by every member of the College.

#### *11.1.3 Members to adhere to Code of Ethics*

Members of the College shall adhere to the Code of Ethics, both to its content and to its underlying spirit and precepts.

## 12 CODE OF CONDUCT

### *12.1 Preamble*

#### *12.1.1 Purpose*

The purpose of the Code of Conduct is to ensure that members of Council properly perform their duties in a manner that promotes the highest standard of public trust and integrity.

#### *12.1.2 Expectations for Council members*

In order to fulfil their duties, it is expected that all members of Council shall

- a. familiarize themselves with the Regulated Health Professions Act, 1991 and its Health Professions Procedural Code, the Dentistry Act, 1991, the regulations under those Acts and the by-laws and policies of the College;
- b. place the interests of the public, the College, its Council and committees above all other competing interests;
- c. exercise reasonable care, diligence, skill and prudence in carrying out their duties;
- d. be fully prepared to participate in meetings of Council and meetings of committees or panels of committees to which they are appointed by reading background material and documents provided to them by the College and attending meetings when called on to do so; and
- e. participate in Council and committee meetings in a respectful, courteous and professional manner recognizing the diverse background, skills and experience of Council and committee members.

#### *12.1.3 Preamble not considered*

Neither article 12.1.1 (Purpose) nor article 12.1.2 (Expectations for Council members) shall be considered in determining whether a breach of the Code of Conduct has taken place.

### *12.2 Code of Conduct*

#### *12.2.1 Duties of Council members*

In performing his or her duties, each member of Council shall

- a. comply with the provisions of the Act, the RHPA, the Code, the regulations, the by-laws, and the policies of the College;

- b. ensure that confidential information received by him or her is not disclosed by him or her except as required for the performance of his or her duties or as directed by Council;
- c. not communicate with members of any statutory committee or take any other action which could be reasonably perceived as influencing or attempting to influence any member of a committee in making a statutory decision, except where he or she is a member of the panel which is making that decision or, where there is no panel, of the committee making that decision;
- d. comply with the College's by-laws respecting conflict of interest and bias including avoiding and, where that is not possible, declaring any appearance of or actual conflict of interest or bias in accordance with the provisions of that by-law;
- e. respect and support every decision of Council regardless of the level of prior individual disagreement with that decision;
- f. follow the established policies and processes of the College regarding College communications;
- g. be respectful of staff, fellow councillors and non-Council committee members and in particular, but without limiting the generality of the foregoing, not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment;
- h. not use his or her position as a member of Council to obtain or attempt to obtain employment or preferential treatment for him or herself, family members, friends or associates; and
- i. refrain from including or referencing Council or committee titles or positions held at the College in any personal or business promotional material, advertisement, or business cards.

#### *12.2.2 Communications regarding specific committee matters*

The prohibition on communication contained in paragraph (c) of article 12.2.1 (Duties of Council members) includes communications with respect to the following:

- a. applications for registration or reinstatement;
- b. matters coming before the Inquiries, Complaints and Reports Committee respecting a member's conduct;
- c. an investigation by the College of a member's conduct;
- d. matters coming before the Quality Assurance Committee relating to an individual member; and
- e. matters relating to discipline or fitness to practise proceedings in relation to a member.

### *12.2.3 Exception, Quality Assurance Committee*

The prohibition on communication contained in paragraph (c) of article 12.2.1 (Duties of Council members) does not prevent a member of Council from making a submission to the Quality Assurance Committee respecting a statutory decision that does not specifically relate to a member's conduct and/or compliance with the College's Quality Assurance Program.

### *12.2.4 Explanation of prior disagreement*

Except as provided for by article 12.2.5 (Exception, acknowledgement of dissenting vote) and article 12.2.6 (Exception, explanation of prior disagreement), any attempt by a member of Council to explain why he or she did not support a decision of Council may be considered a breach of paragraph (e) of article 12.2.1 (Duties of Council members) regardless of how the member voted on it.

### *12.2.5 Exception, acknowledgement of dissenting vote*

It is not a breach of paragraph (e) of article 12.2.1 (Duties of Council members) for a member of Council to state publicly that he or she did not personally support a decision of Council, provided that the member of Council voted against the decision at the time the decision was made; however, in keeping with best practices and in order to establish that such a statement was true, a member of Council in this position should ask that his or her dissenting vote be recorded at the time the vote was taken in accordance with article 2.10.9 (Record of dissent upon request).

### *12.2.6 Exception, explanation of prior disagreement*

It is not a breach of paragraph (e) of article 12.2.1 (Duties of Council members) for a member of Council to explain his or her reasons for voting against a decision of Council when asked to do so, provided that the member

- a. does so in a manner that both respects and supports the Council's decision, and
- b. does not use the forum as an opportunity to question the decision of Council or to provoke further discussion or debate on the issue.

### *12.2.7 Breach of Code of Conduct*

A member of Council who fails to comply with any of the provisions of article 12.2.1 (Duties of Council members) shall have breached this Code of Conduct and may be subject to disqualification under by-law 15 (DISQUALIFICATIONS).



## 13 CONFLICTS OF INTEREST

### *13.1 General*

#### *13.1.01 Application to all Council Members*

This by-law applies to all members of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and to all non-Council committee members<sup>1</sup>

#### *13.1.1 Definitions*

In this by-law,

a “**related corporation**” in respect of a member of Council or a committee means a corporation wholly or substantially owned or controlled by the member or a related person of that member;

a “**related person**” in respect of a member of Council or a committee means any person who has one of the following relationships to the member or the spouse of the member, whether by blood, marriage, common law, or adoption:

- a. child or spouse of a child
- b. grandchild or spouse of a grandchild
- c. parent or spouse of a parent
- d. grandparent or spouse of a grandparent
- e. sibling or spouse of a sibling
- f. aunt or uncle or spouse of an aunt or uncle
- g. niece or nephew or spouse of a niece or nephew;

a “**child**” includes an adopted child and a person towards whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“**parent**” means a person who has demonstrated a settled intention to treat a child as a member of his or her family, whether or not that person is a natural parent of the child; and

“**spouse**” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

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<sup>1</sup> On March 10, 2022 Council passed a motion to amend by-law 13 by adding this article 13.1.01 to by-law 13, which is to take effect on at 12:01am on June 30, 2022.

### *13.2 Conflicts of Interest of Council and Committee Members*

#### *13.2.1 Conflict of interest, non-hearing or meeting*

In any context other than one involving a hearing or meeting related to a decision that directly affects a named person, a member of Council or a committee is in a conflict of interest where

- a. a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the member's judgement was likely to have been influenced by the personal or financial interest of the member or by the personal or financial interest of a related person or related corporation of that member, or
- b. a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the member's judgement was likely to have been influenced by the member's responsibilities or duties to another organization in which the member holds a position.

#### *13.2.2 Conflict of interest, hearing or meeting*

In the context of a hearing or meeting related to a decision that directly affects a named person, a member of Council or a committee is in a conflict of interest where

- a. the member has an association, relationship, non-financial interest or activity that is incompatible with his or her responsibilities as an impartial decision-maker; or
- b. a reasonable person knowing the relevant facts would conclude or perceive that the member's decision was not impartial nor based solely on the evidence or information properly received by Council or the committee, but rather influenced by the existence of personal extraneous factors, such as
  - i. the member's connection with the issues or decisions to be made, or
  - ii. the member's connection with any person involved in the proceeding, including the person who is the subject matter of the hearing or meeting, or any person whose evidence or information is presented at the hearing or meeting.

### *13.3 Procedure for Conflicts of Interest*

#### *13.3.1 Duty to consult, member of Council*

Where a member of Council believes that he or she may have a conflict of interest in respect of any matter that is the subject of debate, action, or intended action by Council, the member shall, where time and circumstances permit, consult privately with the Registrar, a designated member of staff, or the Presiding Officer regarding whether a conflict of interest exists and how the member should proceed.

### *13.3.2 Action by member of Council*

Where a member of Council believes that he or she may have a conflict of interest in respect of any matter that is the subject of debate, action, or intended action by Council, the member shall

- a. prior to any consideration of the matter at a meeting of Council, disclose to Council the fact that he or she may have a conflict of interest;
- b. not take part in the discussion of or vote on any question at Council in respect of the matter;
- c. absent himself or herself from that portion of any Council meeting relating to the matter; and
- d. not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence the other members of Council or the decision relating to that matter.

### *13.3.3 Conflict recorded in minutes*

Where a member of Council declares a conflict of interest in accordance with article 13.3.1, that fact shall be recorded in the minutes of the Council meeting at which it was declared.

### *13.3.4 Participation with approval of Council*

Notwithstanding article 13.3.2, a member of Council may participate in and vote on a matter in which the member has disclosed a potential conflict of interest to Council, provided that Council determines to permit such participation by a vote of at least two-thirds of the members of Council present at the meeting.

### *13.3.5 Duty to consult, member of committee*

Where a member of a committee believes that he or she may have a conflict of interest in respect of any matter that is the subject of action or intended action by the committee, the member shall

- a. where time and circumstances permit, consult privately with the Registrar or a designated member of staff regarding whether a conflict of interest exists and how the member should proceed; or
- b. where the member is part of a panel appointed to conduct a hearing and time or circumstances prevent the member from consulting privately with the Registrar or a designated member of staff, consult privately with the panel's independent legal counsel at the earliest opportunity regarding whether a conflict of interest exists and how the member should proceed.

### *13.3.6 Action by member of committee, hearing*

Where a committee is holding a hearing or involved in a matter that directly affects a named person and a member of that committee believes that he or she may have a conflict of interest in respect of the hearing or matter, the member shall

- a. decline to participate in any way in respect of the hearing or matter and remove himself or herself from the panel or committee, and
- b. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the outcome of the hearing or matter.

### *13.3.7 Action by member of committee, non-hearing*

Where a member of a committee believes that he or she may have a conflict of interest in respect of a matter that is the subject of action or intended action by the committee and that matter is not a hearing and does not directly affect a named person, the member shall either

- a. prior to any consideration of the matter,
  - i. disclose to the chair of the committee that he or she has a potential conflict of interest that prevents the member from participating, without disclosing the details of the potential conflict,
  - ii. not take part in the discussion of or vote on any question in respect of the matter,
  - iii. absent himself or herself from the portion of the meeting relating to the matter, and
  - iv. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the decision relating to the matter; or
- b. prior to any consideration of the matter,
  - i. disclose to the committee that he or she has a potential conflict of interest and the nature of the potential conflict, and
  - ii. not take part in the vote on any question in respect of the matter.

### *13.3.8 Conflict recorded in minutes*

Where a member of a committee declares a conflict of interest in accordance with article 13.3.7, that fact shall be recorded in the minutes of the committee meeting at which the conflict was declared.

- a. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental

association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

#### *13.4 Conflict of Interest Declaration<sup>2</sup>*

##### *13.4.1 Purpose of Conflict of Interest Declaration*

The purpose of the Conflict of Interest Declaration is to enhance transparency and confidence in the decisions of the College.

##### *13.4.2 Annual Conflict of Interest Declaration*

Each member of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and each non-Council committee member shall complete, sign and provide to the Registrar the College's Conflict of Interest Declaration form within 60 days after the form is approved by Council or the Executive Committee and annually thereafter.

##### *13.4.3 Amended Conflict of Interest Declaration*

Each member of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and each non-Council committee member shall immediately complete, sign and provide to the Registrar a new or amended Conflict of Interest Declaration form should the information previously provided in a prior Conflict of Interest Declaration form change.

##### *13.4.4 Adherence to Conflict of Interest Declaration*

Each member of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and each non-Council committee member shall adhere to the Conflict of Interest Declaration, both to its content and to its underlying spirit and precepts.

#### *13.5 Public Availability*

The signed Conflict of Interest Declaration form of every member of Council (or a summary of the form) shall be included in the materials sent to Council prior to its meeting and shall be publicly available.

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<sup>2</sup> On March 10, 2022 Council passed a motion to amend by-law 13 by adding this chapter 13.4 to by-law 13, which is to take effect at 12:01am on June 30, 2022.

## 14 DISQUALIFICATIONS, GENERAL

### *14.1 General*

#### *14.1.1 Commissioner*

Council shall appoint a former justice of the Ontario Superior Court of Justice to act as a commissioner for the purposes set out in these by-laws, on such terms and for such duration as Council deems appropriate.

#### *14.1.2 Definitions*

In this by-law, a “**commissioner**” means a commissioner appointed under article 14.1.1.

#### *14.1.3 Council to be mindful*

In determining what actions to take regarding a member of Council who is the subject of a matter under by-law 14 (DISQUALIFICATIONS, GENERAL), Council shall be mindful of the general principle that sanctions, except in the most extreme cases, should not be used to punish a member, but rather to protect the integrity of the College and its processes.

### *14.2 Temporary Exclusion*

#### *14.2.1 Temporary exclusion for default*

An elected or selected member of Council who becomes in default of

- a. any fees, fines, or other amounts owed to the College, or
- b. completing and submitting any form prescribed by the regulations or required by the by-laws,

including without limitation any default that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member’s selection, in the case of a selected member, will not be disqualified under article 14.3.1, but shall not serve on Council or any committee until the default is remedied.

#### *14.2.2 Temporary exclusion during proceedings*

An elected or selected member of Council who becomes the subject of

- a. a Registrar’s investigation under clause 75(1)(a) or subsection 75(2) of the Code,
- b. an incapacity inquiry under section 57 or 58 of the Code, or
- c. an interim order made by a panel of the Inquiries, Complaints and Reports Committee,

that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member's selection, in the case of a selected member, will not be disqualified under article 14.3.1, but shall not serve on Council or any committee until the matter at issue is finally determined..

### *14.3 General Disqualification Criteria*

#### *14.3.1 Elected members of Council*

Council shall disqualify an elected member of Council where the member is found to meet any of the following criteria:

- a. Council determines that the member had not met one or more of the eligibility conditions in article 7.2.4, other than one which the member was deemed to have met as a result of the decision of the Eligibility Review Committee under article 7.2.5;
- b. subject to article 14.2.1 and 14.2.2, the member, after being elected, ceases to meet one or more of the eligibility conditions set out in article 7.2.4;
- c. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- d. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or
- e. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

#### *14.3.2 Selected members of Council*

Council shall disqualify a selected member of Council where the member is found to meet any of the following criteria:

- a. Council determines that the member had not met one or more of the eligibility conditions in article 8.1.1, other than one which the member was deemed to have met as a result of the decision of the Eligibility Review Committee under article 8.1.2;
- b. subject to article 14.2.1 and 14.2.2, the member, after being selected, ceases to meet one or more of the eligibility conditions set out in article 8.1.1;
- c. the member ceases to hold a full-time appointment of professorial rank in the faculty or school of dentistry that selected the member;
- d. the member has his or her selection rescinded, withdrawn, or otherwise cancelled by the faculty or school of dentistry that selected the member;
- e. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- f. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or

- g. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

#### *14.4 Allegations and Information*

##### *14.4.1 Information coming to Registrar's attention*

Where the Registrar believes on reasonable and probable grounds that an elected or selected member of Council

- i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or
- ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

- a. notify the member in writing of the basis for the Registrar's belief, and
- b. provide the member with twenty (20) days in which to make a written response.

##### *14.4.2 Statement from member of Council*

Where the Registrar receives a written statement from a member of Council alleging that an elected or selected member of Council

- i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or
- ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

- a. provide the member of Council who is the subject of the statement with a copy of the statement, and
- b. provide that member with twenty (20) days in which to make a written response.

##### *14.4.3 Registrar to notify Executive Committee*

After receiving a response from a member of Council or the expiry of the twenty day period under article 14.4.1 or 14.4.2, the Registrar shall provide the Executive Committee with the response, if any, and the information or written statement provided for in those articles, as applicable.

#### *14.5 Executive Committee Process*

##### *14.5.1 Preliminary determination of facts*

Where the Executive Committee receives a report from the Registrar under article 14.4.3 related to a member who potentially meets one or more disqualification criteria set out in



article 14.3.1 or 14.3.2, the Executive Committee shall make a preliminary determination of the relevant facts and report its findings to the member of Council who is the subject of the matter and, where applicable, to the member of Council who provided a written statement to the Registrar under article 14.4.2.

#### *14.5.2 Referral to Council*

Where the Executive Committee is of the view that further action may be required by Council regarding a matter under article 14.5.1, the Executive Committee shall either place the matter on the agenda of the next regular meeting of Council or call a special meeting of Council to consider the matter.

#### *14.5.3 Notification of consideration by Council*

Where an issue is placed on a Council meeting agenda under article 14.5.2, the Registrar shall notify the member who is the subject of the matter of the date of the meeting at which the matter will be considered and of his or her opportunity to make written and oral submissions to Council.

