

## Bylaws of the College of Denturists of British Columbia

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## DEFINITIONS

1.0 In these bylaws

“*Act*” means the *Health Professions Act*;

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

“board” means the board of the college;

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

“chair” means the chair of the board elected under section 1.12(2);

“college” means the College of Denturists of British Columbia established by the Regulation;

“deliver”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s residence or place of business;

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

“elected board member” means a person elected to the board under section 17(3)(a) of the *Act* or appointed to the board under section 1.10(1);

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

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

“incompetence” means failing to provide a level of service to a patient that meets the standard of care expected of a registrant;

“in good standing”, in respect of a registrant, including a registrant under investigation, means,  
(a) the registrant’s registration as a member of the college is not suspended under the *Act*, and  
(b) no limits or conditions are imposed on the practice of denturism by the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*;

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

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

“policy” means any document approved by the board of the college that defines, clarifies, or is adjunctive to these bylaws;

“professional misconduct” in addition to the definition in section 26 of the *Act*, means failing to uphold or abide by the actual words or intended meaning of any section, term, or condition of the *Act*, regulation, bylaws, or policy of the college or an agreement, order or decision of the board, a committee or panel of the college pending the right of a registrant to appeal;

“public representative” means a person who is not a registrant or former registrant, and includes an appointed board member;

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

“registrar” means the person appointed under section 21(1) of the *Act*;

“regulation” means the *Denturists Regulation* under the *Act*;

“respondent” means a registrant or former registrant named in a citation under section 37 of *Act*;

“special resolution” means a resolution which requires a  $\frac{3}{4}$  vote of those persons eligible to vote on the resolution;

“standards of practice” means the standards of practice, limits or conditions for the practice of denturism approved by the board; and

“vice-chair” means the vice chair of the board elected under section 1.12(4).

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

### **Composition of the board**

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

(2) Subject to section 17(2) of the *Act*, the 6 elected board members referred to in subsection (1) must be elected in accordance with the bylaws.

### **Electoral districts**

1.02 The province of British Columbia is considered one electoral district.

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

1.03 (1) Subject to subsections (2) to (4), any registrant in the Active Class is eligible to be elected in an election under section 17(3)(a) of the *Act*.

(2) An elected board member is not eligible to be elected to another office as an elected board member with an overlapping term of office in an election under section 17(3)(a) of the *Act*, unless he or she resigns his or her existing office as an elected board member at the time he or she submits his or her nomination for the other office.

(3) A registrant is not eligible to be elected in an election under section 17(3)(a) of the *Act*, if the college employs him or her, unless he or she files, with the registrar, a written agreement to resign his or her employment with the college if elected as an elected board member.

(4) A registrant who is not in good standing is not eligible to be elected in an election under section 17(3)(a) of the *Act*.

### **Voting and non-voting registrants**

1.04 Active registrants are eligible to vote in an election under section 17(3)(a) of the *Act*.

### **Notice of election**

1.05 (1) The registrar must notify every registrant, eligible to vote under section 1.04, of an election by delivering notice at least 90 days prior to the expiry of the applicable term of office.

(2) The notice must contain information about the nomination and the election procedures.

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

### **Nomination procedure**

1.06 (1) A candidate for election to a vacant office must be nominated by another registrant who is in good standing and is eligible to vote in an election for that office and who has not nominated any other candidate for election to the same office.

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

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

(3) A nomination is not valid if the person nominated is not eligible for election to the applicable vacant office under section 1.03.

(4) A registrant must not simultaneously be nominated for election to more than one vacant office.

### **Election procedure**

1.07 (1) In this section

“designated envelope” means the envelope sent to registrants with the election ballot and return addressed to the election trustee; and

“election trustee” means a professional accounting firm, notary, or other person designated by the registrar as election trustee for the purposes of an election.

(2) The registrar must prepare and deliver to each registrant who is eligible under section 1.04 to vote in an election for a vacant office an election ballot for that office and a designated envelope not less than 45 days prior to the expiry of the applicable term of office.

(3) Each registrant who is eligible under section 1.04 to vote in an election for a vacant office is entitled to one ballot, and may vote in favour of one candidate to be elected on such ballot for each vacant office.

(4) The registrar must not count a ballot unless it is received by the election trustee no later than the date determined under subsection (7) and is contained in an envelope on which the registrant's name and signature appear.

(5) The candidate for a vacant office who receives the most votes on the return of the ballots is elected.

(6) In the case of a tie vote for a vacant office, the registrar as directed by the board must select the successful candidate by random draw.

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

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

(9) If only one candidate is nominated for election to a vacant office under section 1.06 by the close of nominations, the nominee is elected by acclamation.

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

### **Terms of office**

1.08 (1) The term of office for an elected board member is three years.

(2) The term of office of an elected board member commences on April 1 of the year in which he or she is elected.

(3) An elected board member may hold office for a maximum of two consecutive terms.

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

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

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

- (a) ceases to be a registrant in good standing,
- (b) moves away from British Columbia,
- (c) becomes an employee of the college, or
- (d) dies.

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

### **Vacancy**

1.10 (1) In the event of a vacancy in an elected board member position, the board may, by special resolution, appoint a dentist eligible under section 1.03 for election to fill the position until the next scheduled board election.

(2) If the chair resigns, is removed from office under section 1.09, or otherwise ceases to hold office as an elected board member before the expiry of his or her term of office, the vice chair will immediately assume the position of chair and hold that position for the remainder of the former chair's term of office.

### **Remuneration of board members**

1.11 Board members are equally entitled to be

- (a) remunerated for time spent on business of the college, in the amount approved by the board, and
- (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with the business of the college.

### **Chair and vice chair**

1.12 (1) The chair must

- (a) preside as chair at all board meetings,
- (b) sign all certificates, diplomas and other instruments executed on behalf of the college together with such other officers as required by the Board,
- (c) sign the minutes of each meeting after they are approved by the board, and

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

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

- (a) the acting chair for the meeting must call for nominations,
- (b) if there is only one nominee, he or she is elected by acclamation,
- (c) if there is more than one nominee, an election must be held by secret ballot, and the person with the most votes is elected,
- (d) if there is a tie vote, there must be a second vote immediately following the first vote, and
- (e) if there is a second tie vote, the new chair must be selected by random draw.

