



**Guidelines for
Dental Hygienists
in Alberta**

Duty to Report

August 2023



Guidelines for the Duty to Report

Table of Contents

Dental Hygienists' Responsibilities	2
The Duty to Report.....	2
Self-Reporting.....	3
Reporting Another Health Professional.....	6
An Employer's Duty to Report.....	8
Legislated Requirements for Reporting	8
Abuse of Vulnerable Persons in Care.....	8
Children in Need of Intervention.....	9
Public Health Threats and Specified Communicable Diseases	9
Adverse Drug Reactions	10
Occupational Health and Safety.....	10
Acknowledgement.....	11
Appendix A: Summary Chart for the Duty to Report	12
Appendix B- When Do I Self-Report to the College?	13

The Alberta College of Dental Hygienists (the College) provides guidelines to support dental hygienists in understanding and meeting their legislated requirements, standards of practice, and code of ethics. Guidelines establish professionally accepted means by which dental hygienists can achieve compliance with the College's standards.

Failing to comply with a guideline may be considered unprofessional conduct if the dental hygienist did not achieve compliance with the standard, or if the departure from the guideline compromises the quality of client care or the integrity and/or credibility of the dental hygiene profession.

A dental hygienist may only depart from a guideline if they can demonstrate their chosen conduct:

- Achieves compliance with the applicable standard;
- Maintains the safety, effectiveness, or appropriateness of client care required by the standard; and
- Upholds the integrity of the dental hygiene profession.

While these guidelines reflect the requirements for dental hygienists at the time of development, these requirements may change from time to time. Dental hygienists remain responsible for ensuring their practice meets current legislative requirements, Standards of Practice, and Code of Ethics.



Guidelines for the Duty to Report

Dental Hygienists' Responsibilities

Duty to Report Standard of Practice

- The dental hygienist is responsible for being aware of, understanding, and following all mandatory reporting requirements.

Drugs: General Standard of Practice

- The dental hygienist who administers, recommends, prescribes, sells, or provides a prescription or non-prescription drug must participate in a quality assurance program that provides for preventing, reporting, investigating, and evaluating drug errors.

Professional Accountability Standard of Practice

- The dental hygienist is aware of, understands, and practices in compliance with all applicable legislation and regulatory requirements.

Safety and Risk Management Standard of Practice

- The dental hygienist protects their patients, themselves, and others from illness and injury by ensuring a safe practice environment and complying with applicable provincial occupational health and safety legislation.

Code of Ethics: Accountability

- To uphold accountability, the dental hygienist addresses personal and/or professional issues that may adversely affect their fitness to practice.

The Duty to Report

The duty to report is a legal obligation that serves the public interest. Various authorities require health care professionals to report information (e.g., the College, Health Canada, Government of Alberta).

Scenarios where you have a duty to report include:

- Self-reporting for:
 - A condition that affects your ability to practice safely and competently;
 - Findings, charges, or convictions against you; or
 - Sexual abuse or sexual misconduct with a patient.
- Reporting another health professional for:
 - Unprofessional conduct;
 - Sexual abuse or sexual misconduct; or
 - Procuring or performing female genital mutilation.



Guidelines for the Duty to Report

- Reporting an employee if they were terminated or suspended for unprofessional conduct;
- Legislated requirements for reporting:
 - Abuse of vulnerable persons in care;
 - Children in need of intervention;
 - Public health threats and specified communicable diseases;
 - Adverse drug reactions.

See [Appendix A](#) for a chart summarizing when you have a duty to report.

Self-Reporting

You must be aware of your own circumstances that may affect your ability to practice safely and competently.

Inform the College if you experience any of the following:

- Any injury, dependency, infection, or any other physical, cognitive, mental and/or emotional condition that has immediately affected, or may affect over time, your continuing ability to practice safely and competently;
- Any findings of professional negligence or malpractice;
- Any findings of unprofessional conduct by a regulatory authority in another jurisdiction or by any other college under the *Health Professions Act*;
- Any charges or convictions of a criminal offense;
- Sexual abuse of or sexual misconduct with a patient as defined in the *Health Professions Act*.

Follow the instructions on the College's website for how to file your self-report.

Each category is described below.

Conditions That Affect Safe and/or Competent Practice

You must self-report any injury, dependency, infection, or any other physical, cognitive, mental and/or emotional condition that negatively impacts your ability to practice safely and competently.