#### *14.5.4 Conflicts of interest referred to Council*

Where the Executive Committee receives a report from the Registrar under article 14.4.3 related to an alleged conflict of interest, the Executive Committee shall either place the matter on the agenda of the next regular meeting of Council or call a special meeting of Council to consider the matter.

### *14.6 Council Process, General*

#### *14.6.1 Disputed material facts*

After receiving any submissions from the member who is the subject of the matter referred to it under article 14.5.2, Council shall determine whether there are any material facts in dispute.

#### *14.6.2 Referral to commissioner*

Where Council determines under article 14.6.1 that material facts are in dispute and that the facts would constitute grounds for disqualification if proven, Council shall refer the matter to a commissioner.

#### *14.6.3 Public excluded*

Any deliberation or vote by Council under article 14.6.1 or article 14.6.2 shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

## *14.7 Council Process, Conflict of Interest*

### *14.7.1 Consideration by Council*

Where Council considers a matter related to an alleged breach of the conflict of interest articles of these by-laws or other action by a member of Council while in a conflict of interest, Council shall either

- a. refer the matter to a commissioner under article 14.7.3, or
- b. adopt a process to deal with the allegation that is consistent with the rules of order and provides the member with an opportunity to explain his or her actions to Council.

### *14.7.2 Action by Council, non-hearing process*

Where Council determines, without referring the matter to a commissioner under article 14.7.3, that a member of Council breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, Council may take one or more of the following actions:

- a. demand an apology from the member;
- b. require assurances from the member that similar behaviour will not occur in the future; or
- c. suspend the member until an apology or resolution acceptable to Council is reached.

### *14.7.3 Referral to commissioner*

Where Council determines that an alleged breach of the conflict of interest articles of these by-laws or other action by a member of Council while in a conflict of interest would constitute grounds for disqualification of the member if proven, Council shall refer the matter to a commissioner.

### *14.7.4 Public excluded*

Any deliberation or vote by Council under article 14.7.1, 14.7.2, or 14.7.3 shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

## *14.8 Commissioner Process*

### *14.8.1 Commissioner to hold hearing*

When a matter is referred to a commissioner, the commissioner shall hold a hearing to consider the following:

- a. the relevant facts and circumstances;

- b. whether the member of Council who is the subject of the hearing breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, if the matter was referred under article 14.7.3;
- c. any questions of law for which Council requested the commissioner's assistance; and
- d. the effect or anticipated effect of the member's conduct on the College.

#### *14.8.2 Interim suspension of duties*

Where Council refers a matter to a commissioner and where Council considers it necessary to ensure the integrity of the College or its processes, Council may suspend the member of Council who is the subject of the matter from all of his or her duties on Council, including on any committee, until the matter is finally disposed.

#### *14.8.3 Commissioner to determine parties*

A commissioner shall determine who, in addition to the member of Council who is the subject of the matter, shall be parties to the hearing, and may appoint legal counsel to present relevant evidence.

#### *14.8.4 Commissioner hearing process*

A commissioner shall adopt a hearing process that

- a. provides the member of Council who is the subject of the matter with full and continuing disclosure of the evidence to be presented at the hearing,
- b. provides the member with an opportunity to make written and oral submissions, and
- c. is, to the extent reasonably possible, in keeping with the *Statutory Powers and Procedures Act*.

#### *14.8.5 Commissioner time frame*

A commissioner shall complete the hearing within forty-five (45) days of the matter being referred to him or her, or within such longer period of time permitted by the Executive Committee.

#### *14.8.6 Commissioner report*

After considering all of the evidence presented at the hearing, a commissioner shall provide a written report to Council as soon as possible following the conclusion of the hearing that includes the following:

- a. the commissioner's findings in respect of the relevant facts;
- b. the commissioner's findings as to whether the member of Council who was the subject of the hearing breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, if the matter was referred under article 14.7.3;

- c. the commissioner's opinions on any question of law for which the Council sought the commissioner's assistance;
- d. the commissioner's findings in respect of the actual or anticipated effect of the member's conduct on the College; and
- e. the commissioner's reasons for those findings and opinions.

#### *14.9 Actions by Council*

##### *14.9.1 Council to consider Commissioner report*

Council shall consider a report from a commissioner and what action to take as a result at its next scheduled meeting, unless the Executive Committee determines to hold a special meeting of Council to consider the report.

##### *14.9.2 Council may adopt report*

Council may adopt, in whole or in part, the report of a commissioner.

##### *14.9.3 Lifting of interim suspension*

Any interim suspension imposed on a member of Council under article 14.8.2 is automatically lifted where Council determines that the member

- a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2, or
- b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

##### *14.9.4 Action by Council, where no breach*

Council shall take no further action regarding a matter where Council determines that a member of Council

- a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2, or
- b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

##### *14.9.5 Action by Council, conflict of interest*

Where Council determines that a member of Council breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, Council may take any of the following actions:

- a. demand an apology from the member in a form acceptable to Council; or
- b. subject to article 14.9.7 (Conditions for resignation), demand the immediate written resignation of the member.

#### *14.9.6 Suspension where apology not received*

Where an apology from a member of Council demanded under paragraph (a) of article 14.9.5 is not received, Council may suspend the member until such apology is received or another resolution acceptable to Council is reached.

#### *14.9.7 Conditions for resignation*

Council shall not demand the resignation of a member of Council under paragraph (b) of article 14.9.5, unless Council is satisfied that

- a. the member's breach of the conflict of interest articles of the by-laws or other action while in a conflict of interest was willful or caused by the gross neglect of the member, or
- b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

#### *14.9.8 Disqualification where resignation not received*

Where the written resignation of a member of Council demanded under paragraph (b) of article 14.9.5 is not received forthwith, Council may disqualify the member.

#### *14.9.9 Public excluded*

Any deliberation or vote by Council under an article of 14.9 (Actions by Council) shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

### *14.10 Additional Procedural Requirements*

#### *14.10.1 Two-thirds votes required*

A two-thirds vote of the members of Council is required to take any of the following actions:

- a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;
- b. imposing an interim suspension under article 14.8.2;
- c. taking action under article 14.7.2 or article 14.9.5;
- d. suspending a member of Council under article 14.9.6; or
- e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

#### *14.10.2 Opportunity for submissions*

Council shall provide an opportunity for a member of Council who is the subject of a matter to address Council prior to taking any of the following actions:

- a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;
- b. imposing an interim suspension under article 14.8.2;
- c. taking action under article 14.7.2, article 14.9.5;
- d. suspending a member of Council under article 14.9.6; or
- e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

*14.10.3 No participation of subject member*

A member of Council who is the subject of any matter under article 14  
(DISQUALIFICATION)

- a. shall not take part in any deliberation or vote of Council regarding the matter,
- b. shall not be present during any vote of Council regarding the matter, and
- c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

*14.11 Following Disqualification*

*14.11.1 Following disqualification*

Where Council disqualifies a member of Council, Council shall

- a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or
- b. in the case of an elected or selected member of Council, treat the situation in the same manner as if a vacancy had been created as a result of the member's resignation from Council and all committees on which he or she served.

## 15 DISQUALIFICATIONS, CODE OF CONDUCT

### *15.1 General*

#### *15.1.1 Definitions*

In this by-law,

an “**adjudication committee**” means the committee established under article 15.5.1;

“**Code of conduct**” means the obligations of members of Council under article 12.2.1 (Duties of Council members); and

a “**commissioner**” means a commissioner appointed under article 14.1.1.

### *15.2 Allegations of Breach*

#### *15.2.1 Statement from member of Council*

Where a member of Council believes that

- i. another member of Council has breached the code of conduct, and
- ii. it is both necessary and in the interests of the College to formally deal with the alleged breach,

the member of Council may provide a written statement to the Registrar setting out the following:

- a. the name of the member of Council who he or she believes breached the Code of Conduct;
- b. the factual basis for his or her belief;
- c. the reasons that he or she believes make it necessary and in the interest of the College to formally deal with the alleged breach; and
- d. whether the decision to establish an adjudication committee under article 15.5.1 should be made by the Executive Committee or a commissioner.

#### *15.2.2 Security for commissioner*

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by a commissioner, the member of Council shall

- a. deposit with the College the sum of \$3,500 in a form acceptable to the Registrar, and

- b. sign an agreement in a form acceptable to the Registrar that complies with article 15.2.3 (Agreement to pay cost, resign)

#### *15.2.3 Agreement to pay cost, resign*

An agreement required under article 15.2.2 (Security for commissioner) shall stipulate that if an adjudication committee finds

- i. that the allegation made by the member of Council is frivolous, vexation, or made in bad faith, or
- ii. that the member of Council knew or ought to have known that the allegation was false,

the member of Council agrees

- a. to repay the College any costs incurred as a result of the member's providing a statement under article 15.2.1, including without limitation the College's costs associated with the use of a commissioner and adjudication committee, and any legal costs paid by the College to the member of Council who was the subject of the allegation in accordance with article 15.10.2 (Recovery of legal expenses, subject member), and
- b. to resign as a member of Council immediately upon the adjudication committee's finding.

### *15.3 Commissioner Process*

#### *15.3.1 Registrar to refer to commissioner*

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by a commissioner and complies with the requirements of article 15.2.2 (Security for commissioner), the Registrar shall refer the matter to a commissioner within seven (7) days.

#### *15.3.2 Commissioner to review*

A commissioner shall direct the Registrar to establish an adjudication committee if and only if the commissioner is satisfied of all of the following:

- a. the facts set out in the written statement provided under article 15.2.1, if true, would constitute a breach of the code of conduct;
- b. it is in the interest of the College to further investigate and adjudicate the allegation; and
- c. there is no reason to believe, based on the information currently available to the commissioner, that the allegation is frivolous, vexatious, or made in bad faith.



### *15.3.3 Timeline for decision by commissioner*

A commissioner shall use his or her best efforts to make a determination under article 15.3.2 as soon as reasonably possible.

### *15.3.4 Commissioner to notify of delay*

Where a commissioner has not made a determination under article 15.3.2 within thirty (30) days of his or her appointment, the commissioner shall immediately advise the Registrar of the reasons for same.

### *15.3.5 Decision of commissioner final*

The decision of a commissioner under article 15.3.2 is final and is not subject to review by Council or any committee.

### *15.3.6 Return of deposit*

Where a commissioner directs the establishment of an adjudication committee under article 15.3.2, the deposit provided by the member of Council under article 15.2.2 (Security for commissioner) shall be immediately returned.

### *15.3.7 Forfeit of deposit*

Where a commissioner does not direct the establishment of an adjudication committee under article 15.3.2, the deposit provided by the member of Council under article 15.2.2 (Security for commissioner) shall be forfeited.

## *15.4 Executive Committee Process*

### *15.4.1 Registrar to notify Executive Committee*

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by the Executive Committee, the Registrar shall bring the matter forward at the next scheduled meeting of the Executive Committee.

### *15.4.2 Executive Committee may refer to adjudication committee*

Where the Executive Committee considers a matter brought to it under article 15.4.1, the Executive Committee may

- a. direct the Registrar to appoint an adjudication committee, or
- b. take such other action as it deems appropriate in the circumstances.

### *15.4.3 Executive Committee to meet in camera*

A meeting of the Executive Committee to consider a matter brought before it under article 15.4.1 shall be held *in camera*.

## *15.5 Adjudication Committee Process*

### *15.5.1 Registrar to establish adjudication committee*

The Registrar shall establish an adjudication committee where

- a. he is directed to do so by a commissioner under article 15.3.2;
- b. he is directed to do so by the Executive Committee under article 15.4.2; or
- c. he receives information other than from a member of Council and determines that there are reasonable and probable grounds to believe that
  - i. a member of Council has breached the code of conduct, and
  - ii. it is both necessary and in the interests of the College to formally deal with the alleged breach.

### *15.5.2 Timeframe for establishment of adjudication committee*

Where the Registrar is directed to establish an adjudication committee by the Executive Committee or a commissioner, the Registrar shall take all reasonable steps to do so within ten (10) days of receiving such a direction.

### *15.5.3 Composition of adjudication committee*

An adjudication committee shall be composed of the following three persons:

- a. A former justice of the Ontario Superior Court of Justice selected by the Registrar, who shall act as chair.
- b. A current or former registrar or executive director of a health professional college regulated under the RHPA, or a current or former chief executive or chief administrative officer of another regulatory authority for a statutorily self-regulated profession in Ontario, selected by the Registrar.
- c. A third individual selected by the two members described above.

### *15.5.4 No prior knowledge*

No member of an adjudication committee shall have any prior knowledge of the facts surrounding an alleged breach of the code of conduct.

### *15.5.5 Confidentiality*

Each member of an adjudication committee shall sign a confidentiality agreement in a form acceptable to the Registrar prior to serving as a member of the committee.

### *15.5.6 Committee continued during vacancy*

Where a member of an adjudication committee, other than the chair, is unable or unwilling to continue as a member of the committee, the remaining members of the committee shall constitute the adjudication committee.

#### *15.5.7 Vacancy of chair*

Where the chair of an adjudication committee is unable or unwilling to continue as a member of the committee, the Registrar shall select another former justice of the Ontario Superior Court of Justice to act as chair.

#### *15.5.8 Registrar to inform committee*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. advise the members of their responsibility to select a third member of the committee and to notify the Registrar of the identity of that member once selected, and
- b. provide the members with all of the materials and other information the Registrar has in connection with the alleged breach of the code of conduct for which the committee was established.

#### *15.5.9 Registrar to notify member*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. advise the member of Council who is alleged to have breached the code of conduct that an adjudication committee has been established and that he or she will be contacted by the adjudication committee regarding its process, and
- b. provide the member of Council with a copy of all materials and other information that were provided to the adjudication committee.

#### *15.5.10 Registrar to notify Executive Committee*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. notify the Executive Committee during an *in camera* meeting that an adjudication committee has been appointed
- b. where not previously disclosed, inform the Executive Committee of the name of the member of Council who is alleged to have breached the code of conduct, and
- c. where not previously disclosed, inform the Executive Committee of the name of the member of Council who made the written statement under article 15.2.1, as applicable.

#### *15.5.11 Delay in establishing committee*

Where an adjudication committee has not been established within twenty-five (25) days after the Registrar was required to do so under article 15.5.1, the Registrar shall notify and provide an explanation for the delay to the following parties:

- a. the member of Council who is alleged to have breached the code of conduct;
- b. the Executive Committee, during an *in camera* meeting;
- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

#### *15.5.12 Registrar to assist*

The Registrar shall provide such administrative assistance as requested by an adjudication committee, but shall not participate in or be present during any deliberation or fact finding of the committee.

#### *15.5.13 Committee to meet in camera*

All meetings of an adjudication committee shall be held *in camera*.

#### *15.5.14 Adjudication committee investigation*

An adjudication committee shall

- a. take such steps as it, in its sole discretion, considers necessary to fairly investigate the matter before it, having regard to the seriousness of the allegations, and
- b. adopt such processes as it considers fair and reasonable to ensure that the member of Council who is the subject of the investigation has a reasonable opportunity to make a full answer to the allegations.

#### *15.5.15 Timeframe*

An adjudication committee shall use its best efforts to complete its responsibilities within ninety (90) days of being established.

#### *15.5.16 Delay*

Where an adjudication committee has not resolved a matter under article 15.6.1 (Informal resolution) or issued a report under article 15.7.1 within ninety (90) days of being established, the adjudication committee shall report the reasons for the delay to the Registrar immediately and every thirty (30) days thereafter until the matter is resolved or a report issued.

#### *15.5.17 Registrar to notify*

The Registrar shall relay the explanation for delay provided by the adjudication committee under article 15.5.16, to the following parties:

- a. the member of Council who is alleged to have breached the code of conduct;
- b. the Executive Committee, during an *in camera* meeting; and

- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

### *15.6 Informal Resolutions*

#### *15.6.1 Informal resolution*

An adjudication committee may attempt to resolve a matter brought before it any manner it deems acceptable without making any findings or issuing a report under article 15.7.1.

#### *15.6.2 Approval of informal resolution*

Subject to article 15.6.3, a resolution under article 15.6.1 must be acceptable to

- a. the adjudication committee;
- b. the member of Council who is alleged to have breached the code of conduct; and
  - i. the Executive Committee, where the matter was referred to the adjudication committee at the direction of the Executive Committee, or
  - ii. the member of Council who provided the written statement under article 15.2.1, where the matter was referred to the adjudication committee at the direction of a commissioner.