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

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

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

(6) The vice-chair must perform the duties of the chair in the chair's absence.

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

## **Board meetings**

1.13 (1) The board must meet at least 4 times in each fiscal year and must provide reasonable notice of all board meetings to board members, registrants, and the public.

(2) The accidental omission to deliver notice of a board meeting to, or the non-receipt of such a notice by, any person entitled to notice under subsection (1) does not invalidate proceedings at that meeting.

(3) Despite subsection (1), the registrar or the chair may call a meeting of the board without providing notice to the registrants if necessary to conduct urgent business.

(4) The registrar must call a meeting of the board on receipt of a written request or requests for a meeting by the chair or any four board members, if the written request sets out any matter or matters on which a decision will be sought at the meeting.

(5) The registrar must provide the following to members of the public on request

- (a) details of the time and place of a board meeting,
- (b) a copy of the agenda, and
- (c) a copy of the minutes of any preceding meeting.

(6) Subject to subsection (7), meetings of the board must be open to registrants and to the public.

(7) The board may exclude any person from any part of a meeting if it is satisfied that

- (a) financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public,
- (b) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced,
- (c) personnel matters or property acquisitions will be discussed,
- (d) the contents of examinations will be discussed,
- (e) communications with the Office of the Ombudsman will be discussed, or
- (f) instructions will be given to or opinions received from legal counsel for the college, the board, or committees.

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

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

(10) A majority of the board constitutes a quorum.

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

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

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

(14) The board may meet and conduct business by video, telephone conference or web cast, when some or all board members are unable to meet in person.

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

### **Resolutions in writing**

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

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

### **Registration committee**

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

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

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

### **Inquiry committee**

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

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

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

### **Discipline committee**

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

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

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

### **Quality assurance committee**

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

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

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

### **Finance and audit committee**

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

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

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

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

### **Executive committee**

1.20 (1) The executive committee is established consisting of not less than three persons appointed by the board.

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

(3) The executive committee has all of the powers of the board and may make any decision on behalf of the Board.

(4) When the executive committee makes a decision on behalf of the board, that decision must be communicated to the other board members in writing and presented at the next meeting of the board.

### **Patient relations committee**

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

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

(3) The patient relations committee must

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

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

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

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

(5) This section does not apply to a patient who was a spouse or common law partner prior to the treatment beginning.

### **Nominations committee**

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

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

(3) The nominations committee must

- (a) act in accordance with section 1.06 for obtaining nominations for elected board member offices,
- (b) when the registrar determines inconsistencies, review the nomination(s) and accept or reject those nominations, and
- (c) use reasonable efforts to obtain at least one candidate for each vacant elected board member office.

### **Committees**

1.23 (1) Subject to an appointed board member's term of office as determined by the minister, a person appointed to a committee established under these bylaws

- (a) will serve as a member of the committee for a term of office determined by the board, not exceeding 3 years, and
- (b) is eligible for reappointment as a member of the committee, but may not serve more than 2 consecutive terms as a member of the same committee.

(2) A public representative or a member of the active full class of registrants may serve as a member of a committee.

(3) A committee member may be removed by a majority vote of the board.

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

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

(6) A person cannot be appointed to the inquiry committee and the discipline committee at the same time.

### **Committee panels**

1.24 (1) Subject to an appointed board member's term of office as determined by the minister, the board may provide for a committee to establish panels.

(2) Any panel must have not less than one appointed board member and cannot have less than 1/3 public representatives.

(3) The discipline committee, the inquiry committee, the registration committee, or the quality assurance committee, may meet in panels of 3 persons.

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

(5) A panel of a committee referred to in subsection (3) may exercise any power, duty, or function of that committee.

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

1.25 (1) A majority of a committee constitutes a quorum.

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

(3) The provisions of section 1.13(5) to (8) and (11) to (15) and section 1.14 apply to a committee or a panel as if it were the board.

### **Remuneration of committee members**

1.26 Committee members are equally entitled to be

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

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

## **PART 2 – COLLEGE ADMINISTRATION**

### **Seal**

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

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

## **Registrar**

2.02 (1) The registrar, in addition to his or her duties under the *Act*, these bylaws, and any policies established by the board, is the chief executive officer of the college, responsible to the board, for all administrative and operational matters for the college, including designating a staff person or persons to perform any duties assigned to the registrar.

(2) The registrar is an *ex officio* non-voting member of the board and every committee and panel of the college.

## **Deputy registrar**

2.03 (1) The board may appoint one or more persons to act as deputy registrar.

(2) The deputy appointed under subsection (1)

(a) must perform any duties assigned by the registrar, and

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

(3) The deputy appointed under subsection (1) has the same authority as the registrar when he or she is acting on behalf of the registrar.

## **Fiscal year**

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

## **Banking**

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

## **Payments and commitments**

2.06 (1) The board

(a) must annually approve an operating expense and revenue budget for each fiscal year, and

(b) may from time to time, as and subject to any conditions the board considers necessary, authorize the registrar to approve capital expenditures up to a maximum of \$5,000.

(2) The registrar may authorize any budgeted expenditure provided that the registrar is satisfied that the expenditure will not cause the total of the annual operating expense and revenue budget to be exceeded.

(3) The registrar may authorize an expenditure that was not contemplated by the operating expense and revenue budget or that exceeds the amounts set out in that budget for any item of expense, or a capital expenditure, provided that the registrar is satisfied that the contemplated expenditure will not

(a) compromise the board's annual objectives,

(b) cause the total of the annual operating expense and revenue budget to be exceeded,  
or

(c) exceed the registrar's authority to approve capital expenditures as authorized by the board under subsection (1)(b).

(4) If the registrar authorizes an expenditure under subsection (3), the registrar must report that action to the board at its next meeting.

### **Borrowing powers**

2.07 (1) The board may raise money, or guarantee or secure the payment of money in the name of the college, in any manner determined by the board, in order to carry out the purposes of the college.

(2) Despite subsection (1), the board may not borrow funds in excess of \$50,000 without a special resolution approved by the registrants identified in section 1.04.

(3) The borrowing powers of the board may be restricted by special resolution of the registrants of the college.

### **Investments**

2.08 Subject to sections 15.1 and 15.2 of the *Trustee Act*, the board may, in the name of the college,

(a) invest funds of the college in any investments, and

(b) change those investments.