- Under this category, you would self-report conditions such as bloodborne illnesses (e.g., viral infections), repetitive strain injuries that affect dental hygiene practice, or substance abuse.

You may be reluctant to disclose this information to the College, but the College needs to be informed if your ability to practice safely and competently is affected.

- Self-reporting an injury, dependency, infection, or any other condition does not automatically result in conditions being placed on your practice, loss of a practice permit, or a complaint.



Guidelines for the Duty to Report

- Your self-report allows the College to gather information, assess your situation with you, and determine how to proceed in a way that ensures your patients receive safe and competent care.
 - The College assesses self-reports on a case-by-case basis.
 - This allows the College the opportunity to work with you to ensure your patients receive dental hygiene care that meets your professional Standards of Practice.
- The ideal outcome is for patients to continue receiving care from their dental hygienist and for dental hygienists to continue to safely serve their patients.

Assess whether your ability to practice dental hygiene safely and competently is affected by a condition, either immediately or over time. You may consult with a health professional to determine this. If you are unsure, please contact the College.

- Minor medical issues, such as a cold or flu, are not included in the duty to self-report.
- Personal and/or professional issues may adversely affect your fitness to practice. You have the ethical obligation to address these issues appropriately to ensure that you can practice and safely perform dental hygiene services.
 - The appropriate way to address an issue may include self-reporting to the College if it is a dependency or a cognitive, mental and/or emotional condition that negatively impacts your ability to practice safely and competently.

See [Appendix B](#) for questions to consider when deciding whether to self-report.

Example of College Actions Following a Self-Report

A dental hygienist self-reports their bloodborne illness to the Registrar.

- ACDH refers them to the Expert Review Panel (ERP).
 - The ERP is a panel of the College of Physicians and Surgeons of Alberta who oversee reports for health practitioners with bloodborne illnesses.
- ACDH sends the registrant's lab results to the ERP and identifies any exposure-prone procedures that the dental hygienist performs in their practice.
- The ERP reviews the case and presents the panel's findings to ACDH and the dental hygienist.
 - The ERP indicates if they have recommendations to facilitate safe practice for the dental hygienist.
- As ongoing follow-up, ACDH asks the dental hygienist to provide lab results every 6 months for monitoring. If any of the results are outside of a prescribed range, the ERP may be consulted again.

In this scenario, ACDH ensures the public is protected when receiving dental hygiene care and the dental hygienist continues their practice safely.



Guidelines for the Duty to Report

Findings, Charges, or Convictions Against You

You must self-report any:

- Court findings of professional negligence or malpractice against you;
- Regulatory authority findings of unprofessional conduct against you;
- Charges or convictions of a criminal offence.

These charges, convictions, or findings can be from any jurisdiction. The College needs this information to determine if there are any additional measures required to support you in providing safe and competent dental hygiene care. Section 127.1 of the *Health Professions Act* requires you to self-report to the College as soon as reasonably possible.

- For findings of unprofessional conduct, you are required to provide a copy of the regulatory body's decision if it is available.
- For court findings of professional negligence, charges of a criminal offence (Canada), or convictions of a criminal offence, you may be required to provide court transcripts or other additional information as requested by the College.

Sexual Abuse of or Sexual Misconduct Towards a Patient

The *Health Professions Act* requires the College to be informed if a dental hygienist sexually abuses or engages in sexual misconduct towards a patient.

Sexual abuse is defined in the *Health Professions Act* as the threatened, attempted, or actual conduct of a dental hygienist towards a patient that is of a sexual nature and includes any of the following conduct:

- Sexual intercourse between a dental hygienist and their patient;
- Genital to genital, genital to anal, oral to genital, or oral to anal contact between a dental hygienist and their patient;
- Masturbation of a dental hygienist by, or in the presence of, their patient;
- Masturbation of a dental hygienist's patient by the dental hygienist;
- Encouraging a dental hygienist's patient to masturbate in the presence of their dental hygienist;
- Touching of a sexual nature of a patient's genitals, anus, breasts, or buttocks by a dental hygienist.

Sexual misconduct refers to any incident or repeated incidents of objectionable or unwelcome conduct, behaviour, or remarks of a sexual nature by a dental hygienist towards a patient that the dental hygienist knows or ought reasonably to know will or would cause offence or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse.