#### *15.6.3 Executive committee may approve*

Where a resolution under article 15.6.1 is acceptable to the adjudication committee and the member of Council who is alleged to have breached the code of conduct, but not to the member of Council who provided the written statement under article 15.2.1, the Executive Committee may approve the resolution.

#### *15.6.4 Meeting in camera*

A meeting of the Executive Committee to consider a resolution under article 15.6.1 shall be held *in camera*.

#### *15.6.5 No further action, informal resolution*

No further action shall be taken in respect of a matter referred to an adjudication committee where

- a. the member of Council who alleged to have breached the code of conduct resigns as a member of Council, or
- b. the matter is resolved under article 15.6.1 (Informal resolution)

#### *15.6.6 Report to Council*

Where a matter referred to an adjudication committee is resolved under article 15.6.1 (Informal resolution), the Executive Committee shall report to Council at its next regular

meeting that an adjudication committee was appointed and that the matter was successfully resolved.

#### *15.6.7 Contents, manner of report*

The report of the Executive Committee under article 15.6.6 shall not include the nature of the allegations, the details of the resolution, the name of the member of Council who was the subject of the matter, or the name of the individual who provided the information that gave rise to the matter, and shall be delivered at a meeting with the public excluded.

#### *15.7 Report and Findings*

##### *15.7.1 Report*

Where an adjudication committee does not resolve a matter before it under article 15.6.1 (Informal resolution), the adjudication committee shall submit a written report of its findings and the reasons for those findings to

- a. the member of Council who is the subject of the matter,
- b. the Registrar, and
- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

##### *15.7.2 Findings final*

The report and findings of an adjudication committee under article 15.7.1 are final and are not subject to review by Council or any committee.

##### *15.7.3 Findings of breach*

Where an adjudication committee finds that a member of Council breached the code of conduct, the adjudication committee shall include in its report its findings and reasons as to

- a. whether it is in the interest of the College for Council to take further action in respect of the member, and
- b. whether the breach by the member is sufficiently serious that Council should consider disqualifying the member.

##### *15.7.4 No submissions by reporting member*

A member of Council who provided a written statement under article 15.2.1 shall not be permitted to make oral or written submissions to Council regarding the report of the adjudication committee under article 15.7.1.

##### *15.7.5 Registrar to deliver to Executive Committee*

The Registrar shall provide a report received under article 15.7.1 to the Executive Committee during an *in camera* meeting.

### *15.8 No Further Action by Council*

#### *15.8.1 Report to Council*

Where an adjudication committee finds that

- a. the allegations giving rise to the matter are frivolous, vexatious, or made in bad faith
- b. the allegations giving rise to the matter have no merit, or
- c. even if a breach of the code of conduct did occur, it is not in the interests of the College to take further action in respect of the matter

the Executive Committee shall report to Council regarding the matter at its next regular meeting.

#### *15.8.2 Contents of report*

Subject to article 15.8.3, a report delivered by the Executive Committee under article 15.8.1 shall not include

- a. the nature of the allegations giving rise to the matter,
- b. the name of the member of Council who was the subject of the allegations, or
- c. the name of the individual who provided the information which gave rise to the matter.

#### *15.8.3 Exception, contents of report*

Where the member who was the subject of the matter before an adjudication committee provides a written direction to the Registrar, the report of the Executive Committee under article 15.8.1 shall include the full report of the adjudication committee.

#### *15.8.4 Public excluded*

The delivery of a report by the Executive Committee under article 15.8.1 shall be delivered with the public excluded.

#### *15.8.5 No further action*

No further action shall be taken by Council in respect of a report under article 15.8.1.

### *15.9 Further Action by Council*

#### *15.9.1 Report to Council*

Where an adjudication committee finds that

- a. a member of Council breached the code of conduct, and

- b. it is in the interest of the College for Council to take further action in respect of the member

the Executive Committee shall deliver the report of the adjudication committee to Council at a special meeting of Council held at a date and location determined by the Registrar.

#### *15.9.2 Public excluded*

The delivery of a report by Executive Committee under article 15.9.1 and any subsequent deliberation or vote by Council regarding the subject matter of the report shall be with the public excluded.

#### *15.9.3 Submissions by member*

A member of Council who is found to have breached the code of conduct may make written and oral submissions to Council at the special meeting of Council held under article 15.9.1, but may not dispute the findings of fact made by the adjudication committee.

#### *15.9.4 Action by Council*

Where the Executive Committee delivers a report under article 15.9.1 regarding a member of Council, Council may take any of the following actions:

- a. demand an apology from the member in a form acceptable to Council;
- b. subject to article 15.9.6 (Conditions for resignation), demand the immediate written resignation of the member.

#### *15.9.5 Suspension where apology not received*

Where an apology from a member of Council demanded under paragraph (a) of article 15.9.4 is not received, Council may suspend the member until such apology is received or another resolution acceptable to Council is reached.

#### *15.9.6 Conditions for resignation*

Council shall not demand the resignation of a member of Council under paragraph (b) of article 15.9.4, unless Council is satisfied that

- a. the member's breach of the code of conduct was willful or caused by the gross neglect of the member, or
- b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

#### *15.9.7 Disqualification where resignation not received*

Where the written resignation of a member of Council demanded under paragraph (b) of article 15.9.4 is not received forthwith, Council may disqualify the member.



### *15.9.8 Vote by secret ballot*

A vote taken under article 15.9.7 to disqualify a member shall be by secret ballot.

### *15.10 Recovery of Costs and Expenses*

#### *15.10.1 No recovery of costs*

Except as provided under articles 15.10.2 and 15.10.3, no member of Council shall be entitled to recover from or be reimbursed by the College for any costs or expenses incurred in relation to a matter dealt with under by-law 14 (DISQUALIFICATION).

#### *15.10.2 Recovery of legal expenses, subject member*

Where an adjudication committee finds that allegations against a member of Council regarding a breach of the code of conduct are frivolous, vexatious, or made in bad faith, or without merit, the member is entitled to be reimbursed by the College for his or her reasonable legal costs incurred in defending against the allegations as determined by the chair of the adjudication committee.

#### *15.10.3 Recovery of legal expenses, reporting member*

A member of Council who provided a written statement under article 15.2.1 is entitled to be reimbursed by the College for his or her reasonable legal costs incurred in pursuing the matter as determined by the chair of the adjudication committee, provided that the adjudication committee finds that a breach of the code of conduct occurred as alleged.

### *15.11 Additional Procedural Requirements*

#### *15.11.1 Two-thirds votes required*

A two-thirds vote of the members of Council is required to take any of the following actions:

- a. take action under article 15.9.4;
- b. suspend a member under article 15.9.5; or
- c. disqualify a member of Council under article 15.9.7.

#### *15.11.2 Opportunity for submissions*

Council shall provide an opportunity for a member of Council who is the subject of a matter to address Council prior to taking any of the following actions:

- a. take action under article 15.9.4;
- b. suspend a member of Council under article 15.9.5;
- c. disqualify a member of Council under article 15.9.7;

*15.11.3 No participation of subject member*

A member of Council who is the subject of any matter under by-law 15 (DISQUALIFICATIONS)

- a. shall not take part in any deliberation or vote of Council regarding the matter,
- b. shall not be present during any vote of Council regarding the matter, and
- c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

*15.11.4 No participation of reporting member*

A member of Council who provided a statement under article 15.2.1 shall not be counted in determining whether a quorum exists and shall not participate in any vote in related to the matter

*15.12 Following Disqualification*

*15.12.1 Following disqualification*

Where Council disqualifies a member of Council, Council shall

- a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or
- b. in the case of an elected or selected member of Council, treat the situation in the same manner as if a vacancy had been created as a result of the member's resignation from Council and all committees on which he or she served.

## 16 THE REGISTER

### *16.1 General*

#### *16.1.1 Definitions*

In this by-law,

an "**associated member**" means a member of the College who engages in the practice of dentistry as an employee of a principal member or who provides dental services to a principal member's patients at that member's office as an independent contractor, and "**associated**" has the corresponding meaning;

a "**designated election address**" means the address of a member of the College employed for the purpose of elections to Council, which is

- a. the address in Ontario where the member practices
- b. the address designated by the member, if the member practices at more than one address in Ontario, or
- c. the address in Ontario where the member resides, if the member does not practice in Ontario;

a "**practice name**" means the name associated with the location at which a member of the College practices, other than the name of a member of the College or the name of a health profession corporation; and

a "**principal member**" means

- a. a member of the College with whom an associated member practices as an employee or independent contractor, or
- b. a member of the College who practices dentistry as a member of a partnership.

### *16.2 Contents of the Register*

#### *16.2.1 Contents required by the Code*

Subsection 23(2) of the Code requires that the Register contain specified information, subject to certain exceptions provided for in the Code.

For ease of reference only, the information specified by subsection 23(2) of the Code is attached as appendix 28.1 to these by-laws.

### *16.2.2 Additional information*

Pursuant to paragraph 20 of subsection 23(2) of the Code, the additional information set out in appendix 28.2 shall be kept in the Register.

### *16.2.3 Designated information for safety exception*

All of the information required to be kept in the Register under subsection 23(2) of the Code and all of the information kept in the Register under article 16.2.2 is designated as information that may be withheld from the public if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual pursuant to subsection 23(6) of the Code.

### *16.2.4 Name of member*

Subject to article 16.2.5 (Change of name), the name of a member as it appears in the Register shall be the name of the member as it appears on the member's degree in dentistry.

### *16.2.5 Change of name*

The Registrar shall enter the name of a member in the Register other than the name provided in article 16.2.4 (Name of member) where

- a. the member requests that his or her name as it appears on the Register be changed,
- b. the Registrar is satisfied that the member has validly changed his or her name, and
- c. the Registrar is satisfied that the member did not change his or her name for an improper purpose.

### *16.2.6 Business address*

For the purpose of chapter 16.2 (Contents of the Register), a member's business address shall be the address of each location at which the member practices in Ontario, or, where the member does not practice in Ontario, an address designated by the member.

### *16.2.7 Business telephone number*

For the purpose of chapter 16.2 (Contents of the Register), a member's business telephone number shall be the telephone number or numbers associated with the member's business address under article 16.2.6 (Business address).

## *16.3 Removal of Information from the Register*

### *16.3.1 Information required by the Code*

Subject to the authority of the Code, all information required by the Code will remain on the Register.

### *16.3.2 Information required by the by-laws*

Subject to the authority of the Code and the by-laws, all information required by the by-laws will remain on the Register.

### *16.4 Information from Members of the College*

#### *16.4.1 Notification information*

A member of the College shall notify the Registrar in writing of the following information:

- a. the member's home address and home telephone number;
- b. the member's e-mail address;
- c. whether the member is practicing in Ontario;
- d. where the member is practicing, the address and telephone number of
  - a. the member's principal place of practice in Ontario, and
  - b. all other locations at which the member practices, including any hospital or other health facility at which the member has professional privileges;
- e. where the member is not practicing, the member's designated business address and telephone number;
- f. the member's preferred address for communication by the College;
- g. where the member practices in more than one location in Ontario, the member's designated election address;
- h. where the member uses a practice name.
  - i. the locations at which the practice name is used, and
  - ii. the name of every member of the College who engages in practice under the practice name and whether that member practices as a principal or associate member; and
- i. where the member is associated with a member of the College who uses a practice name, the practice name and the locations at which the associated member practices under that practice name.

#### *16.4.2 Change to information*

A member of the College shall notify the Registrar in writing of any change to the information required to be reported under article 16.4.1 within thirty (30) days of the effective date of the change.

#### *16.4.3 Information upon request*

A member of the College shall provide the following information immediately upon request of the Registrar:

- a. any information required to be provided by the member under the Act, regulations, or by-laws;
- b. the member's date of birth;
- c. the number and date of issuance of the member's certificate from the National Dental Examining Board of Canada, if any;
- d. the name of any health profession corporation that holds a certificate of authorization issued by the College where the member is a voting shareholder, officer, or director of the corporation, and the position or title held by the member with the corporation;
- e. where the member is a voting shareholder, officer, or director of a health profession corporation
  - i. the head office and mailing address of the corporation,
  - ii. the practice names or business names used by the corporation, if any, and
  - iii. the address and telephone number of each location at which the corporation carries on business;
- f. the names and telephone numbers of the member's employees;
- g. every hospital or other health facility in Ontario where the member has professional privileges;
- h. a description of the services that the member provides in each of his or her practice locations; and
- i. details of the legal and financial arrangements between the member and other members of the College practicing at the same location or under the same practice name.

## 17 HEALTH PROFESSION CORPORATIONS

### *17.1 Certificates of Authorization*

#### *17.1.1 Issuance by Registrar*

The Registrar shall issue a certificate of authorization on behalf of the College to an applicant health profession corporation where the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted an application in the form approved by Council;
- b. the corporation has paid all applicable fees for the issuance of the certificate;
- c. the corporation meets all of the eligibility requirements set out in the regulations passed pursuant to the RHPA;
- d. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;
- e. the corporation has submitted the original, or a certified or notarized copy of, the certificate of incorporation of the corporation;
- f. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* as of the day that the application was submitted;
- g. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the application, that certifies that
  - i. the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date of the declaration,
  - ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,
  - iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the application, and
  - iv. the information contained in the application is complete and accurate as of the date of the declaration;
- h. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of application, and, where a shareholder is a member of the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of application;

- i. the corporation has submitted the names of the directors and officers of the corporation as of the date of application;
- j. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of application.

#### *17.1.2 Annual renewal*

A certificate of authorization issued under article 17.1.1 is subject to annual renewal by the College.

#### *17.1.3 Revocation of certificate*

A certificate of authorization issued under article 17.1.1 may be revoked in accordance with the regulations passed pursuant to the RHPA.

#### *17.1.4 Revised certificate of authorization*

Where an applicant corporation has changed its name following issuance of a certificate of authorization, the Registrar shall issue a revised certificate of authorization on behalf of the College to the corporation provided that the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted an application for a revised certificate of authorization in the form approved by Council
- b. the corporation has submitted all of the applicable fees for the issuance of the revised certificate
- c. the corporation continues to be eligible to hold a certificate of authorization

#### *17.1.5 Renewals*

The Registrar shall renew the certificate of authorization of an applicant corporation on behalf of the College where the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted a renewal application in the form approved by Council;
- b. the corporation has paid all applicable fees for the renewal of the certificate;
- c. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;
- d. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* since the corporation's most recent application for a certificate of authorization or for renewal of its certificate of authorization;



- e. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the renewal application, that certifies that
  - i. the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date of the declaration,
  - ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,
  - iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the renewal application, and
  - iv. the information contained in the renewal application is complete and accurate as of the date of the declaration;
- f. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of the renewal application, and, where a shareholder is a member of the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of the renewal application;
- g. the corporation has submitted the names of the directors and officers of the corporation as of the date of the renewal application;
- h. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of the renewal application.

#### *17.1.6 Incomplete applications rejected*

The Registrar may reject an application for a certificate of authorization, a revised certificate of authorization, or for the renewal of a certificate of authorization where the application does not include all of the documents and other things required for the issuance or renewal of the certificate.

#### *17.1.7 Return of documents*

Where the Registrar rejects an application under article 17.1.6, the Registrar shall return to the applicant corporation all the documents and other things submitted with the application, except for the applicable fees.

#### *17.1.8 Cancellation*

The Registrar shall cancel the certificate of authorization of a corporation upon receipt of a written request of the corporation to that effect and a written confirmation that the corporation no longer practices dentistry.

## *17.2 Change of Shareholders*

### *17.2.1 Notice of change of shareholders*

A corporation that holds a certificate of authorization shall notify the Registrar of every change in the shareholders of the corporation who are members of the College in the form approved by Council.

### *17.2.2 Timing of notice*

A corporation required to provide notice under article 17.2.1 shall submit the notice within ten (10) days of each change of shareholder.

### *17.2.3 Additional declaration*

A corporation required to provide notice under article 17.2.1 shall in addition submit to the Registrar a statutory declaration of a director of the corporation, executed after the change of shareholders, certifying that the corporation is in compliance with section 3.2 of the *Business Corporations Act* and any regulations made under that section, as of the date of the declaration.

## *17.3 Interpretation*

### *17.3.1 Time of receipt*

A document, payment, or other thing that is required to be submitted under chapter 17.1 (Certificates of Authorization) or chapter 17.2 (Change of Shareholders) is deemed to be received at the following times:

- a. where the document, payment, or other thing is received at the College's offices during the normal business hours of the College on a day when the College is open for business, the actual time that the document, payment, or other thing is received by the College; or
- b. where the document, payment, or other thing is received at the College's offices at a time when the College is not open for business, 9:00AM on the next day that the College is open for business.

