



Bylaws of The Alberta College of Dental Hygienists

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Definitions

1. Definitions and Interpretation

(1) In these bylaws:

- (a) “Act” means the *Health Professions Act*;
- (b) “Chair” means the President of Council as appointed by Council referenced in section 4(3) of the Act;
- (c) “Code of Ethics” means the code of ethics adopted by Council under section 133 of the Act;
- (d) “College” means the College of Registered Dental Hygienists of Alberta;
- (e) “Complaints Director” means the complaints director of the College appointed under section 15(3) of the Act;
- (f) “Council” means the council of the College established under section 5 of the Act;
- (g) “Hearings Director” means the hearings director of the College appointed under section 15(1) of the Act;
- (h) “Registrar” means the registrar of the College appointed under section 8 of the Act;
- (i) “Regulation” means the Dental Hygienists Profession Regulation;
- (j) “Standards of Practice” mean the standards of practice adopted by the College under sections 133 and 133.1 of the Act.

(2) These bylaws are to be read with all changes to number and gender required by context.

(3) The provisions of these bylaws are independent and severable. If any part of these bylaws becomes invalid, it does not affect the validity of the rest of these bylaws which continue in full force and effect.

(4) The headings in these bylaws are for ease of reference only and do not affect in any way the meaning or interpretation of these bylaws.

(5) Where the Act, the Regulation and these bylaws are silent, College policies apply.

(6) A regulated member of the College shall be in good standing only if:

- (a) No fines, costs, assessments, penalties, levies, or fees (including initial registration fees and practice permit fees) are owing by the regulated member to the College;
- (b) The regulated member has a valid and subsisting practice permit;
- (c) The regulated member’s registration and/or practice permit have not been cancelled or suspended pursuant to Part 4 of the Act;
- (d) The regulated member has complied with all College continuing competence program requirements;
- (e) The regulated member is not in breach of:
 - (i) any professional conduct orders pursuant to Part 4 of the Act;
 - (ii) any Section 118 directions pursuant to Part 6 of the Act.

Council

2. Council

Duties and Powers

- (1) The Council is the governing body of the College and may exercise all the powers and duties granted to a council under the Act and the Regulation.

Composition

- (2) Council shall consist of:
 - (a) five (5) regulated members appointed in accordance with bylaw 4; and
 - (b) the number of public members required to be appointed by the Lieutenant Governor in Council in accordance with the Act.

Term of Office

- (3) The term of office for a regulated member of Council shall be three (3) years.
- (4) A regulated member of Council may not serve more than two (2) consecutive terms of office.
- (5) Council may extend the terms of a regulated member of Council to a maximum of two (2) additional one (1) year terms.

Officers

- (6) Council shall select a Chair and a Vice-Chair from among the members of Council, in accordance with Council policy.
- (7) The Chair shall hold office for one (1) year and may serve a maximum of two (2) consecutive terms as Chair.
- (8) The Vice-Chair shall hold office for one (1) year and may serve a maximum of two (2) consecutive terms as Vice-Chair.
- (9) The Chair shall chair meetings of Council.
- (10) If the Chair is temporarily absent or unable to act, the Vice-Chair shall perform the functions, duties, power, and responsibilities of the Chair.
- (11) If both the Chair and Vice-Chair are temporarily absent or unable to act, Council will determine who shall perform the functions, duties, powers, and responsibilities of the Chair.
- (12) Council may remove a Council member from the position of Chair or Vice Chair upon a vote of two-thirds (2/3) of the other members of Council at a Council meeting called specifically for that purpose.
- (13) If the office of Chair or Vice Chair becomes vacant before the Chair's or Vice Chair's term of office would normally end, a new Chair or Vice Chair shall be selected by Council from among the Council members, in accordance with Council policy.

Meetings

- (14) Council shall hold a minimum of four (4) meetings each year. Meetings shall be held at least once per quarter.

- (15) The Chair shall call a Council meeting. The Chair shall also call a Council meeting if any two (2) council members make a request in writing and state the business for the meeting.
- (16) Council meetings shall be called with a minimum of 48 hours notice. Council may also set a schedule for meetings for the upcoming year for which no further notice is required.
- (17) Council members may waive notice of a Council meeting.
- (18) Except when Council otherwise directs, Council meetings are open to the regulated members and the public.