### **Auditor**

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

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

(3) A copy of the auditor's report must be included in the annual report.

## **Legal counsel**

2.10 The board or, with the approval of the Board, a committee or panel, may retain legal counsel for the purpose of assisting the board, committee or panel in carrying out any power or duty under the *Act*, the regulations or these bylaws.

## **General meetings**

2.11 (1) A general meeting of the college must be held in British Columbia at a time and place determined by the board.

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

- (a) financial statements,
- (b) the report of the board, and
- (c) the report of the auditor, if any.

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

(4) The board

- (a) may convene a special general meeting by resolution of the board, and
- (b) must convene a special general meeting within 75 days after receipt by the registrar of a request for such a meeting signed by at least 10 percent of all registrants referred to in section 1.04.

(5) General meetings must be open to the public.

(6) The registrar must

- (a) provide reasonable notice of each general meeting to the public, and
- (b) provide to members of the public on request a copy of the notice given under section 2.12(1) in respect of a general meeting.

## **Notice of general meetings**

2.12 (1) The board must deliver notice of an annual or special general meeting to every registrant at least 60 days prior to the meeting.

(2) Notice of a general meeting must include

- (a) the place, day and time of the meeting, and
- (b) the general nature of the business to be considered at the meeting.

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

### **Resolutions proposed by registrants**

2.13 (1) Any 10 percent of registrants referred to in section 1.04 may deliver a written notice to the registrar at least 30 days prior to the date of an annual or special general meeting requesting the introduction of a resolution.

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

(3) A registrant referred to in section 1.04 may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.

(4) Except as provided under section 2.07, all resolutions proposed by registrants at a general meeting are for the consideration of the board and are not binding on the board.

### **Registrants voting on a resolutions**

2.14 (1) The board may reject any resolution that, in the opinion of the board, violates the *Act*, regulation or these bylaws, or would compromise the College's ability to meet the objectives and mandate of the *Act*.

(2) When the board accepts a resolution or special resolution, the matter will be voted on at the general meeting, unless the board determines that a mail ballot is appropriate.

(3) Each registrant who is entitled to vote in an election is eligible to vote on a resolution.

(4) The procedure will follow those set out in section 1.07 of these bylaws.

(5) When determined by the Board, a referendum may be held in conjunction with an election.

### **Proceedings at general meetings**

2.15 (1) The quorum at a general meeting is a quorum of the board.

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

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

(4) If a quorum is not present within 30 minutes from the time appointed for the commencement of a general meeting, or from any time during a general meeting when there ceases to be a quorum present, the meeting must be adjourned.

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

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

(7) When a meeting is adjourned in accordance with subsection (4) or by motion, notice of the rescheduled meeting must be delivered as in the case of the original meeting.

(8) Except as provided by the *Act*, the regulations, or these bylaws, the most recent edition of *Robert's Rules of Order* governs the procedures at general meetings.

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

(10) Voting may be conducted by ballot or hand count.

(11) In the case of an equality of votes the chair does not have a casting or second vote in addition to the vote to which he or she is entitled under subsection (9), if any, and the proposed resolution does not pass.

### **Notice to public representatives**

2.16 Every notice or mailing provided to the general membership of the college, except a notice or mailing relating to renewal of registration under section 4.10, must also be provided to each public representative serving on the board or a committee.

## **PART 3 – COLLEGE RECORDS**

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

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

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

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

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

### **Fees for information requests**

3.02 Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the fees specified in Schedule B for services required to comply with the information request.

### **Protection of personal information**

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

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

### **Disclosure of annual report**

3.04 The college may make its annual report available electronically and free of charge on the college website, must notify every registrant that the report is available, and must provide a paper copy of the report to any person on request upon payment of the fee set out in Schedule B.

### **Disclosure of registration status**

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

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

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

- (a) a complainant or patient, or
- (b) another person, other than the registrant, affected by this matter, except with the consent of the complainant, patient or other person.

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

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

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

## **PART 4 – REGISTRATION**

### **Classes of registrants**

4.01 The following classes of registrants are established

- (a) active full registration,
- (b) limited registration,
- (c) active limited B registration,
- (d) active limited C registration,
- (e) temporary registration,
- (f) non practicing registration, and
- (g) student registration.

## **Active full registration**

4.02 (1) For the purposes of section 20(2) of the *Act*, the requirements for registration in this class are

- (a) graduation from an approved denturist education program recognized by the board for the purpose of registration and specified in the policies of the College,
- (b) successful completion of the examination(s), including a jurisprudence examination, required by the registration committee,
- (c) evidence satisfactory to the registration committee that the applicant is of good character and fit to engage in the practice of denturism, and
- (d) receipt by the registrar of
  - (i) a signed application for Active Full registration in Form 2-A,
  - (ii) any applicable application and registration fees specified by the board,
  - (iii) any other outstanding fine, fee, debt or levy owed to the college,
  - (iv) an original transcript, or other evidence satisfactory to the registration committee, reflecting the applicant's degree or diploma and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (v) a passport sized picture of the applicant, signed by a notary or lawyer, indicating that the likeness of the person is the person applying for registration,
  - (vi) a statutory declaration in Form 4,
  - (vii) a signed criminal record check as required by the Criminal Record Review Act,
  - (viii) a notarized copy, or other evidence satisfactory to the registration committee, of Canadian citizenship or his or her right to work in Canada, and
  - (ix) proof of professional liability insurance as required under section 8.02.

(2) Despite subsection (1), an applicant who is authorized to practice denturism in another Canadian jurisdiction must be granted full registration by the registration committee if the applicant

- (a) satisfies the registration committee that he or she is currently authorized to practice denturism in that other jurisdiction, and
- (b) meets the requirements established in subsection 1(b), (c), (d)(i), (ii) and (v) to (vii).

(3) For the purpose of meeting the requirements established in subsection (2), the applicant must provide the registrar with a letter or certificate of the applicant's good standing from each body responsible for the regulation of denturism or another health profession in a Canadian jurisdiction where the applicant is, or had been, authorized to practice denturism or another health profession.

(4) Despite subsection (1)(a), an applicant may be granted registration by the registration committee if the applicant

- (a) has a combination of knowledge, skills and abilities which are, in the opinion of the registration committee, substantially equivalent to the requirements established in subsection (1)(a), and has provided notarized evidence, or other evidence satisfactory to the registration committee, of such knowledge, skills and abilities, and evidence satisfactory to the registration committee that the applicant is the person named therein, and
- (b) meets the requirements established in subsection (1)(b) to (d).