## 18 FEES

### *18.1 Courses and Fees*

#### *18.1.1 General, specialty, academic certificates*

An applicant for the issuance of a general, specialty, or academic certificate of registration shall submit an application in the form provided by the Registrar and shall pay an application fee of \$350.<sup>00</sup>.

#### *18.1.2 Exemption, Remote Services Program*

An applicant for the issuance of a general certificate of registration restricted to practising in the Remote Services Program of the Ontario Dental Association is exempt from the requirement to pay an application fee under article 18.1.1.

#### *18.1.3 Other certificates*

An applicant for the issuance of a certificate of registration other than a general, specialty, or academic certificate shall submit an application in the form provided by the Registrar and shall pay an application fee of \$150.<sup>00</sup>.

### *18.2 Registration Fees*

#### *18.2.1 Revoked (November 18, 2021, effective January 1, 2022)*

#### *18.2.2 Instructional, short duration*

An applicant for an instructional or short duration certificate of registration shall pay a registration fee of \$500.<sup>00</sup> for the issuance of his or her certificate of registration.

#### *18.2.3 Academic visitor*

An applicant for an academic visitor certificate of registration shall pay a registration fee of \$750.<sup>00</sup> for the issuance of his or her certificate of registration.

### *18.3 Annual Fees*

#### *18.3.1 Registrar to Notify*

The Registrar shall notify each member of the College of the amount of his or her annual fee and the day on which the fee is due.

#### *18.3.2 Initial year of registration, new member*

A member of the College who has never previously been a member of the College shall pay an annual fee in the following amount for the calendar year in which the member is first issued a general, academic, or specialty certificate of registration:

- a. \$2,995.<sup>00</sup>, if the certificate was issued on or after 01 January and before 01 June;
- b. \$1,500.<sup>00</sup>, if the certificate was issued on or after 01 June and before 01 September;
- c. \$865.<sup>00</sup>, if the certificate was issued on or after 01 September.

#### *18.3.3 Initial year of registration, returning member*

A member of the College who had previously been a member of the College shall pay the annual fee required by article 18.3.7 for the calendar year in which the member is first reissued a general, academic, or specialty certificate of registration.

#### *18.3.4 Maximum one initial annual fee*

A member of the College shall only pay one annual fee under article 18.3.1 or article 18.3.3, as applicable, regardless of the number of certificates of registration issued or reissued to the member during the calendar year.

#### *18.3.5 Initial year of registration, education or post specialty training*

A member of the College shall pay an annual fee of \$2,995.<sup>00</sup> for the calendar year in which he or she is first issued an education or post specialty training certificate of registration.

#### *18.3.6 Initial year of registration, graduate student*

A member of the College shall pay an annual fee of \$100.<sup>00</sup> for the calendar year in which he or she is first issued a graduate student certificate of registration.

#### *18.3.7 Annual fee, general, academic, speciality*

A member of the College who holds a general, academic, or specialty certificate of registration shall pay an annual fee in the following amount for each calendar year in which the member holds the certificate:

- a. \$2,995.<sup>00</sup>, if paid on or before 15 December of the preceding year, or \$3,495.<sup>00</sup> if paid thereafter.

##### *18.3.7.1 Annual fee, general, academic, speciality*

Notwithstanding Article 18.3.7, the annual fee for a member holding a general or specialty certificate of registration may be reduced by the Registrar<sup>3</sup> to \$250.<sup>00</sup>, with that fee being increased by COLA, rounded up to the nearest \$5.<sup>00</sup> commencing with the annual fee for the 2020 calendar year, provided the Registrar is satisfied that:

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<sup>3</sup> There is no obligation on the Registrar to reduce the annual fee under this Article as the authority is discretionary and the Registrar may refuse to reduce the fee for any reason including without limitation the prior conduct of the applicant.

1. the member has requested the reduction in a form approved by the Registrar;
2. the reduction is appropriate as it supports the principle of encouraging members to perform dentistry on an unpaid charitable basis which supports access to care;
3. the member will be engaging in the practice of dentistry, but only on a charitable basis during the calendar year for which the annual fee is being reduced;
4. the member will be receiving no income or other monetary benefit from the practice of dentistry or from the member being a holder of a certificate of registration; and
5. the member has signed an agreement/undertaking, in a form satisfactory to the Registrar, to ensure, among other things, that the conditions for the reduction have been and will continue to be met.

#### *18.3.8 Single annual fee for dual certificate holders*

A member of the College who holds a general and speciality certificate of registration or an academic and specialty certificate of registration shall pay a single annual fee under article 18.3.7 per calendar year.

#### *18.3.9 Annual fee, education – speciality programs*

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program in the speciality of endodontics, oral and maxillofacial radiology, orthodontics and dental facial orthopaedics, paediatric dentistry, periodontics, prosthodontics, or public health dentistry shall pay an annual fee of \$100.<sup>00</sup> for each calendar year in which the member holds the certificate.

#### *18.3.10 Annual fee, education – other program*

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program other than one listed in article 18.3.9 shall pay an annual fee of \$2,995.<sup>00</sup> for each calendar year in which the member holds the certificate.

#### *18.3.11 Annual fee, post specialty training*

A member of the College who holds a post specialty training certificate of registration shall pay an annual fee of \$2,995.<sup>00</sup> for each calendar year in which the member holds the certificate.

#### *18.3.12 Annual fee, graduate student*

A member of the College who holds a graduate student certificate of registration shall pay an annual fee of \$100.<sup>00</sup> for each calendar year in which the member holds the certificate.

#### *18.3.13 Due date, education, post specialty training, graduate student*

A member of the College who holds an education, post specialty training, or graduate student certificate of registration shall pay the applicable annual fee on or before the last day of the month immediately preceding the month in which the certificate was first issued.

#### 18.3.13.1 *Automatic CPI Adjustment of fees*

Each of the fees referred to in Articles 18.3.2, 18.3.5, 18.3.7, 18.3.10, and 18.3.11 of By-Law No. 18: Fees, shall be automatically adjusted effective October 1, 2023 and on October 1st in each year thereafter, by an amount equal to the annual increase in the Ontario consumer price index for the previous twelve months ending on June 30th of the year in which the adjustment is being made, rounded to the nearest five dollar (\$5.<sup>00</sup>) increment.

#### 18.3.14 *Penalty fee for late payment*

Where a member of the College who holds an education, post specialty training, or graduate student certificate of registration fails to pay the applicable annual fee on or before the date on which the fee is due shall pay an additional penalty fee of \$500.<sup>00</sup>.

### 18.4 *Examination Fees*

#### 18.4.1 *Definition*

In this chapter, “**examination**” means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

#### 18.4.2 *Examination application fee*

An applicant for the examination shall pay an application fee of \$100.<sup>00</sup>

#### 18.4.3 *Written component fee*

An eligible candidate for the written component of the examination shall pay a fee of \$1,600.<sup>00</sup> at least thirty (30) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

#### 18.4.4 *Oral component fee*

An eligible candidate for the oral component of the examination shall pay a fee of \$3,300.<sup>00</sup> at least ninety (90) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

#### 18.4.5 *Re-scoring fee, written*

An applicant who applies to have the results of the written component of the examination re-scored shall pay a fee of \$100.<sup>00</sup>.

#### 18.4.6 *Re-scoring fee, oral*

An applicant who applies to have the results of the oral component of the examination re-scored shall pay a fee of \$700.<sup>00</sup>.

#### *18.4.7 Re-administration fees*

A candidate who is unsuccessful in the written or oral component of the examination and who applies and is eligible to retake that component shall pay an additional application fee under article 18.4.2 and an additional examination fee under article 18.4.3 or article 18.4.4, as applicable.

#### *18.5 Replacement Certificates*

*18.5.1 Revoked (November 18, 2021, effective January 1, 2022)*

*18.5.2 Revoked (November 18, 2021, effective January 1, 2022)*

#### *18.6 Fees for Lifting Suspensions*

##### *18.6.1 Suspension for non-payment of fees*

An applicant seeking the lifting of a suspension imposed for the non-payment of fees shall submit an application in the form provided by the Registrar and a fee of \$250.<sup>00</sup>

##### *18.6.2 Two certificates*

Where an applicant applies at the same time for the lifting of a suspension on both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under 18.6.1.

##### *18.6.3 Fees payable on lifting of suspension*

Where an applicant's certificate of registration was suspended for the non-payment of fees and the applicant is entitled to have the suspension lifted, the applicant shall pay

- the fees that the applicant failed to pay which gave rise to the suspension,
- the annual fee payable for the calendar year in which the suspension is to be lifted,
- the penalty fee, if applicable, and
- a reinstatement fee of \$100.<sup>00</sup>.

#### *18.7 Reinstatement Fees*

##### *18.7.1 Reinstatement hearing*

An applicant requesting a hearing under the Act to consider reinstatement of his or her certificate of registration shall pay a fee of \$3,500.<sup>00</sup>.

### *18.7.2 Partial refund on withdrawal*

Where an applicant for a hearing under article 18.7.1 withdraws the application at least thirty (30) days prior to the scheduled date for the commencement of the hearing, the applicant shall be refunded \$3000.<sup>00</sup>.

### *18.7.3 Other reinstatement*

An applicant for the reinstatement of a certificate of registration, other than an applicant under article 18.7.1, shall submit an application in the form provided by the Registrar and pay a fee of \$250.<sup>00</sup>.

### *18.7.4 Two certificates*

Where an applicant applies at the same time for the reinstatement of both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under article 18.7.1 or article 18.7.3, as applicable.

### *18.7.5 Fees payable on reinstatement*

Where a former member of the College is entitled to the reinstatement of his or her certificate of registration, the former member shall pay

- a. the annual fee for any and all years in which the member practised in Ontario, if not previously paid,
- b. any amounts owed to the College, including any penalty fee due at the time the former member ceased to be a member of the College,
- c. the penalty fee, if applicable, and
- d. a reinstatement fee of \$100.<sup>00</sup>.

## *18.8 Course Fees*

### *18.8.1 Remedial courses*

Except as otherwise set by Council, a member of the College taking a remedial course presented by the College shall pay a course fee of \$500.<sup>00</sup>.

#### *18.8.1.1 Course and Monitoring Fees*

Where a member has been ordered to have his or her practice or office monitored as part of a decision of a Committee or panel of a Committee of the College, including without limitation, the Inquiries, Complaints and Reports Committee, the Discipline Committee, the Fitness to Practice Committee or the Registration Committee, or the member has agreed to have his or her practice or office monitored, the member shall pay a fee of \$1,000.<sup>00</sup> for each practice or office monitoring visit conducted by or for the College.



### *18.8.2 Continuing education courses*

The Executive Committee shall determine what course fee, if any, to charge for a continuing education course offered by the College.

### *18.8.3 Different course fees by membership*

The Executive Committee may set a different course fee for members and non-members of the College.

### *18.8.4 Course fees payable on application*

An applicant for a course presented or offered by the College shall pay the applicable course fee upon application.

## *18.9 Sedation and General Anesthesia*

### *18.9.1 Member's Authorization, initial application*

A member applying for authorization to administer minimal sedation or moderate sedation, deep sedation, and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of \$600.<sup>.00</sup> in the case of a Visiting Member and \$150.<sup>.00</sup> otherwise.

### *18.9.2 Member's Authorization, renewal*

A member applying for renewal of an authorization to administer minimal sedation or moderate sedation, deep sedation, and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of \$300.<sup>.00</sup> in the case of a Visiting Member and \$150.<sup>.00</sup> otherwise.

### *18.9.3 Member's Authorization, inspection*

A member who is authorized to perform moderate sedation or deep sedation and/or general anesthesia and who is required to pay an inspection fee under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of \$450.<sup>.00</sup> in the case of a Visiting Member and \$150.<sup>.00</sup> otherwise.

### *18.9.4 Member's Authorization, inspection, minimal*

A member who is authorized to perform minimal sedation and who is required to pay an inspection fee under By-law 21 (SEDATION AND GENERAL ANESTHESIA), shall pay a fee of \$125.<sup>.00</sup>.

### *18.9.5 Member's Authorization, revision*

A member applying to revise an authorization to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of \$150.<sup>.00</sup>, and, where the application for revision requires an inspection, an inspection fee of \$450.<sup>.00</sup>.

#### *18.9.6 Facility Permit, application*

A member applying for a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of \$750.<sup>00</sup>.

#### *18.9.7 Facility Permit, renewal*

A member applying for renewal of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of \$350.<sup>00</sup>.

#### *18.9.8 Facility Permit, extension inspection*

A member required to pay an inspection fee in respect of an extension of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of \$600.<sup>00</sup>.

#### *18.9.9 Facility Permit, renewal inspection*

A member required to pay an inspection fee in respect of a renewal of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of \$600.<sup>00</sup>.

### *18.10 Health Profession Corporation Fees*

#### *18.10.1 Certificate of authorization*

A corporation applying for a certificate of authorization shall pay a fee of \$750.<sup>00</sup> for the issuance of the certificate.

#### *18.10.2 Revised certificate of authorization*

A corporation applying for a revised certificate of authorization shall pay a fee of \$150.<sup>00</sup> for the issuance of the revised certificate.

#### *18.10.3 Renewal fee*

A corporation applying for renewal of its certificate of authorization shall pay a renewal fee of \$175.<sup>00</sup>, if paid on or before 31 July in the year in which the fee is due, and \$200.<sup>00</sup> if paid thereafter.

#### *18.10.4 Revoked (November 18, 2021; effective January 1, 2022)*

### *18.11 Dental CT Scanner Fees*

#### *18.11.1 Member's Authorization, initial application*

A member applying for authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of \$150.<sup>00</sup>.

#### *18.11.2 Member's Authorization, renewal*

A member applying for renewal of an authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of \$150.<sup>00</sup>.

#### *18.11.3 Member's Authorization, inspection*

A member required to pay an inspection fee under By-law 20 (DENTAL CT SCANNERS) related to the member's authorization to prescribe, order or take dental CT scans shall pay a fee of \$175.<sup>00</sup>.

#### *18.11.4 Member's Authorization, revision*

A member applying to revise an authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of \$150.<sup>00</sup>.

#### *18.11.5 Facility Permit, application*

A member applying for a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of \$850.<sup>00</sup> per Facility Permit.

#### *18.11.6 Facility Permit, renewal*

A member applying for renewal of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of \$400.<sup>00</sup>.

#### *18.11.7 Facility Permit, revision*

A member applying to revise a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of \$850.<sup>00</sup> where an inspection is required and \$150.<sup>00</sup> otherwise.

#### *18.11.8 Facility Permit, extension inspection*

A member required to pay an inspection fee in respect of an extension of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of \$700.<sup>00</sup>.

#### *18.11.9 Facility Permit, renewal inspection*

A member required to pay an inspection fee in respect of a renewal of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of \$700.<sup>00</sup>.

### *18.12 Other Fees*

#### *18.12.1 Letters of standing*

A member or former member of the College who requests a certificate or letter of standing shall pay a fee of \$75.<sup>00</sup>, to be submitted with the request.

#### *18.12.2 Registrar may waive fee*

The Registrar may, in his or her sole discretion, waive the fee for a certificate or letter of standing payable under article 18.12.1.

#### *18.12.3 Loss of prescribing privileges*

Where a member of the College agrees or is required to give up his or her prescribing privileges, the member shall pay a fee equal to the costs of the College to notify all members of the Ontario College of Pharmacists of the member's loss of prescribing privileges, up to a maximum of \$500.<sup>00</sup>.

#### *18.12.4 Discretionary removal of obsolete, no longer relevant Register information*

A member of the College requesting the Registrar to exercise his discretion under subsection 23(7) of the Code shall submit an application in the form provided by the Registrar and a fee of \$500.<sup>00</sup>.

#### *18.12.5 Removal of historical disciplinary and incapacity Register information*

A member of the College making an application under clause (c) of subsection 23(11) of the Code shall submit an application in the form provided by the Registrar and where the application relates to a finding of professional misconduct, the member shall submit a fee of \$3500.<sup>00</sup>.

#### *18.12.6 Partial refund on withdrawal*

Where a member of the College who was required to pay a fee under article 18.12.5 withdraws the application at least thirty (30) days prior to date on which the application is scheduled to be considered by the Discipline Committee, the applicant shall be refunded \$3000.<sup>00</sup>.

#### *18.12.7 Declined payment fee*

A member of the College shall pay a fee of \$25.<sup>00</sup> where

- a. the member purports to make payment to the College by credit card, but the payment is refused by the credit card provider on first submission by the College, or
- b. the member purports to make payment to the College by cheque, but the cheque is not honoured on first presentation to the financial institution of the payer.

### *18.13 Method of Payment*

#### *18.13.1 Accepted methods of payment*

The College may accept payments made in cash; by credit card accepted by the College; by cheque; by money order; and by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar.