For the purposes of this section, a "patient" is defined in the [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#) as an individual awaiting or receiving oral health care services and/or treatment where the dental hygienist knew or ought to



Guidelines for the Duty to Report

have known that they were providing care to the individual and satisfies any of the following conditions listed below:

1. The dental hygienist has charged or received payment from the individual or a third party on behalf of the individual.
2. The dental hygienist has contributed to a health record or file for the individual.
3. The individual has consented to oral health care services and/or treatment by a dental hygienist.
4. The dental hygienist prescribed a drug for which a prescription is needed for the patient.

An individual will be considered a patient for one year (365 days) after the last date of professional interaction between the individual and the dental hygienist. For the purposes of the Protecting Patients from Sexual Abuse and Misconduct Standard of Practice, a spouse, adult interdependent partner, or individual with whom the dental hygienist has a pre-existing sexual relationship that is currently ongoing will not be considered a “patient.”

For more information see:

- [Protecting Patients from Sexual Abuse and Misconduct Standard of Practice](#)
- [Professional Boundaries for Dental Hygienists in Alberta Guideline](#)
- [Prevention of Sexual Abuse and Sexual Misconduct of Clients Guideline](#)

Reporting Another Health Professional

Unprofessional Conduct

You may encounter situations where you believe that another health professional’s conduct puts patients at risk or may be considered unprofessional conduct.

- If your belief is based on reasonable and probable grounds (i.e., more than just suspicion that the conduct occurred and is unprofessional) you must report the regulated professional to their regulatory body.
 - This includes, but is not limited to:
 - Unprofessional conduct, including:
 - Displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
 - Failing to comply with the *Health Professions Act*, the Code of Ethics, or Standards of Practice
 - Contravening conditions imposed on their practice permit;
 - Conduct that harms the integrity of the regulated profession.
 - Incapacity



Guidelines for the Duty to Report

- The *Health Professions Act* defines incapacity as suffering from a physical, mental or emotional condition or disorder or an addiction that impairs the ability to provide professional services in a safe and competent manner;
- Having “reasonable and probable grounds” means that you will report the health professional with little or no delay after you have:
 - Identified the issue (e.g., unprofessional conduct or incapacity);
 - Gathered information that is relevant to the issue to become suitably informed;
 - Clarified the issue after reviewing the information you gathered (e.g., the conduct was unprofessional because the health professional failed to comply with the relevant Standards of Practice);
 - Decided that the information reasonably leads you to believe that the conduct really occurred and that it puts patients at risk or is unprofessional conduct.
- If you do not report as soon as it is reasonable to do so, it may be seen as unprofessional conduct on your part.
- If you are concerned about a health professional’s conduct but are unsure if you have reasonable and probable grounds to say the conduct is unprofessional, you may contact the health professional’s college to discuss your concerns.

If you are aware of an individual who is not registered with a college but is providing services as a health professional, notify the College of the profession they are practicing.

- It is an offence under the *Health Professions Act* section 46 to practice a health profession or use a protected title (e.g., “dental hygienist,” “registered dental hygienist.” “DH,” or “RDH”) without being registered appropriately.

Sexual Abuse of or Sexual Misconduct Towards a Patient

If you have reasonable grounds to believe that another health professional is engaging in behaviour that constitutes sexual abuse or sexual misconduct with a patient, you must report that individual to their college’s complaints director immediately.

- The *Health Professions Act* defines sexual abuse and sexual misconduct ([see above section](#) for definitions)

It is important to note that the definition of patient is different for each profession (e.g., whether a health professional’s spouse is considered a patient for the purposes of sexual abuse or misconduct).

- Contact the health professional’s college if you are unsure if the health professional is engaging in unprofessional conduct.



Guidelines for the Duty to Report

Female Genital Mutilation

If during the provision of dental hygiene services, you acquire information that gives you reasonable grounds to believe that the conduct of another health professional constitutes the procurement or performance of female genital mutilation, you must report that conduct to the Complaints Director of that health professional's college (*Health Professions Act* section 121.2(1)).

- The *Health Professions Act* indicates “female genital mutilation” means “the excision, infibulation or mutilation, in whole or in part of the labia majora, labia minora, clitoral hood or clitoris of a person, except where valid consent is given, and (i) a surgical or other procedure is performed by a health professional for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function, or (ii) that person is at least 18 years of age and there is no resulting bodily harm.”