(5) A registrant in this class may use the title “denturist” and/or “RD”.

### **Limited registration**

4.03 (1) An applicant under section 4.02 who does not meet the requirements established in section 4.02(1)(a) and (b) may be granted limited registration by the registration committee for a period of up to 1 year if the applicant, in the opinion of the registration committee, is capable of practicing as a limited registrant without any risk to public health and safety.

(2) The registration of a person who has been granted limited registration under subsection (1) may be renewed by the registration committee once for a period of up to 1 year if:

- (a) the registration renewal fee specified in Schedule A is paid, and
- (b) a signed application for registration renewal in Form 3 is delivered to the registrar prior to the expiry of the limited registration granted to the registrant under subsection (1).

(3) Full registration may be granted by the registration committee to a person who has been granted limited registration under this section and who completes the requirements established in section 4.02(1)(a) and (b) or (4).

(4) A limited registrant may only provide denturist services under the general supervision of a full registrant.

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

### **Active limited B**

4.04 (1) For the purposes of section 20(2) of the *Act*, a person must be registered in Active Limited B if the person

- (a) was registered in the Active class on January 1, 2000, and
- (b) is not required to use an Oral Health Certificate.

- (2) A registrant practicing in the Active Limited B may qualify in the Active Full where the applicant
- (a) submits a signed application to be considered for Active Full registration in Form 2-A,
  - (b) successfully completes an upgrading program required by the registration committee,
  - (c) successfully completes the examinations required by the registration committee, and
  - (d) pays to the registrar fees set out in Schedule A.
- (3) A registrant in this class may use the title “denturist” and/or “RD”.
- (4) This section and all references referred to this section elsewhere in these bylaws is repealed at such time that the last registrant in this class ceases to be registered with the College.

### **Active limited C**

- 4.05 (1) For the purposes of section 20(2) of the *Act*, a person must be registered in Active Limited C if the person
- (a) was registered in the Active class on January 1, 2000, and
  - (b) must use an Oral Health Certificate.
- (2) A registrant practicing in the Active Limited C may qualify in the Active Limited B where the applicant
- (a) submits a signed application to be considered for Active Limited B registration in Form 2-B,
  - (b) successfully completes an upgrading program required by the registration committee,
  - (c) successfully completes the examinations required by the registration committee, and
  - (d) pays to the registrar fees set out in Schedule A.
- (3) A registrant in this class may use the title “denturist” and/or “RD”.
- (4) This section and all references referring to this section elsewhere in these bylaws is repealed at such time that the last registrant in this class ceases to be registered with the College.

### **Temporary registration**

- 4.06 (1) The requirements for registration in a temporary class are
- (a) is a member in good standing of a body responsible for the regulation of denturism, and is authorized to denturism, in a Canadian or foreign jurisdiction recognized by the board for the purposes of this section,

- (b) evidence satisfactory to the registrar that the applicant has equivalent education and training to that of an applicant in the Active Full class,
- (c) successfully completes the jurisprudence examination required by the registration committee,
- (d) evidence satisfactory to the registrar that the applicant is of good character and fit to engage in the practice of denturism, and
- (e) receipt by the registrar of
  - (i) a signed application for temporary registration in Form 2-E,
  - (ii) any application and registration fees specified by the board,
  - (iii) any other outstanding fine, fee, debt or levy owed to the college,
  - (iv) an original transcript, or other evidence satisfactory to the registration committee, reflecting the applicant's degree or diploma and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (v) a passport sized picture of the applicant, signed by a notary or lawyer, indicating that the likeness of the person is the person applying for registration,
  - (vi) a statutory declaration in Form 4,
  - (vii) a signed criminal record check as required by the Criminal Record Review Act,
  - (viii) a notarized copy, or other evidence satisfactory to the registration committee, of Canadian citizenship or his or her right to work in Canada, and
  - (ix) proof of professional liability insurance as required under section 8.02.

(2) Every temporary license must be renewed every three months and must not be renewed for more than four periods.

(3) A record of temporary licensure shall be cumulative and survive any period of non registration.

### **Non-practicing registration**

4.07 (1) An applicant who is registered in an active class may be granted non-practicing registration by the registration committee if the applicant has delivered to the registrar

- (a) a signed application for non-practicing registration in Form 2-F,
- (b) any applicable application and registration fees specified in Schedule A,
- (c) any other outstanding fine, fee, debt or levy owed to the college, and
- (d) a statutory declaration that the applicant will not perform or provide the services of an active registrant while registered under this section.

(2) A non-practicing registrant must not perform, provide or supervise the services of an active registrant.

(3) A non-practicing registrant may use the title “non-practicing dentist” or “retired dentist”, if the registrant was previously qualified for active registration.

(4) A non-practicing registrant must be granted full registration by the registration committee if he or she

(a) has been a non-practicing registrant for less than three years, and meets the requirements established in section 4.12(1) as though his or her registration had been expired during the time that he or she has been a non-practicing registrant, or

(b) has been a non-practicing registrant for three years or more, and meets the requirements established in section 4.12(2) as though his or her registration had been expired during the time that he or she has been a non-practicing registrant.

### **Student registration**

4.08 (1) A person who enrolls in a dentist education program in British Columbia must make application for registration with the college within 3 months of beginning the program.

(2) An applicant may be granted student registration by the registration committee if the applicant

(a) is enrolled, or was enrolled during the 6 months previous to making an application under paragraph (c), as a student in one of the recognized denturism education programs listed in Schedule C,

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

(c) has delivered to the registrar

(i) a signed application for student registration in Form 2-D,

(ii) any applicable application and registration fees specified in Schedule A,

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

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

(v) a notarized statement, or other evidence satisfactory to the registration committee, of the applicant’s enrolment in a dentist education program described in subsection (a),

(vi) a passport sized picture of the applicant, signed by a notary or lawyer, indicating that the likeness of the person is the person applying for registration,

(vii) a statutory declaration in Form 4,

(viii) a signed criminal record check as required by the Criminal Record Review Act, and

(ix) a notarized copy, or other evidence satisfactory to the registration committee, of Canadian citizenship or his or her right to work in Canada.