#### *18.13.2 Other methods of payment*

Methods of payment other than those set out in article 18.13.1 are not accepted, except as authorized by Council.

#### *18.13.3 Timing of receipt of payment*

A fee or other amount is deemed to be paid to the College at the following times:

- a. where the payment is made in cash, the date upon which the cash is received at the offices of the College;
- b. where payment is made by credit card accepted by the College, the date upon which appropriate authorization is received at the offices of the College;
- c. where payment is made by cheque, the date of the cheque or the date that the cheque is received at the offices of the College, whichever is later, provided that the cheque is honoured on first presentation to the financial institution of the payer;
- d. where payment is made by money order, the date upon which the money order is received at the offices of the College; and
- e. where payment is made by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar, the date upon which the funds are actually received by the College.

### *18.14 Refunds*

#### *18.14.1 All fees non-refundable*

Except as otherwise provided in these by-laws, all fees or other amounts paid to the College are non-refundable.

## 19 EXAMINATION FOR SPECIALITY IN DENTAL ANAESTHESIA

### *19.1 General*

#### *19.1.1 Definition*

In this by-law, “**examination**” means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

#### *19.1.2 Re-scoring*

A person who is unsuccessful on either the written or oral component of the examination may have the component re-scored by filing a written request with the Registrar within thirty (30) days of receipt of the results of that component of the examination and submitting the applicable fee.

### *19.2 Eligibility*

#### *19.2.1 Eligibility criteria*

A person is eligible to attempt the examination if he or she satisfies all of the following conditions:

- a. the person has applied for a specialty certificate of registration in dental anaesthesia and obtained the approval of the Registration Committee;
- b. the person has paid all applicable fees; and
- c. the person has not been unsuccessful on either the written or oral component of the examination on three previous occasions.

#### *19.2.2 Additional attempts*

Where a person has been unsuccessful on either the written or oral component of the examination on three previous occasions, the person may not attempt the examination again until he or she has successfully completed such additional education, training, or both approved by a panel of the Registration Committee.

#### *19.2.3 Additional education, training may include new program*

The additional education or training approved by a panel of the Registration committee under article 19.2.2 may include the completion of a new approved specialty program that is a requirement for the issuance of a specialty certificate in dental anaesthesia.

#### *19.2.4 Attempts following additional education, training*

Where a person has completed additional education, training, or both as approved by the Registration Committee under article 19.2.2, the person's unsuccessful attempts at the examination prior to the completion of the education or training shall not be considered for the purpose of determining eligibility to attempt the examination under article 19.2.1.

## 20 DENTAL CT SCANNERS<sup>4</sup>

### *20.1 General*

#### *20.1.1 Definitions*

In this by-law,

“**CF scan**” means a dental CT scan with a field of view over eight (8) centimetres;

“**CF scanner**” means a craniofacial CT scanner;

“**DA scan**” means a dental CT scan with a field of view eight (8) centimetres or less;

“**DA scanner**” means a dentoalveolar CT scanner;

“**dental CT scan**” means a CT scan taken with a CF scanner or a DA scanner;

“**dental CT scanner**” means a CF scanner or a DA scanner;

“**dental facility**” means any dental office in which oral health care is provided, including, but not limited to, traditional dental practices, community and school-based dental clinics, and collective living centres and other institutional settings;

“**Facility Permit**” means a permit issued by the College authorizing the member to install and operate a dental CT scanner at a dental facility;

“inspection” may include:

- a. in relation to a member who prescribes, orders or takes dental CT scans, an audit of the documentation required to be filed with the College upon application for renewal of a Member’s Authorization and/or an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;
- b. in relation to a member or a dental facility which holds a Facility Permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;

“**Member’s Authorization**” is the authorization issued by the College to a member under this by-law to permit the member to prescribe, order or take dental CT scans and, unless the context otherwise requires, includes one which has been provisionally issued under article 20.2.7;

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<sup>4</sup>This by-law must be read in conjunction with the Standard of Practice of the Royal College of Dental Surgeons of Ontario.



**“Registrar”** in this by-law includes the Deputy Registrar or any person to whom the Registrar has delegated a responsibility or authority which the Registrar has under this bylaw; and

**“Standard of Practice”** means the standard of practice published by the College and entitled *Standard of Practice: Dental CT Scanners*.

## *20.2 Application, Provisional Authorization*

### *20.2.1 Authorization required*

A member of the College shall not prescribe, order, or take dental CT scans without obtaining appropriate authorization from the College.

### *20.2.2 Application for authorization*

A member may apply to obtain authorization from the College to prescribe, order or take dental CT scans by submitting:

- a. a completed application in the form provided by the Registrar, along with any requested information;
- b. the written agreement required by article 20.2.5;
- c. any other documentation requested by the Registrar; and
- d. the applicable application fees.

### *20.2.3 Application to specify*

An application under article 20.2.2 to prescribe, order or take dental CT scans shall specify whether the member is seeking authorization to take DA scans or CF scans.

### *20.2.4 Application for CF scans*

An application to prescribe, order or take CF scans shall be deemed to be an application to prescribe, order or take CF scans and DA scans.

### *20.2.5 Application to cease prescribing, ordering or taking dental CT scans upon notice*

A member applying for authorization to prescribe, order or take dental CT scans shall submit a written agreement, in the form provided by the Registrar, to immediately cease prescribing, ordering or taking dental CT scans in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to prescribe, order or take dental CT scans.

#### *20.2.6 Notice to cease prescribing, ordering or taking dental CT scans*

Where the Registrar notifies the member under article 20.2.5 to cease prescribing, ordering or taking dental CT scans, the Register will indicate which dental CT scans, if any, the member can continue to prescribe, order or take.

#### *20.2.7 Conditions for provisional authorizations*

The Registrar may issue a provisional Member's Authorization to a member who has made an application under article 20.2.2 to prescribe, order or take DA scans, or both DA scans and CF scans, where the Registrar or, failing the Registrar, the Dental CT Scanner Committee is satisfied that:

- a. the member has the requisite education and training under the Standard of Practice; and
- b. there are no concerns respecting the member's competence or prior conduct in relation to the prescribing, ordering or taking of dental CT scans for which the member is seeking authorization.

#### *20.2.8 Contents of provisional authorizations*

A provisional Member's Authorization issued under article 20.2.7 shall specify the following:

- a. whether the member is authorized to prescribe, order or take DA scans or both CF scans and DA scans; and
- b. that the Member's Authorization is subject to immediate cancellation in the event that the member fails to comply with the written agreement required by article 20.2.5.

#### *20.2.9 Expiry of provisional authorizations*

Unless extended by the Registrar, a provisional Member's Authorization expires on the earlier of

- a. six (6) months from the date the provisional Member's Authorization was issued; and
- b. the date of issuance of an annual Member's Authorization with the same specifications.

#### *20.2.10 Extension of provisional authorizations*

The Registrar may extend a provisional Member's authorization for a period of up to three (3) months, subject to any conditions the Registrar may determine appropriate.

### *20.3 Annual Authorization, Renewal*

#### *20.3.1 Conditions for annual authorization*

The Registrar may issue an annual Member's Authorization to prescribe, order or take dental CT scans to a member who holds a provisional Member's Authorization to prescribe, order or take dental CT scans where the Registrar is satisfied as a result of an inspection that the member's records required to be maintained with regard to the prescribing, ordering or taking dental CT scans are in compliance with the Standard of Practice.

#### *20.3.2 Expiry of annual authorization*

An annual Member's Authorization to prescribe, order or take dental CT scans, including one that has been renewed, expires on the 31st day of October following its issuance or renewal.

#### *20.3.3 Application for renewal*

A member may apply for the renewal of an annual Member's Authorization to prescribe, order or take dental CT scans by submitting the following:

- a. a completed application, in the form provided by the Registrar, along with any requested documentation;
- b. any other documentation requested by the Registrar; and
- c. the applicable renewal fees.

#### *20.3.4 Conditions for renewal*

The Registrar may renew a member's annual Member's Authorization to prescribe, order or take dental CT scans where the following conditions are met:

- a. the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's records required to be maintained with regard to the prescribing, ordering or taking of dental CT scans are in compliance with the Standard of Practice; and
- b. the Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the prescribing, ordering or taking of dental CT scans which the member is authorized to administer.

#### *20.3.5 Where renewal prohibited*

The Registrar shall not renew a member's annual Member's Authorization to prescribe, order or take dental CT scans where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice unless the Registrar is subsequently satisfied that all deficiencies have been addressed to the Registrar's satisfaction.

## *20.4 Inspection*

### *20.4.1 Inspection for renewal of Member's Authorization*

An inspection required in order to obtain renewal of an annual Member's Authorization shall include an inspection of the member's records with regard to the prescribing, ordering or taking of dental CT scans.

### *20.4.2 Extension of annual authorization for inspection*

Where additional time is needed to allow for an inspection required by this by-law, or where the member requires additional time to rectify any deficiencies found during an inspection, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so, extend a member's annual Member's Authorization, including one that has expired, for a period of up to 90 days.

### *20.4.3 Conditions of extension*

The Registrar may make an extension granted under article 20.4.2 subject to any conditions or inspections the Registrar may consider appropriate.

### *20.4.4 Inspection fees*

A member shall pay the applicable inspection fees where an inspection is required:

- a. by the Registrar under article 20.4.1; or; or
- b. in order to obtain a renewal of the member's annual Member's Authorization due to deficiencies or concerns found during a previous inspection.

## *20.5 Amendments to Authorizations*

### *20.5.1 Rescinding authorization*

The Registrar may rescind a Member's Authorization where the Registrar is satisfied that:

- a. the authorization was issued on the basis of information or representations that were inaccurate, false or misleading; or
- b. the member no longer meets the requirements for issuance of such authorization.

### *20.5.2 Application to revise authorization*

A member may apply to revise his or her Member's Authorization by submitting the following:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. any other documentation requested by the Registrar; and

- c. the applicable application fees.

### *20.5.3 Conditions for revision*

The Registrar may revise the Member's Authorization provided that the Registrar or, failing the Registrar, the Dental CT Scanner Committee, is satisfied that the member would meet all of the requirements of this by-law for the issuance of a new Member's Authorization with the revisions the member is requesting.

## *20.6 Facility Permits: General, Application*

### *20.6.1 Facility Permit required*

A Facility Permit shall authorize the installation and operation of a dental CT scanner at a specified dental practice location.

### *20.6.2 One Facility Permit per dental CT scanner*

Each Facility Permit shall authorize the installation and operation of one (1) dental CT scanner, and shall specify the following:

- a. whether the permit is for a DA Scanner or a CF scanner; and
- b. that the Facility Permit is subject to immediate cancellation in the event that the member who holds the Facility Permit fails to comply with the written agreement required under article 20.6.6.

### *20.6.3 Facility Permit issued to authorized member*

A Facility Permit shall only be issued to a member who practices at the dental facility for which the permit is issued and has the appropriate Member's Authorization for the type of dental CT scanner to be installed and operated.

### *20.6.4 Application for Facility Permit*

A member may apply for a Facility Permit by submitting the following:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. any other documentation requested by the Registrar;
- c. the written agreement required under article 20.6.6; and
- d. the applicable application fees.

### *20.6.5 Application to specify type of Facility Permit*

An application for a Facility Permit shall specify whether the application is for a DA scanner or a CF scanner.

#### *20.6.6 Agreement to comply*

A member applying for a Facility Permit shall submit a written agreement, in the form provided by the Registrar, to do the following:

- a. to comply fully with the Standard of Practice and this by-law, including the provisions of article 20.8.1 (Duties of Facility Permit holder) and 20.8.2 (Duty to provide information); and
- b. . to immediately cease the operation of a dental CT scanner at the dental facility in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that
  - i. there is a risk of harm to the public should the dental facility continue the operation of a dental CT scanner; or
  - ii. the member is in breach of the terms of the written agreement.

#### *20.6.7 Conditions for Facility Permit*

The Registrar may issue a Facility Permit to a member where the Registrar, or failing the Registrar, the Dental CT Scanner Committee, is satisfied on the basis of an inspection that the dental facility is in compliance with the Standard of Practice.

### *20.7 Facility Permits: Expiry, Renewal, Extension, Revision, Cancellation*

#### *20.7.1 Expiry of Facility Permit*

A Facility Permit, including one that has been renewed, expires on the 31st day of October following its issuance or renewal.

#### *20.7.2 Renewal application for Facility Permit*

At least thirty (30) days prior to the expiry of the permit, a member who holds a Facility Permit may apply for the renewal of the permit by submitting an application in the form provided by the Registrar, along with any requested documentation and paying the applicable fees.

#### *20.7.3 Additional documentation*

In addition to the requirements of 20.7.2, a member requesting the renewal of a Facility Permit shall provide any documentation requested by the Registrar, within 10 days of receiving the request.

#### *20.7.4 Conditions for renewal*

The Registrar may renew a member's Facility Permit where the Registrar is satisfied that:

- a. the requirements of articles 20.7.2 and 20.7.3 have been met;
- b. an inspection of the dental facility has taken place within the previous 36 months;
- c. any inspection of the dental facility requested by the Registrar has been completed;
- d. any deficiencies found during any inspection of the dental facility have been rectified; and
- e. there is no reason to believe that the dental facility or the members authorized to prescribe, order or take dental CT scans at the dental facility are not in compliance with the Standard of Practice.

#### *20.7.5 Extension of Facility Permit for inspection*

Where additional time is needed to allow for an inspection required by this by-law or where the member requires additional time to rectify any deficiencies found during an inspection or where the member requires additional time to comply with article 20.7.2 or article 20.7.3, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so, extend a member's Facility Permit, including one that has expired, for a period of up to 90 days.

#### *20.7.6 Conditions of extension*

The Registrar may make an extension granted under article 20.7.5 subject to any conditions or inspections the Registrar may determine appropriate.

#### *20.7.7 Inspection fees*

Where an inspection is required by the Registrar under article 20.7.6, the member shall pay the applicable inspection fees.

#### *20.7.8 Cancellation upon replacement*

An existing Facility Permit shall be cancelled where any of the following circumstances occur:

- a. where a new Facility Permit is issued for a dental facility, which is replacing a dental CT scanner that is the subject of an existing Facility Permit;
- b. where the holder of a Facility Permit requests the cancellation of the Facility Permit, either because the dental CT scanner has been moved from the dental facility or for any other reason; or
- c. where the Facility Permit has expired.

#### *20.7.9 Cancellation for non-compliance with written agreement*

The Registrar may immediately cancel a Facility Permit where the Registrar determines that the member who holds the Facility Permit is not in compliance with the written agreement required under article 20.6.6.

#### *20.7.10 Cancellation conditions for non-compliance with standard*

The Registrar may cancel, refuse to renew or place conditions on a member's Facility Permit where an inspection indicates that the dental facility, or any member prescribing,

ordering or taking dental CT scans at the dental facility, does not meet any requirement of the Standard of Practice.

#### *20.7.11 Reapplication*

Where a Facility Permit is cancelled by the Registrar, the former holder of the Facility Permit may apply for the issuance of a new Facility Permit.

#### *20.7.12 Removal of conditions*

Where the Registrar places a condition on a Facility Permit, the Registrar may remove the condition on being satisfied that the dental facility and any member who prescribes, orders or takes dental CT scans at the dental facility are in compliance with the Standard of Practice.

### *20.8 Duties of Facility Permit Holder*

#### *20.8.1 Duties of Facility Permit holder*

A member who is the holder of a Facility Permit shall comply with the Standard of Practice and shall ensure that each member who prescribes, orders or takes dental CT scans at the dental facility holds an appropriate Member's Authorization to do so and has received on-site training in the safe operation of the dental CT scanner equipment at the dental facility that the member is authorized to use.

#### *20.8.2 Duties of Facility Permit holder*

A member who is the holder of a Facility Permit shall, upon request of the College, provide details of the members who have prescribed, ordered or taken dental CT scans at the dental facility during the preceding twelve (12) months.

### *20.9 Facility Permit Inspections*

#### *20.9.1 Facility Permit Inspections*

Each dental facility for which a Facility Permit has been issued is subject to inspection at such times as the Registrar may determine.

#### *20.9.2 Inspections for renewal*

Where deficiencies were noted during any inspection of a dental facility conducted in the preceding 36 months, the Registrar may require the dental facility to undergo one or more inspections prior to determining whether to renew the Facility Permit.



### *20.9.3 Inspections fees*

Where an inspection is required by the Registrar under article 20.9.2, the member shall submit the applicable inspection fees.