Quorum

- (19) A quorum in order to make a Council decision is a majority of the members of Council.
- (20) For the purposes of calculating whether a majority of the members of Council is present for a Council decision, public representative positions on Council to which the Lieutenant Governor in Council has not appointed an individual shall not be counted.

Voting

- (21) Except as otherwise stated in these bylaws and regardless of voting method, a decision shall be made by a majority vote of the Council members participating in the vote.
- (22) In which the case of a tie, the Chair may cast a deciding vote. In the absence of the Chair, the Vice Chair will then cast a deciding vote.
- (23) A resolution or matter shall be voted on by any means, electronic or otherwise, as determined by Council in its sole discretion.

Terms of Reference and Procedures

- (24) Council shall approve terms of reference for Council and may determine its own procedures, subject to the Act, the Regulation, and these bylaws.

3. Council Members Ceasing to Hold Office

- (1) A regulated member of Council automatically ceases to be a Council member if:
 - (a) the regulated member provides a letter of resignation to the Chair or the Vice Chair;
 - (b) the regulated member's practice permit is suspended or the regulated member ceases to be a regulated member;
 - (c) the regulated member is found guilty of unprofessional conduct under the Act or makes an admission of unprofessional conduct that is accepted by a hearing tribunal in accordance with the Act; or
 - (d) if the regulated member ceases to meet specified eligibility requirements for appointment to Council.

Complaints About Council Members

- (2) A person may make a written complaint to the Chair or Vice-Chair regarding the conduct of a Council member in their capacity of that role. College policies will determine the process to review such complaints.
- (3) A regulated council member may be removed from Council, effective immediately, where a motion to that effect is passed by two-thirds or more of the other members of Council.

- (4) The removal of a public member from Council may be recommended to the Lieutenant Governor in Council that their appointment be rescinded, upon a motion to that effect is passed by two-thirds (2/3) of the other members of the Council.

Vacancies

- (5) If a regulated member of Council is unable to complete their term of office, Council may appoint a regulated member on the general register to serve the remainder of the term of office.

Appointment to Council

4. Appointment of a regulated member to Council

- (1) Council shall appoint regulated members to Council in accordance with Council policies.

Code of Ethics and Standards of Practice

5. Procedure for adopting or amending a Code of Ethics or Standards of Practice

- (1) Council may adopt or amend a Code of Ethics or Standards of Practice in accordance with the consultation process set out at section 133 of the Act.
- (2) No fewer than fourteen (14) days before adopting a proposed Code of Ethics or Standards of Practice or amendment, Council shall provide a copy to regulated members or post a copy on the College's website for review and comment and shall indicate a deadline for Council to receive written comments.
- (3) Council shall consider any written submissions received in accordance with subsection (2) before making a decision.

Registration

6. Registration Committee

- (1) A registration committee is hereby established and may carry out the powers and duties set out in the Act, the Regulation, and these bylaws.
- (2) Council shall appoint no fewer than four (4) members to the registration committee, a majority of whom must be regulated members, and shall appoint a member as chair.
- (3) Members shall be appointed to the registration committee for a term of three (3) years unless Council specifies a different term at the time of appointment. Members may serve a maximum of two (2) consecutive terms on the registration committee.
- (4) A quorum of the registration committee is three members.
- (5) A decision of the registration committee shall be made by a majority vote of the members participating in the vote.
- (6) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, the registration committee may determine its own procedures.

7. Professional Liability Insurance

- (1) An applicant for registration as a regulated member or for practice permit renewal must provide evidence satisfactory to the Registrar that the applicant has the type and amount of professional liability insurance required by Council.

8. Citizenship

- (1) An applicant for registration as a regulated member must provide evidence satisfactory to the Registrar that the applicant is a Canadian citizen or is lawfully admitted to and entitled to work in Canada.

9. Language Proficiency

- (1) An applicant for registration as a regulated member must be sufficiently proficient in English to be able to engage safely and competently in the practice of dental hygiene.
- (2) An applicant may be required by the Registrar to demonstrate proficiency as required by subsection (1) in accordance with requirements approved by Council.