(3) A student registrant may only perform or provide services under the direct supervision of an active full registrant, and only for the purposes of

(a) receiving instruction and clinical learning experiences in the denturist education program described in subsection (2)(a), or

(b) working as a denturist student in a clinic or facility during or between terms in accordance with the standards of practice applicable to student registrants.

(4) The registration committee must renew the student registration of a student registrant who

(a) remains enrolled in a registered denturist education program described in subsection (2)(a),

(b) applies in writing in a form acceptable to the registration committee,

(c) completes any additional forms as required by the committee and pays any fees specified in Schedule A, and

(d) pays any other outstanding fine, fee, debt or levy owed to the college.

(5) A person who is registered in a denturist education program who fails to apply within the time period specified in subsection (1) may request special consideration by the committee,

(a) an applicant making a request for special consideration must complete all the requirements of sections 4.08(2)(b) and (c),

(b) complete the request for special consideration in Form 5 and any additional forms required by the committee, and

(c) in addition to any other fees, pay the request for special consideration fee as specified in Schedule A.

(6) A student registrant may use the title "student denturist" or "denturist student".

(7) Prior to being eligible for non-temporary licensure in an active class a student must complete an internship.

(8) The registration committee must, for the purposes of subsection (7) define the requirements of the internship.

(9) A student registrant who successfully completes the licensure exams must elect to become a registrant in either the active or non practicing class within 30 days of receiving notification of exam results.

## Delegation and supervision

4.09 (1) Subject to sections 4.03, 4.04, 4.05 and 4.08, a registrant may delegate any aspect of practice that does not involve the performance of a restricted activity specified in section 5 of the *Regulation*, if

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

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

(3) The board may determine policies and procedures for the delegation of aspects of practice to a student, non-registrant, other person, or other health professional.

## Registration renewal

4.10 (1) To be eligible for renewal of registration, a registrant must

- (a) apply to the registrar,
- (b) pay the registration renewal fee,
- (c) pay any other outstanding fine, fee, debt or levy owed to the college,
- (d) attest that he or she is in compliance with the *Act*, the regulations, and these bylaws, and is in compliance with any limits or conditions imposed under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*,
- (e) provide evidence satisfactory to the registration committee of meeting all applicable continuing competence and quality assurance requirements under Part 5 of these Bylaws,
- (f) provide evidence satisfactory to the registration committee that the registrant is covered by the required professional liability insurance, and
- (g) when required by the Criminal Record Review Act, comply with periodic review requirements.

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

(3) Each registrant must pay to the college the applicable registration renewal fee on or before March 31 of each calendar year.

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

(5) Subject to subsection (1) on payment of the applicable registration renewal fee, and any other outstanding fine, fee, debt or levy owed to the college, the registrar must issue a certificate of registration to the registrant, which

(a) must, except in the case of a non-practicing registrant, state that the registrant is entitled to practice denturism in the province of British Columbia as a member of the applicable class of registrants, subject to his or her compliance with the *Act*, the regulations, and the bylaws, and any applicable terms, limits, or conditions imposed under section 20(2.1) of the *Act*, and

(b) must specify its expiration date.

(6) If a registrant fails to comply with subsection (1) on or before the date required under subsection (3) or (4), he or she ceases to be registered.

(7) A registrant who ceases to be registered under subsection (6) forfeits their discipline surcharge.

### **Reinstatement within two months of failure to pay fees**

4.11 The registration of a former registrant who ceased to be registered under section 4.10(6) must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former registrant

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

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

(c) submits to the registrar

(i) A reinstatement application in Form 6 not later than two months after the expiry of his or her registration,

(ii) proof of completion of all applicable requirements of the continuing competence and quality assurance program under Part 5, as though he or she had not ceased to be registered under section 4.10(6),

(iii) the registration renewal fee set out in Schedule A,

(iv) the registration reinstatement fee set out in Schedule A,

(v) an other fee, fine, levy or debt owed to the college under the *Act*, and

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

### **Reinstatement after two months where sections 4.11 and 4.13 do not apply**

4.12 (1) The registration of a former registrant whose registration has been expired and who has not practiced denturism for less than three years must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former registrant

- (a) was in good standing upon the expiry of his or her previous registration,
- (b) is not in contravention of the *Act*, the regulations or these bylaws, and
- (c) submits to the registrar
  - (i) a reinstatement application in Form 6 not later than three years after the expiry of his or her registration,
  - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (iii) in the case of an applicant who has practiced denturism or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
  - (iv) proof of completion of all requirements under Part 5 as though he or she had been a registrant for the period since the expiry of his or her registration,
  - (v) the registration reinstatement fee set out in Schedule A,
  - (vi) any other fee, fine, levy or debt owed to the college under the *Act*,
  - (vii) proof of professional liability insurance as required under section 8.02, and
  - (viii) evidence satisfactory to the registration committee that he or she is a person of good character suitable for registration as a member of the college.

(2) The registration of a former registrant whose registration has been expired or who has not practiced denturism for three or more years must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the former registrant

- (a) was in good standing upon the expiry of his or her previous registration,
- (b) is not in contravention of the *Act*, the regulations or these bylaws,
- (c) submits to the registrar
  - (i) a reinstatement application in Form 6,
  - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (iii) in the case of an applicant who has practiced denturism or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
  - (iv) proof of completion of all requirements under Part 5 as though he or she had been a registrant for the period since the expiry of his or her registration,
  - (v) the registration reinstatement fee set out in Schedule A,
  - (vi) any other fee, fine, levy or debt owed to the college under the *Act*,

- (vii) proof of professional liability insurance as required under section 8.02, and
- (viii) evidence satisfactory to the registration committee that he or she is a person of good character suitable for registration as a member of the college, and
- (d) successfully completes the Clinical Examination, comprised of the Complete Denture Examination and the Objectively Structured Clinical Examination, as required by the registration committee and satisfies the registration committee that his or her registration will not pose an undue risk to public health or safety.

### **Reinstatement following disciplinary action**

4.13 (1) In this section, “disciplined person” means a former registrant whose registration was suspended or cancelled under section 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*.