## *20.10 Revised Facility Permits*

### *20.10.1 Application*

A member holding a Facility Permit may apply for a revised Facility Permit by submitting an application in the form provided by the Registrar to:

- a. change the dental practice location referred to in the existing Facility Permit; or
- b. change the installed location of the dental CT scanner in the current dental practice location.

### *20.10.2 Required documentation*

A member may apply for a revised Facility Permit by submitting the following”

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. any other documentation requested by the Registrar;
- c. the written agreement required under article 20.6.6; and
- d. the applicable application fees.

### *20.10.3 Revised Facility Permit*

The Registrar may issue a revised Facility Permit provided that:

- a. the member has submitted all of the information and documentation required by article 20.10.2; and
- b. where requested by the Registrar, the dental facility and the dental CT scanner at that dental facility have undergone an inspection by an inspector appointed by the Registrar and no evidence of non-compliance with the Standard of Practice was found.

## 21 SEDATION AND GENERAL ANAESTHESIA<sup>1</sup>

### *21.1 General*

#### *21.1.1 Definitions*

In this by-law

**“dental facility”** means any dental office in which oral health care is provided, including, but not limited to, traditional dental practices, community and school-based dental clinics, and collective living centres and other institutional settings;

**“deep sedation”** means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation, as more particularly described in the Standard of Practice;

**“Facility Permit”** means a permit issued by the College authorizing the administration of moderate sedation, deep sedation and/or general anesthesia at a dental facility;

**“general anesthesia”** means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation, as more particularly described in the Standard of Practice;

**“inspection”** may include:

- a. in relation to a member who administers minimal sedation, an audit of the documentation required to be filed with the College upon application for renewal of a Member's Authorization and/or an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;
- b. in relation to a member or a dental facility which holds a Facility Permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection; and
- c. in relation to a Visiting Physician, an inspection of the physician's equipment and emergency drugs by an inspector or inspectors either appointed by or approved by the Registrar and includes are-inspection;

**“Member's Authorization”** is the authorization issued by the College to a member under this by-law to permit the member to administer minimal sedation, moderate sedation, deep sedation and/or general anesthesia-and, unless the context otherwise requires, includes one which has been provisionally issued under article 21.3.7 of this by-law;

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<sup>1</sup> This by-law must be read in conjunction with the Standard of Practice of the Royal College of Dental Surgeons of Ontario.

**“minimal sedation”** means a minimally depressed level of consciousness. produced by a pharmacological method that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, as more particularly described in the Standard of Practice;

**“moderate sedation”** means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation, as more particularly described in the Standard of Practice;

**“nitrous oxide and oxygen sedation”** means the sedation achieved by the administration of nitrous oxide and oxygen for the purpose of minimal sedation, as more particularly described in the Standard of Practice;

**“oral minimal sedation”** means the sedation achieved by the oral administration of a single sedative drug for the purpose of minimal sedation, as more particularly described in the Standard of Practice;

**“oral moderate sedation”** means the sedation achieved by the oral administration of a sedative drug with or without nitrous oxide and oxygen for the purpose of moderate sedation, as more particularly described in the Standard of Practice;

**“parenteral moderate sedation”** means the sedation achieved by the administration of a drug intravenously, intramuscularly, subcutaneously, submucosally or intranasally for the purpose of moderate sedation, as more particularly described in the Standard of Practice;

**“physician”** means a member of the College of Physicians and Surgeons of Ontario who

- a. holds a certificate of registration issued by the College of Physicians and Surgeons of Ontario permitting the member to practise independently, and
- b. is qualified by the College of Physicians and Surgeons of Ontario to administer moderate sedation, deep sedation and/or general anesthesia in a dental facility for which a Facility Permit has been issued;

**“Registrar”** in this by-law includes the Deputy Registrar or any person to whom the Registrar has delegated a responsibility or authority which the Registrar has under this by-law;

**“Standard of Practice”** means the standard of practice published by the College and entitled *Standard of Practice: Use of Sedation and General Anesthesia in Dental Practice*;

**“Type A Facility Permit”** means a Facility Permit which requires the dental facility to provide and have present at all times all of the equipment and emergency drugs needed to meet the requirements of the Standard of Practice;

**“Type B Facility Permit”** means a Facility Permit which requires the dental facility to utilize a Visiting Member or Visiting Physician to perform moderate sedation, deep sedation and/or general anesthesia at the dental facility;

**“Visiting Member”** means a member who holds a Member's Authorization and who is authorized under this by-law to perform moderate sedation, deep sedation and/or general anesthesia at a dental facility for which a Type B Facility Permit has been issued; and

**“Visiting Physician”** means a physician who performs moderate sedation, deep sedation and/or general anesthesia at a dental facility for which a Type B Facility Permit has been issued.

## *21.2 Minimal Sedation: Application, Authorization, Renewal<sup>2</sup>*

### *21.2.1 Modalities of minimal sedation*

The following are the modalities of minimal sedation:

1. nitrous oxide and oxygen sedation;
2. oral minimal sedation.

### *21.2.2 Application for minimal sedation*

A member may apply to obtain authorization from the College to administer minimal sedation by submitting:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. the written agreement required by article 21.2.4;
- c. any other documentation requested by the Registrar; and
- d. the applicable application fees

### *21.2.3 Application to specify*

An application under article 21.2.2 to administer minimal sedation shall specify the modalities of sedation which the member is seeking to be authorized to perform.

### *21.2.4 Agreement to cease administration upon notice*

A member applying for authorization to administer minimal sedation shall submit a written agreement, in the form provided by the Registrar, to immediately cease administering minimal sedation in the event that the Register notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to administer minimal sedation.

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<sup>2</sup> This Chapter shall be effective April 20, 2020.

#### *21.2.5 Conditions for annual authorization to administer minimal sedation*

The Registrar may issue an annual Member's Authorization to a member who has made an application under article 21.2.2 to administer minimal sedation where the Registrar or, failing the Registrar, the Sedation and Anesthesia Committee is satisfied that:

- a. the member has the requisite education and training under the Standard of Practice; and
- b. there are no concerns respecting the member's competence or prior conduct in relation to the administration of minimal sedation.

#### *21.2.6 Expiry of annual authorization*

An annual Member's Authorization for minimal sedation, including one that has been renewed, expires on the 31<sup>st</sup> day of March following its issuance or renewal.

#### *21.2.7 Application for renewal*

A member may apply for the renewal of an annual Member's Authorization for minimal sedation by submitting the following:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. evidence satisfactory to the Registrar that the member has maintained the life support certification required by the Standard of Practice;
- c. any other documentation requested by the Registrar; and
- d. the applicable renewal fees.

#### *21.2.8 Conditions for renewal to administer minimal sedation*

The Registrar may renew a member's annual Member's Authorization to administer minimal sedation where the following conditions are met:

- a. The Registrar is satisfied, as a result of an inspection conducted in the manner specified by the Registrar that the member's records required to be maintained with regard to the administration of minimal sedation are in compliance with the Standard of Practice:

- b. The Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the administration of minimal sedation;
- c. The Registrar is satisfied with the results of the inspection required by article 21.5.1.

### *21.2.9 Where renewal prohibited*

The Registrar shall not renew a member's annual Member's Authorization for minimal sedation where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice.

## *21.3 Moderate Sedation, Deep Sedation, General Anesthesia Application, Provisional Authorization*

### *21.3.1 Modalities of moderate sedation*

The following are the modalities of moderate sedation:

- a. oral moderate sedation;
- b. parenteral moderate sedation with one (1) sedative drug;
- c. parenteral moderate sedation with two (2) sedative drugs.

### *21.3.2 Application for moderate sedation or deep sedation and/or general anesthesia*

A member may apply to obtain authorization from the College to administer moderate sedation or deep sedation and/or general anesthesia by submitting:

- a. a completed application in the form provided by the Registrar, along with
- b. the written agreement required by article 21.3.5;
- c. any other documentation requested by the Registrar; and
- d. the applicable application fees.

### *21.3.3 Application to specify*

An application under article 21.3.2 to administer moderate sedation or deep sedation and/or general anesthesia shall specify the following:

- a. whether the member is seeking authorization to be a Visiting Member;
- b. whether the member is seeking authorization to perform general anesthesia and, if not, the modalities of sedation which the member is seeking to be authorized to perform.

#### *21.3.4 Application for deep sedation*

An application under article 21.3.2 to administer deep sedation shall be deemed to be an application to administer deep sedation and general anesthesia.

#### *21.3.5 Agreement to cease administration upon notice*

A member applying for authorization to administer moderate sedation or deep sedation and/or general anesthesia shall submit a written agreement, in the form provided by the Registrar, to immediately cease administering minimal sedation, moderate sedation or deep sedation and/or general anesthesia in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia.

#### *21.3.6 Notice to cease administration*

Where the Registrar notifies the member under article 21.3.5 to cease administering minimal sedation, moderate sedation or deep sedation and/or general anesthesia, the Registrar will indicate which modalities of sedation, if any, the member can continue to use.

#### *21.3.7 Conditions for provisional authorizations*

The Registrar may issue a provisional Member's Authorization to a member who has made an application under article 21.3.2 to administer moderate sedation or deep sedation and/or general anesthesia where the Registrar or, failing the Registrar, the Sedation and Anesthesia Committee is satisfied that:

- a. the member has the requisite education and training under the Standard of Practice; and
- b. there are no concerns respecting the member's competence or prior conduct in relation to the administration of deep sedation, general anesthesia, or the modalities of moderate sedation requested by the application.

#### *21.3.8 Contents of provisional authorization*

A provisional Member's Authorization issued under article 21.3.7 shall specify the following:

1. whether the member is authorized to administer deep sedation and general anesthesia and, if not, the modalities of moderate sedation that the member is authorized to administer;
2. whether the member is a Visiting Member or is limited to administering moderate sedation deep sedation and/or general anesthesia at a dental facility that holds a Type A Facility Permit; and
3. that the Member's Authorization is subject to immediate cancellation in the event that the member fails to comply with the written agreement required by article 21.3.5.

#### *21.3.9 Expiry of provisional authorization*

Unless extended by the Registrar, a provisional Member's Authorization expires on the earlier of

- a. three (3) months from the date the provisional Member's Authorization was issued; and
- b. the date of issuance of an annual Member's Authorization with the same specifications.

#### *21.3.10 Extension of provisional authorization*

The Registrar may extend a provisional Member's authorization for a period of up to three (3) months subject to any conditions the Registrar may determine appropriate.

### *21.4 Moderate Sedation, Deep Sedation, General Anesthesia: Annual Authorization*

#### *21.4.1 Conditions for annual authorization to administer moderate sedation or deep sedation and/or general anesthesia*

The Registrar may issue an annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia to a member who holds a provisional Member's Authorization for moderate sedation or deep sedation and/or general anesthesia where the Registrar is satisfied as a result of an inspection that the member's records required to be maintained with regard to the administration of moderate sedation or deep sedation and/or general anesthesia are in compliance with the Standard of Practice.

#### *21.4.2 Expiry of annual authorization*

An annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia, including one that has been renewed, expires on the 31<sup>st</sup> day of March following its issuance or renewal.



#### *21.4.3 Application for renewal*

A member may apply for the renewal of an annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia by submitting the following:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. evidence satisfactory to the Registrar that the member has maintained the life support certification required by the Standard of Practice;
- c. any other documentation requested by the Registrar; and
- d. the applicable renewal fees.

#### *21.4.4 Conditions for renewal to administer moderate sedation or deep sedation and/or general anesthesia*

The Registrar may renew a member's annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia where the following conditions are met:

- a. the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's records required to be maintained with regard to the administration of moderate sedation, deep sedation and/or general anaesthesia are in compliance with the Standard of Practice.
- b. where the member is a Visiting Member, the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's equipment and emergency drugs are in compliance with the Standard of Practice.
- c. The Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the administration of the type of sedation and/or general anesthesia which the member is authorized to administer.

#### *21.4.5 Where renewal prohibited*

The Registrar shall not renew a member's annual Member's Authorization for moderate sedation, or deep sedation, and/or general anesthesia where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice unless the Registrar is subsequently satisfied that all deficiencies have been addressed to the Registrar's satisfaction.

### *21.5 Inspection*

#### *21.5.1 Inspection for Renewal of Member's Authorization*

An inspection required in order to obtain a renewal of an annual Member's

Authorization shall include the following:

- a. an inspection of the member's records with regard to the administration of minimal sedation, moderate sedation or deep sedation, and/or general anesthesia; and;
- b. in the case of a Visiting Member, an inspection of the member's equipment and emergency drugs.

#### *21.5.2 Extension of annual authorization for inspection*

Where additional time is needed to allow for an inspection required by this by-law, or where the member requires additional time to rectify any deficiencies found during an inspection, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so:

- a. extend a member's annual Member Authorization, including one that has expired, for a period of up to 90 days; and
- b. extend a Visiting Member's Authorization, including one that has expired, for a period of up to 30 days.

#### *21.5.3 Conditions for extension*

The Registrar may make an extension granted under article 21.5.2 subject to any conditions or inspections the Registrar may determine appropriate.

#### *21.5.4 Inspection fees*

A member shall pay the applicable inspection fees where an inspection is required

- a. by the Registrar under article 21.5.1, or
- b. in order to obtain a renewal of the member's annual Member's Authorization due to deficiencies or concerns found during a previous inspection.

### *21.6 Amendments to Authorizations*

#### *21.6.1 Rescinding authorization*

The Registrar may rescind a Member's Authorization where the Registrar is satisfied that

- a. the authorization was issued on the basis of information or representations that were inaccurate, false, or misleading; or
- b. the member no longer meets the requirements for the issuance of such authorization.

### *21.6.2 Application to revise authorization*

A member may apply to revise his or her Member's Authorization by submitting the following:

- a. a completed application in the form provided by the Registrar, along with any requested documentation;
- b. any other documentation requested by the Registrar;
- c. the applicable application fees; and
- d. where the application includes permitting the member to be a Visiting Member, the applicable inspection fees.

### *21.6.3 Conditions for revision*

The Registrar may revise the Member's Authorization provided that:

- a. the Registrar or, failing the Registrar, the Sedation and General Anesthesia Committee, is satisfied that the member would meet all of the requirements of this by-law for the issuance of a new Member's Authorization with the revisions the member is requesting; and
- b. where the application for revision includes permitting the member to be a Visiting Member, the Registrar is satisfied as a result of an inspection that the member's equipment and emergency drugs are in compliance with the Standard of Practice

## *21.7 Facility Permits: General, Application*

### *21.7.1 Facility Permit required*

A Facility Permit shall authorize the use of one or more modalities of moderate sedation or deep sedation and/or general anesthesia at a specified dental practice location.

### *21.7.2 Facility Permit for deep sedation*

A Facility Permit authorizing the use of general anesthesia also authorizes the administration of deep sedation and all modalities of moderate sedation.

### *21.7.3 Facility Permit issued to owner or designated owner*

A Facility Permit shall only be issued to the member who owns the dental facility for which the permit is issued, or, in the case of multiple owners, to the member-owner designated by the owners to be the holder of the Facility Permit.

### *21.7.4 Application for Facility Permit*

A member may apply for a Facility Permit by submitting the following:

- a. a completed application in the form provided by the Registrar. along with any requested documentation;
- b. any other documentation requested by the Registrar;
- c. the written agreement required under article 21.7 .6; and
- d. the applicable application fees.

#### *21.7.5 Application to specify type of Facility Permit*

An application for a Facility Permit shall specify whether the application is for a Type A Facility Permit, a Type B Facility Permit, or both.

#### *21.7.6 Agreement to comply, cease administration upon notice*

A member applying for a Facility Permit shall submit a written agreement, in the form provided by the Registrar, to do the following:

- a. to comply fully with the Standard of Practice and this by-law, including the provisions of article 21.9.1 (Duties of Facility Permit holder) and 21.9.2 (Duty to provide information);
- b. to immediately cease the use of minimal sedation. moderate sedation or deep sedation and/or general anesthesia at the dental facility in the event that the Register notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that:
  - i. there is a risk of harm to the public should the dental facility continue to use minimal sedation, moderate sedation, deep sedation, and/or general anesthesia; or
  - ii. the member is in breach of the terms of the written agreement; and
- c. to immediately cease to use a physician to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia in the event that the Registrar notifies the member that the Registrar has reasonable and probable grounds to believe that:
  - i. the physician is not in compliance with the Standard of Practice; or
  - ii. there is a risk of harm to the public should the dental facility continue to use the physician.

#### *21.7.7 Conditions for Facility Permit*

The Registrar may issue a Facility Permit to a member where the Registrar or, failing the Registrar, the Sedation and General Anesthesia Committee, is satisfied on the basis of an inspection that the dental facility is in compliance with the Standard of Practice.