10. Good Character

- (1) An applicant for registration as a regulated member must provide written evidence of having good character and reputation by submitting one or more of the following on the request of the Registrar
 - (a) a statement by the applicant as to whether the applicant is currently undergoing an unprofessional conduct process or investigation or has previously been disciplined by another regulatory organization responsible for the regulation of dental hygienists or any other profession;
 - (b) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside of Canada for which the applicant has not been pardoned;
 - (c) any other relevant evidence as requested by the Registrar.

11. Registration Applications

- (1) The Registrar shall consider complete applications for registration as a regulated member.
- (2) The Registrar may, in their sole discretion, refer any application for registration to the registration committee

12. Practice Permits

- (1) Regulated members must submit a complete application for a practice permit to the Registrar by October 31 each year.
- (2) Complete applications for practice permits shall be considered by the Registrar.
- (3) The Registrar may, in their sole discretion, refer any application for a practice permit to the registration committee.
- (4) A practice permit is valid from November 1 to October 31 annually unless otherwise noted on the practice permit.

13. Reinstatement Applications (Non-Disciplinary)

(1) A regulated member whose practice permit and registration are cancelled under the Act, except under Part 4 of the Act, may apply to the Registrar for reinstatement upon providing such documents, fees, assessments, levies and late payment fees as may be required by Council.

(2) The Registrar may, in their sole discretion, refer any application for reinstatement to the registration committee.

Registers

14. Information Regarding Regulated Members and Applicants

(1) A regulated member or an applicant for registration, must provide the following information in addition to that required under section 33(3) of the Act, on the initial application for registration, when there are changes to the information or at the request of the Registrar or registration committee:

- (a) full legal name, and if applicable, previous surnames;
- (b) gender;
- (c) date of birth;
- (d) home address, telephone number, and e-mail address;
- (e) academic and practical training qualifications;
- (f) name of the academic institution from which the member graduated;
- (g) year of graduation;
- (h) place of employment;
- (i) employer's name, address, telephone number, and e-mail address;
- (j) type of facility in which the regulated member practices;
- (k) job title and position description;
- (l) number of working hours employed in the practice of dental hygiene for the previous year;
- (m) employment history;
- (n) area of practice and specialities;
- (o) languages in which the member can provide professional service;
- (p) other jurisdictions in which the member is registered to practice dental hygiene;
- (q) whether the member is a registered member of another health profession and whether the member is providing professional services regulated by that profession's College.

(2) The College may disclose information collected under subsection (1) about a regulated member

- (a) with the consent of the regulated member; or
- (b) in a summarized or statistical manner so it is not possible to relate the information to the regulated member or any other identifiable person; or

15. Changes to Information on Regulated Members Registers

- (1) The Registrar may enter, change, or remove information from the regulated members registers where appropriate.
- (2) No registration or practice permit shall be cancelled except in accordance with the Act.

Continuing Competence

16. Competence Committee

- (1) A competence committee is hereby established and may carry out the powers and duties set out in the Act, the Regulation, and these bylaws.
- (2) Council shall appoint no fewer than four (4) members to the competence committee, a majority of whom must be regulated members, and shall appoint a member as chair.
- (3) Members shall be appointed to the competence committee for a term of three (3) years unless Council specifies a different term at the time of appointment. Members may serve a maximum of two (2) consecutive terms on the competence committee.
- (4) A quorum of the competence committee is three (3) members.
- (5) A decision of the competence committee shall be made by a majority vote of the members participating in the vote. If a competence committee is sitting with an even number and there is a tie vote, then the Chair may cast a second and deciding vote.
- (6) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, the competence committee may determine its own procedures.

Professional Conduct

17. Membership List

- (1) Council shall appoint no fewer than four (4) regulated members to the membership list referenced in section 15 of the Act. This list shall be used for appointing regulated members to both hearing tribunals and complaint review committees.
- (2) A person shall not sit on a complaint review committee and a hearing tribunal with respect to the same matter.

18. Complaint Review Committee

- (1) A complaint review committee consists of the regulated members and public members appointed to it by the hearings director.
- (2) The hearings director shall appoint a chair of each complaint review committee.
- (3) A quorum for a complaint review committee is two regulated members and the number of public members required by section 12(1) of the Act.
- (4) A decision of a complaint review committee shall be by majority vote. If a complaint review committee is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.
- (5) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, a complaint review committee may determine its own procedures.