(2) The registration of a disciplined person must, subject to sections 20 and 39 of the *Act*, be reinstated by the registration committee if the disciplined person

- (a) is not in contravention of the *Act*, the regulations or these bylaws,
- (b) submits to the registrar
  - (i) a reinstatement application in Form 6,
  - (ii) an authorization for a criminal record check in the form required by the *Criminal Records Review Act*,
  - (iii) in the case of an applicant who has practiced denturism or another health profession in another jurisdiction, an authorization for a criminal record check in that jurisdiction,
  - (iv) proof of completion of all requirements under Part 5 as though he or she had been a registrant for the period since the expiry of his or her registration,
  - (v) the registration reinstatement fee set out in Schedule A,
  - (vi) any other fee, fine, levy or debt owed to the college under the *Act*,
  - (vii) proof of professional liability insurance as required under section 8.02, and
  - (viii) evidence satisfactory to the registration committee that he or she is a person of good character suitable for registration as a member of the college, and
- (c) satisfies the registration committee that his or her registration will not
  - (i) pose an undue risk to public health or safety, or
  - (ii) otherwise be contrary to the public interest.
- (d) For the purpose of satisfying itself under subsection (2)(c)(i) that the registration of the disciplined person will not pose an undue risk to public health or safety, the registration committee may require him or her to successfully complete a clinical skills examination approved under section 4.12(2)(d)

### **Certificate of licensure**

4.14 (1) The registrar must issue a certificate of licensure in Form 7 to every person registered in an active class.

(2) The certificate of licensure shall include a permanent license number and date of registration.

(3) The certificate of licensure is the property of the College and must be returned to the college if so requested.

(4) A certificate of licensure is valid only with a current certificate of registration.

### **Certificate of registration**

4.15 (1) The registrar must issue a certificate in Form 8 to any person who is granted active, temporary, non-practicing or student registration, and the certificate must specify

(a) the class of registration, and any terms, limits or conditions that apply to that class of registrants, and

(b) any applicable terms, limits or conditions imposed under section 20(2.1) of the *Act*.

(2) A certificate of dentist registration or non-practicing registration, or any renewal thereof, is valid until not later than the last day of the following March.

(3) A certificate of temporary registration or any permitted renewal thereof, is valid until the date shown on the certificate, or until the time the registration committee makes a determination regarding the application.

(4) A certificate of student registration, or any renewal thereof, is valid until the earlier of

(a) the last day of the following March, or

(b) 30 days after the date the student registrant successfully completes the required licensure examinations.

### **Use of titles**

4.16 A registrant may only use a title reserved for the exclusive use of registrants under the regulation if the registrant

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

(b) uses the title in the manner authorized under these bylaws.

## **Examinations**

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

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

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

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

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

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

- (a) fail the applicant,
- (b) pass the applicant,
- (c) require the applicant to rewrite the examination, or
- (d) disqualify the applicant from participating in any examination for a period of time.

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

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

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

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

## ***PART 5 – CONTINUING COMPETENCE AND QUALITY ASSURANCE***

### **Continuing competence and quality assurance**

5.01 A registrant making application to renew an active license must provide satisfactory evidence of having met the requirements of both the continuing competence and quality assurance programs.

### **Continuing competence program**

5.02 The continuing competence program of the college is comprised of meeting:

- (a) the standards of practice as determined by the board, and
- (b) the basic practice hours requirement.

### **Standards of practice**

5.03 (1) The board of the college must establish standards of practice for the profession.

(2) The standards of practice must be comprehensive and establish the minimum standards of practice to ensure public safety.

(3) The standards of practice may be used by the inquiry or quality assurance committee in determining a complaint or an assessment under section 26.1 of the *Act* or for any other purpose identified by the board.

(4) An assessor may be appointed by the quality assurance committee under section 26.1 of the *Act* to assess the performance of a registrant.

(5) The quality assurance committee must determine, in accordance with criteria established by the board, whether the performance of a registrant meets the standards of practice.

### **Basic practice hours requirement and reporting**

5.04 (1) An active registrant must engage in a minimum of 1125 hours of active denturist practice within the five-year period immediately preceding the application.

(2) Each registrant making an application for renewal must provide satisfactory evidence of having engaged in the minimum practice requirement, in accordance with criteria established by the quality assurance committee.

(3) In accordance with criteria established by the registration committee, credit will be granted for practice hours if

- (a) the hours constitute active denturist practice, and

- (b) the registrant was duly licensed in an active class in the province of British Columbia, or the equivalent in another jurisdiction.

### **Quality assurance program**

- 5.05 (1) The quality assurance program of the college is comprised of activities, as determined by the quality assurance committee and approved by the board, that result in increasing practice standards amongst registrants.
- (2) To satisfy the quality assurance program requirement, an applicant must provide satisfactory evidence of having engaged in the required quality assurance activities, in accordance with criteria established by the quality assurance committee.
- (3) The quality assurance committee, with the approval of the board, must set out the required quality assurance activities in policy.
- (4) The quality assurance committee, or an assessor appointed by the committee, will conduct quality assurance practitioner reviews on an annual basis with randomly selected active registrants.
- (5) The quality assurance committee or an assessor appointed by the committee may
- (a) assess the clinical ability of a registrant,
  - (b) collect information from registrants for the purposes of this Part,
  - (c) establish remedial procedures to assist registrants in identifying and correcting deficiencies in their clinical abilities or places of practice, and
  - (d) review all aspects of the management and conduct of health profession corporations to ensure their compliance, and the compliance of their registrant shareholders, with the *Act*, the regulations, these bylaws and the policies of the college.
- (6) A quality assurance annual practitioner review may include an onsite visit to the registrants practice.
- (7) The quality assurance committee or an assessor must not observe a registrant while the registrant is providing a service to a patient except if
- (a) the consent, in writing, of the patient being treated has been obtained in advance, or
  - (b) the service is being provided in a public setting.
- (8) A registrant must provide an individual designated by the quality assurance committee as an assessor, access to any quality assurance material requested by the assessor.

### **Failure to comply with the annual practitioner review requirements**

- 5.06 (1) A registrant who has not completed the annual practitioner review and submitted the required documents within 30 days of their review, must pay to the college a penalty as set out in Schedule A.
- (2) A registrant who fails to comply with subsection (1) must pay an additional penalty as determined by the board for each month until April 1.
- (3) An applicant for renewal of active registration who fails to comply with subsection (1) on or before April 1, is not eligible to renew and the registrar must not issue a renewal certificate.