An Employer's Duty to Report

Dental hygienists who are employers of other health professionals (e.g., dental hygienists, dental assistants, etc.) must be aware that section 57 of the *Health Professions Act* requires you to give notice to the health professional's college's Complaints Director if:

- Your employees' conduct, in your opinion, is unprofessional conduct and leads to their termination, suspension, or resignation;
 - This includes conduct that is noncompliant with the health professional's Standards of Practice or Code of Ethics.
- You have reasonable grounds to believe that the conduct of the health professional is, in your opinion, sexual abuse or sexual misconduct; or
- You have reasonable grounds to believe that a health professional has procured or performed female genital mutilation.

Give this notice to the relevant Complaints Director as soon as reasonably possible.

Legislated Requirements for Reporting

Alberta has legislation that requires individuals to report certain situations. Failing to comply with these requirements may be considered unprofessional conduct.

Abuse of Vulnerable Persons in Care

Under the *Protection for Persons in Care Act*, everyone who has reasonable grounds to believe that there is or has been abuse involving an adult who receives care or support services from a publicly funded service provider has the duty to report the abuse as soon as reasonably practicable.

- The adult must have been receiving care or support services from a publicly funded service provider at the time the alleged abuse occurred.



Guidelines for the Duty to Report

- Abuse can be reported to a police service, complaints officer, or another authorized committee, body, or person who can investigate the abuse.

The Act defines abuse as an act or omission that:

- Causes serious bodily harm;
- Causes serious emotional harm;
- Results in the administration, withholding, or prescribing of medication for an inappropriate purpose, resulting in serious bodily harm;
- Subjects an individual to non-consensual sexual contact, activity, or behaviour;
- Involves misappropriating, or improperly or illegally converting a significant amount of money or other valuable possessions; or
- Results in failing to provide adequate nutrition, adequate medical attention, or another necessity of life without valid consent, resulting in serious bodily harm.

More information can be found at:

- [Government of Alberta: About Protection for Persons in Care](#)
- [A Guide to Understanding the Protection for Persons in Care Act \[2018\]](#)

Children in Need of Intervention

If you have reasonable and probable grounds to believe that a child needs intervention, the *Child, Youth and Family Enhancement Act* requires you to report your concerns to a police officer or director under the Act. This includes if you believe a child is at risk of abuse, neglect, or sexual exploitation.

More information can be found at:

- [Government of Alberta: How to Help and Report Child Abuse, Neglect and Sexual Exploitation](#)

Public Health Threats and Specified Communicable Diseases

The *Health Professions Act* section 1.1(1) requires any regulated health professionals to immediately notify the Medical Officer of Health by the fastest means possible if they know or have a reason to suspect the existence of a nuisance or a threat that is or may be injurious or dangerous to the public health.

- A “nuisance” is a condition that is or that might become injurious or dangerous to public health, or that might hinder in any manner the prevention or suppression of disease.
 - For example, this could include a breach of infection prevention and control (e.g., reprocessing failure) in a clinical environment.

The *Public Health Act* section 22(1) requires health practitioners who know or have a reason to believe that a person in their care is infected with a communicable disease prescribed in the regulations to notify a medical officer of health by the fastest means possible or within 48 hours, depending on the disease.



Guidelines for the Duty to Report

- A list of the communicable diseases that require notification can be found in the [Communicable Diseases Regulation](#).

Adverse Drug Reactions

Adverse reactions are undesirable effects to health products, including injury or complication.

Health Canada:

- Collects and assesses reports of suspected adverse reactions to health products marketed in Canada;
- Monitors the safety profile of health products once they are marketed; and
- Ensure the benefits of the products continue to outweigh the risks.

Dental hygienists must report an adverse drug event to the [Canada Vigilance Program](#).

- Health products include prescription and non-prescription medications, natural health products, medical devices, biologics (including biotechnology products, vaccines, fractionated blood products, human blood and blood components, as well as human cells, tissues and organs), and disinfectant and sanitizers with disinfectant claims.

The *Public Health Act* requires health practitioners to report an adverse event following immunization.

- If a patient informs you that they have experienced this, ensure they contact the health practitioner who provided the immunization as this individual has the information to make the report.

See the [Guidelines for Drugs and Natural Health Products](#) for more information.

Occupational Health and Safety

Employers and workers have obligations under Occupational Health and Safety legislation to report certain workplace conditions and incidents.

- If you are a worker, you are responsible for immediately telling your employer or supervisor about hazards in the workplace so the employer may take necessary, corrective actions in a timely manner.
 - See [Alberta Government: Report Unsafe Work](#) for more information.
- If you are an employer, you are responsible for reporting certain types of workplace incidents directly to Alberta Occupational Health and Safety.
 - See [Alberta Government: Report Serious Injuries, Illnesses or Incidents](#) for more information.