#### *21.7.8 Contents of Facility Permit*

Each Facility Permit shall specify the following:

- 1. whether the Facility Permit is a Type A or Type B Facility Permit;

2. for a Type A Facility Permit, whether deep sedation and general anesthesia are authorized to be used at the dental facility, and if not, the modalities of moderate sedation authorized to be used at the dental facility;
3. for a Type B Facility Permit, that moderate sedation or deep sedation and/or general anesthesia must be administered by a Visiting Member or by a Visiting Physician whose equipment and emergency drugs have been subject to an inspection and found to be in compliance with the Standard of Practice;
4. that the Facility Permit is subject to immediate cancellation in the event that the member who holds the Facility Permit fails to comply with the written agreement required under article 21.7.6.

## *21.8 Facility Permits: Expiry, Renewal, Extension, Revision, Cancellation*

### *21.8.1 Expiry of Facility Permit*

A Facility Permit, including one that has been renewed, expires on the 31<sup>st</sup> day of March following its issuance or renewal.

### *21.8.2 Renewal Application for Facility Permit*

At least thirty (30) days prior to the expiry of the permit it, a member who holds a Facility Permit may apply for the renewal of the permit by submitting an application in the form provided by the Registrar, along with any requested documentation and paying the applicable fees.

### *21.8.3 Additional Documentation*

In addition to the requirements of 21.8.2, a member requesting the renewal of a Facility Permit shall provide any documentation requested by the Registrar, within 10 days of receiving the request.

### *21.8.4 Conditions for renewal*

The Registrar may renew a member's Facility Permit where the Registrar is satisfied that

- a. the requirements of articles 21.8.2 and 21.8.3 have been met;
- b. an inspection of the dental facility has taken place within the previous 36 months;
- c. any inspection of the dental facility requested by the Registrar has been completed;
- d. any deficiencies found during any inspection of the dental facility have been rectified; and

- e. there is no reason to believe that the dental facility or the members or physicians authorized or qualified to administer moderate sedation or deep sedation and/or general anesthesia at the dental facility are not in compliance with the Standard of Practice.

#### *21.8.5 Extension of Facility Permit for inspection*

Where additional time is needed to allow for an inspection required by this by-law or where the member requires additional time to rectify any deficiencies found during an inspection or where the member requires additional time to comply with article 21.8.2 or article 21.8.3, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so:

- a. extend a member's Facility Permit including one that has expired, for a period of up to 30 days in the case of a Type A Facility Permit; and
- b. extend a member's Facility Permit, including one that has expired, for a period of up to 90 days in the case of a Type B Facility Permit;

#### *21.8.6 Conditions of extension*

The Registrar may make an extension granted under article 21.8.5 subject to any conditions or inspections the Registrar may determine appropriate.

#### *21.8.7 Inspection Fees*

Where an inspection is required by the Registrar under article 21.8.6, the member shall pay the applicable inspection fees.

#### *21.8.8 Revisions to Facility Permits*

The Registrar may revise a Type A Facility Permit into a Type B Facility Permit upon application by the holder of the Facility Permit.

#### *21.8.9 No additional revisions to Facility Permit*

No revisions to a Facility Permit shall be made, other than a revision under article 21.8.8.

#### *21.8.10 Cancellation upon replacement*

Where a new Facility Permit is issued for a dental facility which has at the time of issuance an existing Facility Permit of the same type, the existing Facility Permit is

automatically cancelled.

#### *21.8.11 Cancellation for non-compliance with written agreement*

The Registrar may immediately cancel a Facility Permit where the Registrar determines that the member who holds the Facility Permit is not in compliance with the written agreement required under article 21.7.6.

#### *21.8.12 Cancellation, conditions for non-compliance with standard*

The Registrar may cancel, refuse to renew, or place conditions on a member's Facility Permit where an inspection indicates that the dental facility, or any member or physician administering moderate sedation or deep sedation and/or general anesthesia at the dental facility, does not meet any requirement of the Standard of Practice.

#### *21.8.13 Reapplication*

Where a Facility Permit is cancelled by the Registrar, the former holder of the Facility Permit may apply for the issuance of a new Facility Permit.

#### *21.8.14 Removal of conditions*

Where the Registrar places a condition on a Facility Permit, the Registrar may remove the condition on being satisfied that the dental facility and any member or physician who administers moderate sedation or deep sedation and/or general anesthesia at the dental facility are in compliance with the Standard of Practice.

### *21.9 Duties of Facility Permit Holder*

#### *21.9.1 Duties of Facility Permit holder*

A member who is the holder of a Facility Permit shall comply with the Standard of Practice and shall ensure that all of the following conditions are met:

- a. Each member who administers moderate sedation or deep sedation and/or general anesthesia in the dental facility holds an appropriate Member's Authorization to do so;
- b. Each physician, including each Visiting Physician, who administers moderate sedation or deep sedation and/or general anesthesia in the dental facility:
  - i. has notified the Out-of-Hospital Premises Inspection Program of the College of Physicians and Surgeons of Ontario of his or her intent to provide moderate sedation or deep sedation and/or general anesthesia in a dental facility and has been qualified by that College to administer the applicable modality of moderate sedation

- or deep sedation and/or general anesthesia for which the Facility Permit was issued; and
- ii. has maintained the life support certification required by the standards of practice of the College of Physicians and Surgeons of Ontario applicable to the Out-of-Hospital Premises Inspection Program.
- c. The equipment and emergency drugs of each Visiting Physician have been subject to an inspection to satisfy the Registrar that the equipment and emergency drugs are in compliance with the Standards of Practice prior to the Visiting Physician's first administration of moderate sedation or deep sedation and/or general anesthesia and at least one inspection every three (3) years thereafter.

#### *21.9.2 Duty to provide information*

A member who is the holder of a Facility Permit shall, upon request of the College, provide details of the members and physicians who have administered moderate sedation or deep sedation and/or general anesthesia at the dental facility during the preceding twelve (12) months.

#### *21.10 Facility Permit Inspections*

##### *21.10.1 Facility subject to inspection*

Each dental facility for which a Facility Permit has been issued is subject to inspection at such times as the Registrar may determine.

##### *21.10.2 Inspections for renewal*

Where deficiencies were noted during any inspection of a dental facility conducted in the preceding 36 months, the Registrar may require the dental facility to undergo one or more inspections prior to determining whether to renew the Facility Permit.

##### *21.10.3 Inspections fees*

Where an inspection is required by the Registrar under article 21.10.2, the member shall submit the applicable inspection fees.



## **22 PROFESSIONAL LIABILITY AND INDEMNIFICATION**

### *22.1 Professional Liability*

#### *22.1.1 Arrangements for professional liability indemnity*

Council may cause the College to enter into arrangements for itself and its members respecting the indemnity of members for professional liability.

### *22.2 Indemnity to Members of Council, Officers and Others*

#### *22.2.1 Members of Council, officers and others indemnified*

Every member of the Council, every member of a committee, every officer of the College, every employee of the College, and every investigator, inspector, assessor, monitor, and expert consultant engaged by the College or any of its committees who, in respect of the execution or intended execution of his/her duties has undertaken or is about to undertake any liability on behalf of the College, and his/her respective heirs, executors and administrators, and estates and effects shall at all times be indemnified and saved harmless out of the funds of the College from and against all costs, charges, and expenses whatsoever which such person sustains or incurs in or about any action, suit, or proceeding that is brought, commenced or prosecuted against him/her in or about the execution or intended execution of the duties of his/her office or employment or in respect of any such liabilities, save and except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

## 23 COLLEGE FINANCES

### *23.1 Banking*

#### *23.1.1 Definition*

In this by-law, a “**bank**” means the bank appointed by the Executive Committee under article 23.1.2.

#### *23.1.2 Executive Committee to appoint bank*

The Executive Committee shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the College.

#### *23.1.3 All money deposited with bank*

All money belonging to the College shall be deposited in the name of the College with the bank.

#### *23.1.4 Registrar may endorse*

The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.

#### *23.1.5 Endorsement by stamp*

The Registrar may endorse a negotiable instrument by means of the College’s rubber stamp.

### *23.2 Borrowing and Security*

#### *23.2.1 Borrowing powers of Council*

Council may

- a. borrow money upon the credit of the College
- b. limit or increase the amounts to be borrowed
- c. issue, sell, or pledge securities of the College for such sums or prices as may be deemed expedient, and
- d. charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, currently owned or subsequently acquired, and to secure generally any other obligation or liability of the College.

### *23.2.2 Authorized representative for borrowed monies*

Council may authorize any member of Council, an officer or employee of the College, or any other person to perform any one or more of the following functions:

- a. make arrangements in respect of monies borrowed or to be borrowed and the terms and conditions of such related loans or securities;
- b. vary or modify the arrangements, terms and conditions of loans and securities;
- c. give additional securities for any monies borrowed or remaining due by the College; or
- d. generally manage, transact, and settle the borrowing of money by the College.

### *23.3 Cheques, Drafts, Notes*

#### *23.3.1 Authorized signatories on cheques, etc.*

All cheques, drafts, or orders for the payment of money and all notes, acceptances, and bills of exchange shall be signed by such officers or other persons and in such manner as authorized by Council by resolution.

## **23.4 Investment**

### *23.4.1 Investment of funds by officers, other persons*

The Registrar, CFO, or the College's Controller and such other officers or persons authorized by Council, may invest or re-invest funds of the College, not immediately required, in accordance with the Investment Policy of the College, in any one or more of the following investments:

- a. Bonds, debentures, or other evidence of indebtedness guaranteed
  - by i. the Government of Canada,
  - ii. the Government of Ontario
  - iii. the government of any other province of Canada, which province, at the time of such investment was rated by the Dominion Bond Rating Service as one of the five best rated provinces of Canada; or
- b. Deposit receipts, deposit notes, bail-in bonds, certificates of deposit, acceptances and other similar instruments issued or endorsed by the
  - i. Bank of Montreal,
  - ii. Bank of Nova Scotia,

- iii. Canadian Imperial Bank of Commerce
  - iv. Royal Bank of Canada
  - v. Toronto-Dominion Bank;
  - vi. National Bank; and
- c. Bonds, debentures, promissory notes and other similar instruments issued or endorsed by Canadian public corporations, the terms of which provide that the principal and interest shall be fully repaid; and
- d. Equity instruments in which a trustee may properly invest money under the *Trustee Act, Ontario* (which include common stock, preferred shares, exchange traded funds, pooled and mutual funds and structured notes).

#### *23.4.1.1 Reporting of Investment*

Each investment or reinvestment will be reported to the President and the Chair of the Finance, Audit and Risk Committee of the College within 15 business days after receipt of the trade confirmation.

#### *23.4.2 Investment of funds by Finance, Audit and Risk Committee*

The Finance, Audit and Risk Committee may by resolution invest or reinvest funds of the College not immediately required in any security in which a trustee may properly invest trust money under the *Trustee Act, Ontario*.

#### *23.4.3 Same, delegation to officer*

The Finance, Audit and Risk Committee may authorize by resolution officers of the College to implement its decisions related to the investment or re-investment of funds of the College.

### **23.5 Custody of Shares and Securities**

#### *23.5.1 Shares and securities to be held in bank, etc.*

All shares and securities owned by the College shall be lodged in the name of the College and held

- a. with a chartered bank or a trust company
- b. in accounts with brokerage houses authorized by the Finance, Audit and Risk Committee, or
- c. with such other depositories or in such manner as determined by Council.

### *23.5.2 Bonds, etc. held by nominees*

All share certificates, bonds, debentures, notes or obligations belonging to the College shall be held or issued in the name of a nominee or nominees of the College or jointly in the name of more than one nominee of the College with the right of survivorship.

### *23.5.3 Certificates, etc. endorsed in blank, guaranteed*

All share certificates, bonds, debentures, notes or obligations belonging to the College and held or issued in the name of a nominee or nominees of the College shall be maintained in a manner that enables the transfer and registration of such instruments.

## *23.6 Fiscal Year*

### *23.6.1 Fiscal year is calendar year*

The fiscal year of the College shall be the calendar year, 01 January to 31 December inclusive.

## *23.7 Auditors*

### *23.7.1 Council to appoint auditor annually*

The Council shall appoint an Auditor for a term of one year to audit the accounts of the College.

## *23.8 Reserve Funds*

### *23.8.1 Reserve funds established by resolution*

Council may establish, in accordance with Council's policy on Reserve Funds, either by a separate motion or as a consequence of a motion to approve a budget, such reserve funds as Council considers prudent.

## 24 SIGNING AUTHORITIES

### *24.1 College Seal*

#### *24.1.1 Official seal*

The seal impressed in the margin of this document is the official seal of the College.

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#### *24.1.2 Use of College seal*

The official seal of the College may be affixed to any duly signed contracts, documents, or other written instruments.

### *24.2 Execution of Contracts, Documents, and Other Instruments*

#### *24.2.1 Appointment of additional signing officers*

Council may appoint by resolution any person to sign any, or any specified contracts, documents, or other written instruments on behalf of the College.

#### *24.2.2 Signing of contracts, etc.*

##### *24.2.2.1 Budgeted matters*

Contracts, documents or any other instrument requiring the signature of the College, if included in a Council approved budget, shall be signed by

- a. one of the Registrar, CFO, Deputy Registrar, or Controller, where the total value of the contract, excluding taxes, is not greater than \$50,000.00,
- b. two of the Registrar, CFO, Deputy Registrar, and Controller, where the total value of the contract excluding taxes, is equal to or greater than \$50,000.00 but not more than \$100,000.00, and
- c. two of the Registrar, CFO and Deputy Registrar, where the total value of the contract, excluding taxes, is equal to or greater than \$100,000.00.

#### *24.2.2.2 Unbudgeted matters*

Contracts, documents or any other instrument requiring the signature of the College, if not included in a Council approved budget, shall be signed by

- a. two of the Registrar, CFO, Deputy Registrar, and Controller, where the total value of the contract, excluding taxes, is not greater than \$50,000.00, or
- b. the President or Vice President, together with one of the Registrar, CFO or Deputy Registrar, where the total value of the contract, excluding taxes, is equal to or greater than \$50,000.00.

#### *24.2.3 Binding on signature*

All contracts, documents, and other written instruments signed in accordance with article 24.2.2 shall bind the College without any further authorization or formality.

#### *24.2.4 Signing of summonses, notices, etc.*

The Registrar may sign summonses, notices, and other similar documents on behalf of the College or any committee, except where proscribed by law.

## **25 ACCESS TO INFORMATION**

### *25.1 Information Available to Members*

#### *25.1.1 Members cannot require disclosure of information*

Except as provided by the Act, regulations, by-laws, or as required by law, no member of the College is entitled to or can require disclosure of any information regarding the affairs or business of the College that would, in the opinion of Council, be inexpedient, inadvisable, or otherwise not in the interests of the College to communicate to the public.

#### *25.1.2 Council determines access to College records*

Except as otherwise provided by the Act, regulations, by-laws, or as required by law, Council may determine whether, to what extent, and under what conditions, the documents, books, registers, books of account, and accounting records of the College shall be opened to inspection by members of the College.

#### *25.1.3 Access to College records granted by statute, Council*

No member of the College may inspect any document, book, register, book of account, or accounting record of the College except as provided by the Act, regulations, by-laws, or as required by law or authorized by Council.



## **26 PROCEDURE**

### *26.1 Enactment, Amendment and Revocation of By-Laws*

#### *26.1.1 Two-thirds vote needed to enact, amend, or revoke a by-law*

By-laws may be enacted, amended, or revoked by a two-thirds vote of the members of Council present at a Council meeting called for that purpose.

### *26.2 Notices*

#### *26.2.1 Method of service*

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, or any other person, shall be served either personally, by post, or by courier.

#### *26.2.2 Electronic service*

Except as otherwise provided by the Act or regulations, a notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, may be given by facsimile, electronic mail or similar electronic means.

#### *26.2.3 Address of service*

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, shall be sent to the recipient's current address as it appears in the books of the College, or where no such address is available, to the recipient's last known address.

#### *26.2.4 Personal service*

Subject to the Act, regulations, and by-laws, every notice or other document sent by personal service shall be deemed to have been given when it is delivered.

#### *26.2.5 Service by post*

Subject to the Act, regulations, and by-laws, every notice or other document sent by post shall be deemed to have been given five days after the notice or other document was deposited in a post office or public letter box, provided that the notice or other document was addressed in the manner provided for in article 26.2.2 and affixed with sufficient postage.

#### *26.2.6 Service by courier*

Subject to the Act, regulations, and by-laws, every notice or other document sent by courier shall be deemed to have been given when the notice or other document was delivered.