19. Hearing Tribunal

- (1) A hearing tribunal consists of the regulated members and public members appointed to it by the hearings director.
- (2) The hearings director shall appoint a chair of each hearing tribunal.
- (3) A quorum for a hearing tribunal is two regulated members and the number of public members required by section 12(1) of the Act.
- (4) A decision of a hearing tribunal shall be by majority vote. If a hearing tribunal is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.
- (5) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, a hearing tribunal may determine its own procedures.

20. Reinstatement Applications under Section 45.1 of the Act

- (1) On completing a review of an application for reinstatement from a person whose practice permit and registration were cancelled under Part 4 of the Act, the Registrar or if referred to the registration committee by the Registrar, the registration committee may order the person to pay any of or all the College's expenses incurred in respect to the application.

21. Designations by Council under Sections 65 and 86 of the Act

- (1) Council hereby designates registration committee to make decisions under section 65(1) of the Act.
- (2) Council hereby designates registration committee to make decisions under section 86(1) of the Act.

Committees

22. Education Program Review Committee

- (1) Council establishes the Education Program Review Committee (EPRC).
- (2) EPRC shall provide recommendations to Council regarding standards, policies, and procedures for approving new or reviewing previously approved and existing:
 - (a) dental hygiene education programs,
 - (b) dental hygiene refresher programs, and
 - (c) advanced restricted activity training in Alberta
- (3) EPRC shall review and provide recommendations to Council regarding any other issue with respect to the programs listed in subsection (2).

23. Other Committees

- (1) In addition to committees established in the Act or in these bylaws, Council may establish such committees as it considers necessary in carrying out its duties and responsibilities.
- (2) Council shall set out a process in policy for the appointment and removal of members of committees established under subsection (1).

24. Terms of Reference for Committees

- (1) Council shall approve terms of reference for all committees established in the Act, in these bylaws, and under bylaw 6(1) and 17(1).

Publication and Distribution of Information

25. Information under Section 119(1) Generally and Section 60(6)(a) of the Act

- (1) The Registrar has authority to publish or distribute information as permitted or required under the Act, the Regulation, the Personal Information Protection Act, SA 2003, c P-6.5, any other enactment that applies to the College, or as otherwise permitted or required by law.
- (2) For the purposes of section 60(6)(a) of the Act, the Registrar shall publish and distribute, in any manner that the Registrar determines is appropriate, any information respecting a complaint and a ratified settlement which has been achieved through the Alternative Complaints Resolution process provided for in Division 2 of Part 4 of the Act.

26. Additional Information that may be published on College Website

In addition to the information required under the Act, the College may publish the following information on the College website:

- (a) General information about the College and its activities,
- (b) General information about the dental hygiene profession,
- (c) General information about the regulatory processes under the Act including applying for registration, applying for practice permits, the professional conduct process including complaints and concerns, continuing competence, and other matters covered in the Act,
- (d) Registration number,
- (e) Registrant employment information,
- (f) Publications and reports,
- (g) Information referenced in section 119(1) of the Act, and
- (h) Any other matter determined appropriate for publication on the College website, in the sole discretion of the Registrar.

27. Publication of Information Regarding Complaint Resolutions, Hearing Tribunal Decisions, Appeal Decisions and Complaint Review Committee Decisions

- (1) The Registrar shall publish and distribute, in any manner that the Registrar determines is appropriate, summaries of complaints made pursuant to Part 4 of the Act that were not referred to hearing but were resolved informally by use of a complaint resolution agreement or similar document. Such publication and distribution shall, at the discretion of the Registrar, be with or without the name of the regulated member.
- (2) The Registrar shall publish and distribute, in any manner that the Registrar determines is appropriate, Notices of Hearings and Notices of Appeals within a reasonable time prior to hearings and appeals. Such publication and distribution shall, at the discretion of the Registrar, be with or without the name of the regulated member.
- (3) Subject to the requirements of the Act, where a regulated member is found to have committed unprofessional conduct, the Registrar shall publish and distribute, in any manner that the Registrar determines is appropriate, Hearing Tribunal decisions, Council appeal decisions and Court of Appeal decisions arising pursuant to Part 4 of the Act. Such publication and distribution shall be with the name of

the regulated member unless otherwise required by the Act or otherwise directed by a Hearing Tribunal, the Registrar, a Council or the Court of Appeal.