### **Failure to satisfy continuing competence or quality assurance program requirements**

- 5.07 (1) An applicant for renewal of active registration who has successfully completed the annual practitioner review, if applicable, but has not provided evidence of meeting the other applicable program requirements under this Part, on or before December 31, must pay to the college a penalty as set out in Schedule A.
- (2) An applicant for renewal of active registration who fails to comply with subsection (1) on or before April 1, is not eligible to renew and the registrar must not issue a renewal certificate.
- (3) Section 4.10(6) applies to a registrant who fails to satisfy the requirements under this Part.

### **Information**

- 5.08 (1) The college may require a registrant to submit information necessary to determine whether the registrant has met the applicable program requirements under this Part.
- (2) The college must maintain the confidentiality of information obtained as described in section 26.2 of the *Act*.
- (3) If the quality assurance committee is required to notify the inquiry committee of a matter in accordance with subsection 26.2(3) of the *Act*, it must also deliver notice in writing to the registrar.

### **Records**

- 5.09 Every registrant must maintain and retain records of practice hours and information related to meeting the continuing competence and quality assurance programs for at least the last five consecutive years.

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

### **Inspections**

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

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

### **Registrar authority**

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

### **Consents and undertakings**

6.03 The record of an undertaking or consent given under section 36 of the *Act*, or a deemed order under section 37.1 of the *Act*, must

- (a) include any consent to a reprimand or to any other action made by the registrant under section 36 or 37.1 of the *Act*,
- (b) include any undertaking made by the registrant under section 36 of the *Act*,
- (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,
- (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and
- (e) subject to section 6.08, specify what notification and disclosure of the terms, limits or conditions of the undertaking or consent may be given to others, including members of the public.

### **Alternate dispute resolution**

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

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

(3) Alternate dispute resolution will be conducted in accordance with any policies and procedures established by the board.

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

(5) If any term of an agreement between the college and the registrant reached through alternate dispute resolution requires the registrant to undertake or consent to an action referred to in section

36(1) of the *Act*, the inquiry committee may request that the registrant make such an undertaking or consent if the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.

(6) If the terms of an agreement are approved by the inquiry committee under subsection (4), the inquiry committee must retain a copy of the agreement on file.

(7) If an agreement is not reached through alternate dispute resolution the matter must be referred back to the inquiry committee, which may then take any other action under section 33(6) of the *Act*.

### **Citation for disciplinary hearing**

6.05 (1) On the direction of a panel of the discipline committee, two or more citations may be heard at the same time as appropriate in the circumstances.

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

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

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

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

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

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

### **Hearings of discipline committee**

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

- (a) was involved as a member of the inquiry committee, or
- (b) has otherwise had any prior involvement.

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

(3) The registrar or the discipline committee must provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 38(6) or 47 of the *Act* in Form 9.

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

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

- (a) a consent or undertaking given by the registrant under section 36 of the *Act*, an order under section 35 or 39 of the *Act*, or a deemed order under section 37.1 of the *Act*, and
- (b) an undertaking by the registrant or a decision of a similar committee under the dentist enactments in another jurisdiction.

### **Notice of disciplinary decision**

6.08 If a consent or undertaking under section 36 of the *Act*, an order under section 35 or 39 of the *Act*, or a deemed order under section 37.1 of the *Act* results in the suspension or cancellation of a registrant's authorization to practice or includes a term, limit or condition that otherwise restricts the registrant's authorization to practice, the registrar must notify all registrants of the college, and as directed by the inquiry committee, or the discipline committee must notify

- (a) the regulatory bodies governing the practice of denturism in every other Canadian jurisdiction,
- (b) any or all government agencies and/or third party insurance companies or payees, and
- (c) any other governing body of a health profession inside Canada, unless the inquiry committee, or the discipline committee in the case of an order under section 39 of the *Act*, determines that there are exceptional circumstances.

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

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

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

### **Registrant under suspension**

6.10 (1) During any period of suspension from practice, a registrant must

- (a) not engage in the practice of denturism or hold himself or herself out as a registrant,
- (b) not hold office in the college,
- (c) not make appointments for patients or prospective patients,
- (d) not contact or communicate with patients or prospective patients, except for the purpose of
  - (i) advising a patient or prospective patient of the fact and duration of the suspension,
  - (ii) advising a patient or prospective patient that another registrant will continue to act or provide services in the suspended registrant's place, or
  - (iii) referring a patient or prospective patient to another registrant in good standing,
- (e) remove or effectively cover any sign relating to the registrant's practice from any premises where the registrant practices denturism, and any building in which any such premises are located,
- (f) prominently display, if required by an order under section 35 or 39 of the *Act* or a deemed order under section 37.1 of the *Act*, a notice of suspension in Form 10 and in an area approved by the registrar, which states the duration and reasons for the suspension,
- (g) immediately surrender to the registrar the certificate of licensure and registration issued to the registrant under sections 4.14 and 4.15, and
- (h) pay any fee required by the college when due in order to remain a registrant, and any other outstanding fine, fee debt or levy owed to the college.

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

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

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

### **Fines**

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

### **Cost tariffs**

6.12 The tariff of costs applicable to sections 33(7), 37.1(1) and (5), and 39(4) and (5) of the *Act* is set out in Schedule D.

## **PART 7 – REGISTRANT RECORDS**

### **Treatment records**

7.01 (1) For each patient a registrant must make and keep a contemporaneous record that includes

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

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

(3) A registrant must keep a record for a period of not less than 10 years from the date of the last entry.

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

## **Privacy requirements**

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

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

## **PART 8 – GENERAL**

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

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

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

### **Liability insurance**

8.02 (1) All active registrants, must be insured against professional liability for negligence in the provision of services that constitute the practice of denturism in accordance with the regulation and any applicable standards of practice in an amount of at least \$2,000,000 per claim in a form that is satisfactory to the college.

(2) A registrant who ceases to be covered by the required professional liability insurance must cease practice the day such insurance expires and the requirements of section 6.10 apply.

(3) Subject to subsection (4) and the provisions of any applicable laws, the college will indemnify and save harmless

- (a) its board members, officers and employees, and
- (b) the directors, officers and employees, from and against any and all liability, fines, damages, costs, charges, and expenses whatsoever that they, or any of them, may sustain or incur in any way relating to or arising out of any claim against any of them by reason of their being or having been a board member, officer or employee of the college.