#### *26.2.7 Service by other means*

Subject to the Act, regulations, and by-laws, every notice or other document delivered by means other than personal delivery, post, or courier shall be deemed to have been given at the time it arrived at the address provided for in article 26.2.3.

#### *26.2.8 Signatures*

The signatures to any notice or other document given by the College may be written, stamped, typewritten, or printed, in whole or in part.

#### *26.2.9 Counting of notice period*

Except as otherwise provided by the Act, regulations, or by-laws, when counting a period of time required for the giving of notice, each and every day, including holidays, non-judicial days, and the day of service or posting of the notice, shall be counted in such period of time, but the day on which the notice is given shall not be counted.

## **27 DECLARED EMERGENCY**

### *27.1 General*

#### *27.1.1 Definition of “emergency”*

In this by-law, "**emergency**" has a meaning ascribed to by the Emergency Management and Civil Protection Act, Ontario.

#### *27.1.2 Declared emergency*

A declared emergency shall occur where

- a. the executive committee has, by majority resolution, declared there to be an emergency; or
- b. the registrar has declared there to be an emergency provided that the registrar may only do so if there has been a declared emergency under the Emergency Management and Civil Protection Act anywhere in the province of Ontario and the executive committee is unable to meet within twenty-four hours of such declaration.

#### *27.1.3 Effective during emergency*

The provisions of by-law 27 (DECLARED EMERGENCY) shall only take effect during a declared emergency.

#### *27.1.4 By-law takes priority*

In the event of a conflict between this by-law and any other by-law of the College, the provisions of this by-law shall prevail.

### *27.2 Procedures During a Declared Emergency*

#### *27.2.1 Emergency Procedures*

In the event of a declared emergency the following provisions shall apply to the governance of Council:

- a. the Registrar, or if the Registrar is unable to do so the President, or if the President is unable to do so the Vice-President, shall immediately give notice to every member of Council that a declared emergency exists;
- b. the quorum for a meeting of the executive committee shall be two, at least one of whom shall be the President or the Vice-President;
- c. all members of Council shall be members of the Registration Committee;

- d. in the event that the Registrar determines that an election of members of Council is not able to be held, the term of office of each elected and selected member of Council shall continue until the first regular meeting of Council held after the next election; and
- e. a special Council meeting either held in person or by teleconference may be called by the President or the Registrar at any time on such notice as is sufficient for a quorum to be present in person or by teleconference and at such meeting Council may consider and deal with any matter that Council agrees to consider by a majority vote of those in attendance and voting.

#### *27.2.2 End of “declared emergency”*

A declared emergency shall cease when

- a. the Registrar notifies members of Council that the emergency is over; or
- b. the Executive Committee or Council declares by a majority resolution that the emergency is over.

#### *27.2.3 Reversion of Registration Committee*

Upon cessation of a declared emergency, the members of the Registration Committee that were added as a result of the operation of article 27.2.1 (Emergency Procedures) shall be automatically removed and the Registration Committee shall be comprised of only those members who were members of that committee immediately prior to the emergency being declared.

#### *27.2.4 Delayed elections*

Upon cessation of declared emergency, the Registrar shall immediately take steps to conduct any election that was affected as a result of the operation of article 27.2.1 (Emergency Procedures).

## 28 APPENDICES

### *28.1 Appendix – Register Information required by subsection 23(2) of the Code*

For ease of reference only, the following information is required to be kept in the Register pursuant to subsection 23(2) of the Code:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1) of the Code, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1) of the Code.
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved.

10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1) of the Code, the outcomes of inspections conducted by the college.
19. Information that is required to be kept in the Register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.
20. Information that is required to be kept in the Register in accordance with the by-laws.

## 28.2 Appendix – Additional Register Information under Article 16.2.2

### 28.2.1 Information in respect of members

The following additional information shall be kept in the Register in respect of each member of the College:

1. Any changes in the member's name that have been made since he or she obtained a degree in dentistry, if known to the College.
2. The member's registration number.
3. The date when the member's certificate of registration was first issued or, if the member was licensed under Part II of the *Health Disciplines Act*, the date when the member was first licensed by the College.
4. Where the member resigned, the last year during which the person was a member.
5. The university from which the member received his or her degree in dentistry and the year in which the degree was obtained.
6. The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each.
7. Where the member holds a certificate of registration in a specialty class, the member's specialty and the name of the university and the year in which the member completed his or her specialty training.
8. The address and telephone number of
  - a. the member's principal place of practice in Ontario, and
  - b. all other locations where the member practises.
11. Where the member uses or is associated with a member or members who use a practice name, the practice name and the locations for which the name is used.
12. Any information in respect of the member that the member and the College agreed should be included in the Register.
13. Where the member's certificate of registration is subject to any terms, conditions or limitations, other than those applicable to all members holding that class of certificate, the date upon which the terms, conditions or limitations were effective and whether the terms, conditions or limitations were imposed or voluntary.

14. Where the member's certificate of registration was suspended or revoked, the date upon which the suspension or revocation was effective, and where the suspension or revocation was lifted, the date upon which the suspension or revocation was lifted.
15. Where the Inquiries Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which did not result in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the matter which was the subject of the investigation is finally concluded by the Inquiries, Complaints and Reports Committee.
  - 15.1 Where the Inquiries, Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which resulted in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the referral is finally concluded by the Discipline Committee or the Fitness to Practise Committee.
16. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned as authorized by paragraph 3 of subsection 26(1) of the Code,
  - a. a notation of that fact, including a summary of the caution,
  - b. the date of the panel's decision, and
  - c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.
17. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,
  - a. a notation of that fact, including the continuing education or remediation program,



- b. the date of the panel's decision, and
  - c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.
- 18. Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.
- 19. Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by a board of inquiry or the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.
- 20. Where one or more allegations of professional misconduct or incompetence in respect of the member have been referred to the Discipline Committee on or after October 1, 2015 and have not yet been disposed of,
  - a. a copy of the specified allegations that have been referred,
  - b. the date of the referral,
  - c. the status of the discipline hearing and, if the hearing date has been set, the date set for the hearing, and
  - d. the Notice of Hearing.
- 21. Where a question of the member's capacity has been referred to the Fitness to Practise Committee and not yet disposed of, a notation of that fact.
- 22. Where a member resigned while a fitness to practise proceeding was outstanding, a notation of that fact.
- 23. A summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.
- 24. A summary of any finding of guilt of which the College is aware made by a court on or after January 1, 2015 against a member, in respect of any offence, in any jurisdiction, that the Registrar has reviewed and believes is in the public interest to be posted on the Register.
- 25. A summary of any existing restriction on the member's right to practise that has been imposed by a court or other lawful authority, if the College is aware of the

- restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.
26. Where a decision of the Discipline Committee has been published by the College after March 30, 2000, with the member's name included,
- a. a notation of that fact, and
  - b. identification of the specific publication containing that information.
27. Where the result of a disciplinary proceeding in respect of the member is contained in the Register, the date on which the panel of the Discipline Committee made its decision.
28. Where the result of an incapacity proceeding in respect of the member is contained in the Register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.
29. Where the member is authorized by the College to administer minimal sedation, moderate sedation, deep sedation, and/or general anesthesia,
- a. a notation of the highest modality of sedation and/or general anesthesia that the member is authorized to administer;
  - b. where the member is a Visiting Member as defined in By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to that member; and
  - c. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member until the Registrar is satisfied that the deficiency has been rectified.
30. Where the member is the holder of a facility permit issued by the College permitting the administration of moderate sedation, deep sedation, and/or general anesthesia,
- a. a notation of that fact;
  - b. the dental practice location named in the facility permit;
  - c. a notation of the type of facility permit;

- d. the date of the last inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA); and
  - e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), until the Registrar is satisfied that the deficiency has been rectified.
31. Where the member is authorized by the College to prescribe, order or take dental CT scans,
- a. a notation of the type(s) of dental CT scans the member is authorized to prescribe, order or take; and
  - b. a summary of each deficiency found during any inspection carried out under By-Law 20 (DENTAL CT SCANNERS) related to the member until the Registrar is satisfied that the deficiency has been rectified.
32. Where the member is the holder of a facility permit issued by the College permitting the installation and operation of a dental CT scanner,
- a. a notation of that fact;
  - b. the dental practice location named in each facility permit;
  - c. a notation of each type of facility permit;
  - d. the date of the last inspection of the facility carried out under By-Law 20 (DENTAL CT SCANNERS); and
  - e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 20 (DENTAL CT SCANNERS), until the Registrar is satisfied that the deficiency has been rectified.

#### *28.2.2 Information in respect of sedation/anesthesia facilities*

The following information shall be kept in the Register:

- 1. A listing of each dental practice location for which a facility permit authorizing the administration of moderate sedation, deep sedation, and/or general anesthesia has been issued by the College, including
  - a. the name of the member who is the holder of the facility permit;

- b. the type(s) of facility permit(s) issued by the College in relation to that dental practice location;
- c. in the case of a dental practice location for which a Type A Facility Permit has been issued, a notation of the highest modality of sedation and/or general anesthesia that is authorized to be administered at the location;
- d. the name of the dental practice location; and
- e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) until the Registrar is satisfied that the deficiency has been rectified.

### *28.2.3 Information in respect of sedation/anesthesia providers*

The following information shall be kept in the Register:

1. A listing of each member who has been authorized by the College to administer minimal sedation, moderate sedation, deep sedation, and/or general anesthesia at a dental practice location, including
  - a. the name and registration number of the member;
  - b. a notation of the highest modality of sedation and/or general anesthesia that the member is authorized to administer;
  - c. if the member is a Visiting Member as defined under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member; and
  - d. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member until the Registrar is satisfied that the deficiency has been rectified.

#### *28.2.4 Information in respect of health professional corporations*

The following information shall be kept in the Register in respect of each health profession corporation for which the College has issued a certificate of authorization:

1. The date of issuance of each certificate of authorization of a health profession corporation and whether it is current, suspended, cancelled or revoked.
2. Where the certificate of authorization of a health profession corporation has been suspended or revoked, the date of the suspension or revocation and the reason for the suspension or revocation.
3. Where the certificate of authorization of a health profession corporation has been cancelled, the date of cancellation and a notation that the certificate was cancelled at the request of the corporation which no longer practises dentistry.

#### *28.2.5 Information in respect of dental CT scanner facilities*

The following information shall be kept in the Register:

1. A listing of each dental practice location for which a facility permit authorizing the installation and operation of a dental CT scanner has been issued by the College, including
  - a. the name of the member who is the holder of the facility permit;
  - b. the type(s) of facility permit(s) issued by the College in relation to that dental practice location;
  - c. the name of the dental practice location; and
  - d. a summary of each deficiency found during any inspection of the facility carried out under By-Law 20 (DENATL CT SCANNER) until the Registrar is satisfied that the deficiency has been rectified.

#### *28.2.6 Information in respect of dental CT scan providers*

The following information shall be kept in the Register:

1. A listing of each member who has been authorized by the College to prescribe, order or take a dental CT scan at a dental practice location, including

- a. the name and registration number of the member;
- b. a notation of the type(s) of dental CT scans the member is authorized to prescribe, order or take; and
- c. a summary of each deficiency found during any inspection carried out under By-Law 20 (DENTAL CT SCANNERS) related to the member until the Registrar is satisfied that the deficiency has been rectified.

### 28.3 Appendix – Electoral Districts

The following are the electoral districts for the purpose of article 6.1.1:

- **District 1**, composed of the counties of Frontenac, Renfrew and Lanark, the united counties of Lennox and Addington, Stormont, Dundas and Glengarry, Prescott and Russell, Leeds and Grenville, and The Regional Municipality of Ottawa Carleton.
- **District 2**, composed of the counties of Hastings, Northumberland, Peterborough, Prince Edward, Victoria and Haliburton, and the regional municipalities of Durham and York.
- **District 3**, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Thunder Bay and Timiskaming and The Regional Municipality of Sudbury.
- **District 4**, composed of the regional municipalities of Halton and Peel.
- **District 5**, composed of the counties of Bruce, Dufferin, Grey, Huron and Simcoe, the Territorial District of Parry Sound and The District Municipality of Muskoka.
- **District 6**, composed of the counties of Elgin, Essex, Kent, Lambton and Middlesex.
- **District 7**, composed of the counties of Brant, Oxford, Perth and Wellington and the regional municipalities of Haldimand Norfolk and Waterloo.
- **District 8**, composed of the regional municipalities of Hamilton Wentworth and Niagara.
- **District 9**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north side by Steeles Avenue, on the east by the centre of Bayview Avenue and the centre of the Bayview Extension, on the south by the centre of St. Clair Avenue and easterly projection of St. Clair Avenue to the Bayview Extension, and on the west by the centre of Dufferin Street from St. Clair Avenue to Wilson Avenue, its northerly projection to the recommencement of Dufferin Street at Sheppard Avenue and the centre of Dufferin Street to the centre of Steeles Avenue.
- **District 10**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by Steeles Avenue, on the west by the westerly boundary of the City of Etobicoke, on the south by the shore of Lake Ontario and on the east by the centre of Dufferin Street from Steeles Avenue to Sheppard Avenue, its southerly projection to the recommencement of Dufferin Street at Wilson Avenue, the centre of Dufferin Street to its southerly terminus and the southerly projection of Dufferin Street to the shore of Lake Ontario.
- **District 11**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by the centre of St. Clair Avenue and the easterly projection of St. Clair Avenue to the Bayview Extension, on the east by the centre of the Bayview Extension to Pottery Road, the centre of Pottery Road to the Don River and the Don River to the shore of Lake Ontario, on the south by the shore of Lake Ontario and on the west by the centre of Dufferin Street from St. Clair

Avenue to its southerly terminus and its southerly projection to the shore of Lake Ontario, and including the Toronto Islands.

- **District 12**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by Steeles Avenue, on the east by the easterly boundary of the City of Scarborough, on the south by the shore of Lake Ontario and on the west by the centre of Bayview Avenue, the centre of the Bayview Extension to Pottery Road, the centre of Pottery Road to the Don River and the Don River to the shore of Lake Ontario.



## *28.4 Code of Ethics*

For ease of reference, the following Code of Ethics was adopted by Council under article 11.1.1 (Council to adopt Code of Ethics)

### **PREAMBLE**

The dental profession holds a special place of trust within society. As a result, society extends opportunities and privileges to the profession that are not available to the public at large. In return, the profession makes a commitment that its members will adhere to high standards of clinical expertise and ethical conduct.

The ethical behaviour of dentists is one of the most important factors in the promotion of quality dental care and recognition of dentists as professionals.

Continued public trust in the dental profession and in the principle of profession-led self-regulation is dependent on the commitment of individual dentists to high standards of ethical conduct.

Ethical behaviour is the foundation of the public's continuing trust in the effectiveness of self-regulation.

### **PRINCIPLES**

The following are the primary ethical principles for the practice of dentistry; they are based on the core ethical values of integrity, fairness, beneficence, compassion and respect for patient autonomy.

- The paramount responsibility of a dentist is to the health and well-being of patients.
- Be truthful, obey the law, and provide care with respect for human rights and dignity and without discrimination.
- Commit to the highest level of professionalism by maintaining current competency.
- Respect the right of patients to be cared for by the dentist of their choice.
- Provide timely and competent care that is consistent with the standards of the profession.
- Provide unbiased explanation of options with associated risks and costs, and obtain consent before proceeding with investigations or treatment.
- Recognize limitations and refer patients to others more qualified when appropriate.
- Make the well-being of patients the primary consideration when making referrals to other health-care workers.
- Never overstate or embellish qualifications, including advertising or speech, that could mislead a reasonable person.

- Maintain a safe and healthy office environment for both patients and staff.
- Accept responsibility for the care provided by authorized dental personnel.
- Only provide compromised or unconventional treatment with full disclosure and consent of patients.
- Only make evaluative remarks about the work of others after making reasonable efforts to understand the prior treatment history of patients.
- Maintain appropriate and dignified boundaries in the patient/dentist relationship.
- Protect the confidentiality of the personal and health information of patients.

## **CORE VALUES**

The following core values represent a guide for ethical behaviour for members of the College and are the foundation from which the ethical principles for the practice of dentistry are derived.

- **AUTONOMY**
  - Understanding and respecting patients' rights to make informed decisions based on personal values and beliefs.
- **BENEFICENCE**
  - Maximizing benefits and minimizing harm for the welfare of the patient.
- **COMPASSION**
  - Acting with sympathy and kindness to all patients in alleviating their concerns and pain.
- **FAIRNESS**
  - Treating all individuals, patients, colleagues and third parties in a just and equitable manner.
- **INTEGRITY**
  - Being truthful, behaving with honour and decency and upholding professional standards.