Guidelines for the Duty to Report

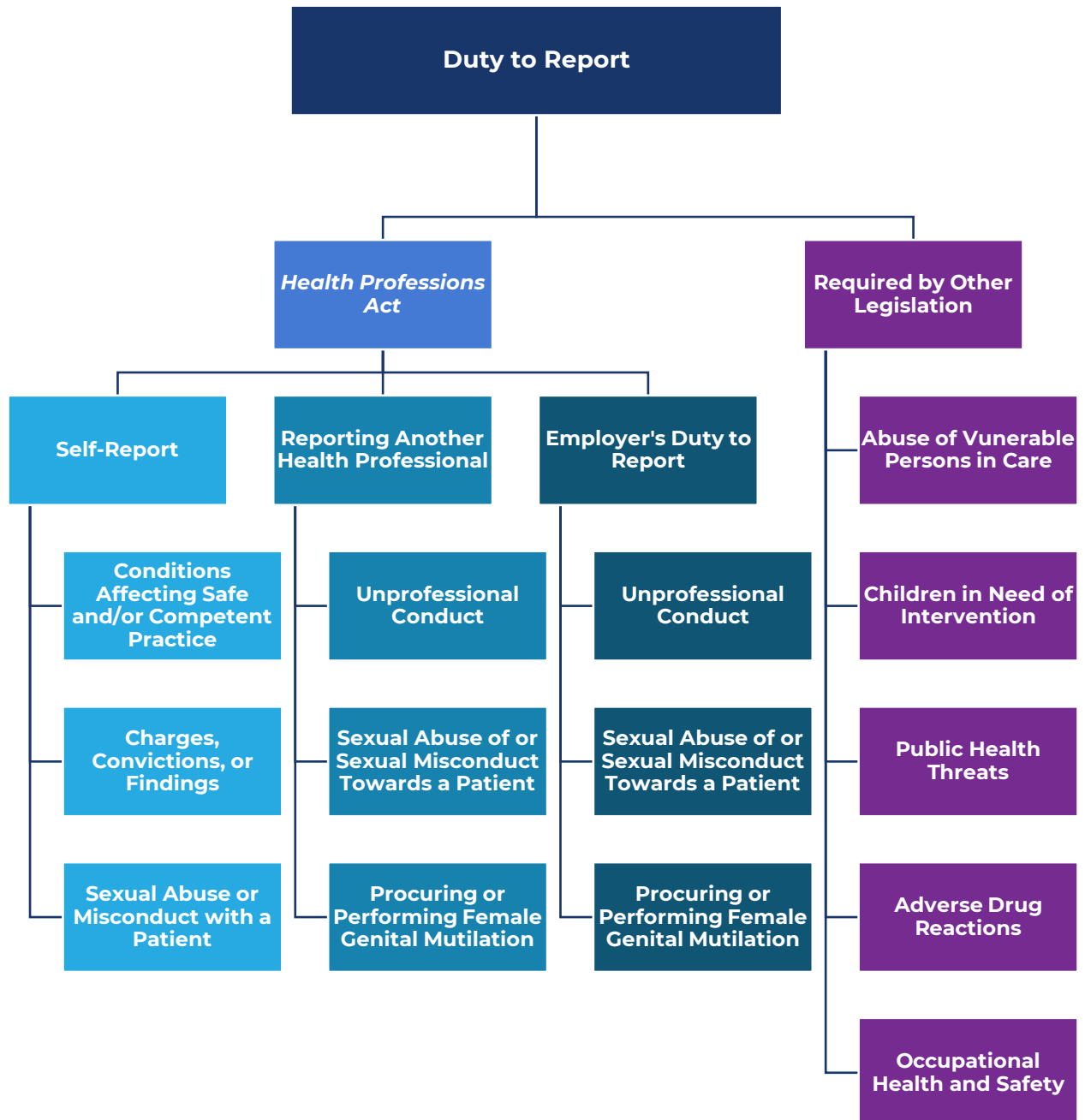
Acknowledgement

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Appendix A: Summary Chart for the Duty to Report





Guidelines for the Duty to Report

Appendix B- When Do I Self-Report to the College?

Self-report any injury, dependency, infection, or any other physical, cognitive, mental and/or emotional condition that negatively impacts your ability to practice safely and competently.