- (4) The college will not indemnify or save harmless any person referred to in subsection (3)(a) or (b)
- (a) for costs, charges or expenses that were not actually and reasonably incurred by that person,
  - (b) if, in relation to the applicable claim, that person did not act honestly and in good faith with a view to the best interests of the college, or

## Promotion

8.03 (1) In this section,

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

“registrant” includes a Health Professions Corporation;

“marketing” includes

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

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

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

- (3) Marketing violates subsection (2) if it
- (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the services the registrant can perform or provide results which the registrant can achieve,
  - (c) implies that the registrant can obtain results
    - (i) not achievable by other registrants,
    - (ii) by improperly influencing a public body or official or any corporation, agency or person having an interest in the welfare of the recipient or intended recipient, or
    - (iii) by any other improper means,
  - (d) compares the quality of services provided by the registrant with those provided by
    - (i) another registrant,
    - (ii) a person authorized to provide health care services under another enactment, or
    - (iii) another health profession,
  - (e) makes claims of special skills that are not supported by the education and experience of the registrant, or announces or holds out that the registrant has special qualifications that are not possessed by the registrant, or
  - (f) is for the purpose of marketing products and
    - (i) the primary purpose of the registrant's activity is the sale of a product(s), and
    - (ii) the product being sold is not used in the provision of professional denturists' services,
- (4) A registrant who, in any advertisement, includes a statement of fees for a specific service
- (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be performed or provided and the cost to the patient, and
  - (b) must not compare the fees charged by the registrant with those charged by another registrant or registrants of another college.
- (5) Unless authorized by a policy of the board or by educational qualification, a registrant must not use the term "specialist".
- (6) A registrant must verify statements made in any of the marketing by, or on behalf of, or respecting the registrant when asked by the college to do so.

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

(8) The name or names of each active registrant and health professions corporation who practices at a place of business must be prominently displayed.

(9) The name or names of each active registrant who practices within a corporation must be included in all marketing materials in each instance.

(10) A registrant must retain for one year after the date of publication or broadcast of any advertisement or brochure, and must provide to the college upon request

- (a) a copy of any such publication, including a publication made by use of any electronic media including e-mail or the Internet,
- (b) a recording or videotaping of any such broadcast made by use of any electronic media, including radio and television, and
- (c) a written record of when and where the publication or broadcast was made.

(11) A registrant must not

- (a) state publicly that he or she speaks on behalf of the college unless she or he has been expressly authorized by the board to state the official position of the college, or
- (b) endorse or lend her or his name as registrant whether for reward or not, to the advertisement of any property, product, investment or service for sale to the public whatever its merits, or
- (c) use the name of another registrant or former registrant without the prior approval of the college.

## **Clinic names**

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

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

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

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

(4) The board of the college may make policies for the use of names, other than personal names of registrants or names of health professions corporations for use in promotion and marketing.

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

### **Definition**

9.01 In this Part, a Health Professions Corporation is defined as:

- (1) a legal entity,
- (2) recognized by the registrar of companies in the Province of British Columbia and having a certificate of incorporation, and
- (3) provides services and or advertises the services of a registrant to the public.

### **Corporations to apply**

9.02 (1) A corporation incorporated under the *Business Corporations Act* must apply to the registration committee for a permit to carry on the business of providing denture services to the public by delivering to the committee

- (a) a completed application for a health professions corporation permit in Form 11,
- (b) a copy of the central securities register or other table of the share ownership structure of the corporation showing the number of shares, types of shares, voting privileges of each class of share, and the name of the individual who owns the shares,
- (c) a true copy of the certificate of incorporation of the company and any other certificates which reflect a change in name, and
- (d) a permit fee in the amount of set out in Schedule A.

(2) The committee must issue a permit to a company which has complied with the *Act* and these bylaws.

(3) A permit issued to a health profession corporation ceases to be valid if

- (a) it is revoked under section 44 of the *Act*,
- (b) the health profession corporation ceases to be registered as an entity,
- (c) in the case of a health profession corporation with only one voting shareholder, the sole voting shareholder dies or otherwise ceases to be a registrant of the college, or
- (d) in the case of a health profession corporation with more than one voting shareholder, no provision is made in the articles of the corporation for the disposition of the registrant's share.

- (4) In accordance with subsection (1), a health profession corporation which intends to change its name must apply to the committee, using Form 12.
- (5) The committee must issue a new permit to a health profession corporation
- (a) whose change of name has been approved by the committee, and
  - (b) has delivered to the board a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
- (6) A health profession corporation which carries on the business of providing services to the public must disclose in any material in which the corporation is named that the services are being provided by a health profession corporation.
- (7) If a company, which has had its permit revoked under section 44 of the *Act* wishes to obtain a new permit, it must apply to the committee using Form 13, in which case subsections (1) and (2) apply.
- (8) The president of a company or his/her designate must promptly advise the committee in writing of any change to the information which was contained in the permit application or permit renewal application most recently delivered to the college.
- (9) The articles of the corporation must provide for the disposition, in accordance with section 43 of the *Act*, of the shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practice denturism.

## **PART 10 – DISCIPLINE SURCHARGE**

- 10.01 (1) In addition to the licensure and renewal fees each active registrant of the College must pay a discipline surcharge in the amount set out in Schedule A.
- (2) The funds collected through the surcharge must be separately accounted for.
- (3) A minimum threshold of \$100,000.00 is established for the account.
- (4) A registrant must pay not less than 50% of the discipline surcharge upon registration in an active class and the remaining portion by no later than 12 months from the date of registration.

(5) The funds of the account are dedicated exclusively to the investigation, preparation and costs of hearings pursuant to sections 33, 35, 37, 37.1, 38, 39 or 40 of the *Act*.

(6) In the event that the funds in the account fall below the minimum threshold each registrant of the college will be assessed an equal amount required to return the account to the threshold.

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

(8) Where a panel awards costs be paid by a registrant at the conclusion of a hearing, those funds will be returned to the discipline surcharge account.

(9) Where a registrant ceases to be registered, the original surcharge paid by the registrant will be returned to that registrant less any outstanding fees or costs.

(10) Subsection (9) does not apply where the registrant ceases to be registered as a result of an agreement, consent order, deemed order or as a result of a disciplinary hearing or section 4.10(6).