- (4) Where a regulated member is found to have committed no unprofessional conduct whatsoever, the Registrar shall publish and distribute, in any manner that the Registrar determines is appropriate, Hearing Tribunal decisions, Council appeal decisions and Court of Appeal decisions arising pursuant to Part 4 of the Act. Such publication and distribution shall be without the name of the regulated member.
- (5) The time period for publication and distribution described in Bylaw 19(3) shall commence on the issuance of a Hearing Tribunal decision and shall continue for five (5) years or as directed by the Hearing Tribunal, Council or Court of Appeal or as required by the Act.

Administration

28. Forms and Documents

The Registrar is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the Act, the Regulation, or these bylaws.

29. Reimbursement of Expenses

- (1) The College shall reimburse expenses incurred by Council members, committee members and the College employees in the course of carrying out their duties under the Act, the Regulation, and these bylaws, in accordance with policies made by Council.

30. Fees and Levies for Applicants and Regulated Members

- (1) Council may establish any of the following fees:
 - (a) Application fees;
 - (b) Registration fees;
 - (c) Practice permit fees;
 - (d) Late payment fees;
 - (e) Fees for reviews or appeals of any decisions under the Act;
 - (f) Reinstatement fees;
 - (g) Inspection fees; and
 - (h) Education Program Review Fees
- (2) Council may also establish any fees, costs, levies, or assessments to be paid by regulated members or applicants for any service or thing provided by the College under the Act, the Regulation, or these bylaws.
- (3) Before establishing a fee, cost, levy, or assessment under subsection (1) or (2), or before making any changes to such fee, cost, levy or assessment, Council shall provide notice to the regulated members via the College website no fewer than 60 days before the fee, cost, levy, assessment, or change comes into effect.

31. Head Office

- (1) The head office of the College shall be located at Edmonton, Alberta, or such other location as may be determined by Council.

32. Use of Funds

- (1) The College may make use of all revenues received from fees and other sources of income to carry out the objectives of the College.
- (2) Financial policy pertaining to the College shall be determined by Council and the College shall publish annually a copy of its financial information in the form required by the Minister under section 4(1)(f) of the Act.

Notice Regarding Dental Hygiene Practices

33. Notification

- (1) At least 90 days prior to opening, operating, acquiring, adding a component to, or moving a dental hygiene practice, a regulated member is required to provide written notification to the College of the following information:
 - (a) the practice name;
 - (b) phone number;
 - (c) email address;
 - (d) complete business address;
 - (e) names of any additional owners;
 - (f) any other information requested by the Registrar.
- (2) Upon receipt of the required information, and prior to an Independent Dental Hygiene Practice opening or moving, the College shall conduct an inspection of the regulated member in accordance with College policies.
- (3) A regulated member is required to provide written notification to the College of any change in the ownership interests or changes to information listed in (1) above at least 90 days prior to the anticipated change.
- (4) Any regulated member who closes or transfers ownership of a dental hygiene practice is required to provide written notification to the College of the closure or transfer at least 90 days prior to the anticipated date.

Bylaws

34. Enactment, Amendment, and Suspension of Bylaws

- (1) Council made these bylaws under section 132 of the Health Professions Act. When these bylaws come into force, they replace all previous bylaws.
- (2) Council may add to, amend, or suspend these bylaws if:
 - (a) regulated members and any other stakeholders Council identifies are notified of any proposed changes in a manner Council deems appropriate;
 - (b) regulated members and other stakeholders may review and comment on the changes; and
 - (c) comments are accepted for fourteen (14) days after regulated members and other stakeholders are notified.

(3) Council will consider comments from regulated members and other stakeholders before giving final approval to any changes.

(4) Within thirty (30) days of Council approving changes to the bylaws, the Registrar will notify regulated members about where to access a copy of the bylaws. Notice will be by email to the last known contact information of each regulated member.

(5) Despite anything to the contrary in these bylaws, the Council may, by its own motion, temporarily suspend or amend portions of these bylaws during an internal or external disaster, public health emergency, state of emergency or similar event to ensure efficient functioning of the College provided:

- (a) the motion lists the specific bylaw suspensions and amendments;
- (a) the motion specifies the number of days the suspension or amendment is in effect, not to exceed one hundred twenty (120) days; and
- (b) the motion is approved by a simple majority of the Council.