RCDSO BYLAWS

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1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

1.1.1 General definitions

In these by-laws,

"**Act**" means the Dentistry Act, 1991, Statutes of Ontario, 1991, Chapter 24 and includes the RHPA.

"**Code**" means the Health Professions Procedural Code being Schedule 2 to the RHPA.

"**College**" means the Royal College of Dental Surgeons of Ontario.

"**committee**" means a committee of the College, including a statutory, standing, or ad hoc committee, and includes a panel of that committee.

"**Council**" means the Council of the College.

"**member's electoral district**" means the electoral district in which the member is eligible to vote and stand for election.

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

"**general election**" means the election of the elected members of Council conducted in December of each year.

"**member of Council**" or "**Council member**" means an elected member of Council, public member of Council, or selected member of Council.

"**Ministry**" means the Ministry of Health and Long-Term Care.

"**non-Council committee member**" means a member of a committee of the College who is a member of the College but not a member of Council.

"**public member of Council**" or "**public Council member**" means a member of Council appointed by the Lieutenant Governor in Council.

"**regulation**" means a regulation passed pursuant to the Act or RHPA.

"**RHPA**" means the *Regulated Health Professions Act*, 1991, Statutes of Ontario, 1991, Chapter 18 and includes the Code.

"**selected member of Council**" or "**selected Council member**" means a member of Council selected in accordance with the by-laws from members of the faculty of dentistry or school of

dentistry in a university in Ontario and includes a member selected or appointed to fill a vacancy created by a selected Council member ceasing to be a member of Council prior to the completion of his or her term.

"**standing committee**" means a committee of the College established by the by-laws.

"**statutory committee**" means a committee of the College established by the Code.

"**subject matter expert**" means an individual with specific expertise required for certain committees as set out in the by-laws.

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

1.2 Interpretation

1.2.1 Singular includes the plural

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

1.2.2 Person includes corporation

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

1.2.3 References to statutes, etc.

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

1.2.4 Severability

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

1.2.5 Computation of time

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

a. Where there is a reference to a number of days between two events, the number of days shall be counted by including the day on which the earlier event occurs and excluding the day on which the latter event occurs.

b. All days, including Saturdays, Sundays, and holidays, shall be counted.

c. Where the time for the doing of an act expires on a Saturday, Sunday, or holiday, the act may be done on the next day that is not a Saturday, Sunday, or holiday.

1.2.6 Written includes electronic

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

2 MEETINGS OF COUNCIL

2.1 Prior to First Regular Meeting of Council

2.1.1 Registrar to provide list of new Council members

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

2.1.2 Registrar to circulate agenda

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

2.2 First Regular Meeting of Council

2.2.1 President as Presiding Officer

Subject to article 2.2.2, at the first regular meeting of the Council after the general election, the President shall assume the role of chair of the meeting of Council.

2.2.2 Registrar as Presiding Officer

If the term of the incumbent President is expired at the first regular meeting of Council after the general election, the Registrar shall call the meeting to order and act as the interim Presiding Officer until a new President is elected.

2.2.3 Report on elections

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

2.3 Election of President, Vice-President and the Executive Committee

2.3.1 Call for nominations for President

If the term of the incumbent President has expired, or the office of the President is vacant, at the first regular meeting of the Council after the general election, the Registrar shall call for nominations for the office of the President.

2.3.2 Acclamation of President

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

2.3.3 Election of President by secret ballot

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

2.3.4 Candidates may address Council

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

2.3.5 Returning officers

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

2.3.6 Majority

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

2.3.7 Where no majority

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

2.3.8 Tied votes

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

2.3.9 Tied candidates may address Council

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

2.3.10 Tied vote broken by lot after second attempt

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

2.3.11 Council may adopt alternative

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

2.3.12 Term of President, Vice-President and remaining members of the Executive Committee

Effective the first regular meeting of Council after the December 2026 election, the President, Vice-President and remaining members of the Executive Committee shall be elected for two-year terms.

2.3.13 Election of Vice-President, members of Executive Committee

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

2.4 Nominations to Committees, Other Appointments

2.4.1 Governance Committee as nominations committee

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

2.5 Scheduling of Meetings of Council

2.5.1 Initial meeting within two months of elections

Council shall hold a meeting within two months after a general election, which shall be the first regular meeting of Council.

2.5.2 Regular Council meetings

Council shall hold at least four (4) regular Council meetings per calendar year, called by the President, at least one (1) of which shall fall during each of the following times:

a. between 01 January and 30 April

b. between 01 April and 30 August

c. between 01 September and 30 December

2.5.3 Location of regular Council meetings

The Registrar shall determine the location of regular Council meetings.

2.5.4 Special Council meetings

A special Council meeting may be called by

a. the President;

b. the Executive Committee; or

c. any eight members of Council who submit to the Registrar a written request specifying the matters for decision at the meeting.

2.5.5 Location of special Council meetings

The Registrar shall determine the location of special Council meetings.

2.5.6 Teleconference

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

2.6 Notice of Council Meetings

2.6.1 Registrar to provide notice

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

a. 14 days before a regular Council meeting; and

b. 3 days before a special Council meeting.

2.6.2 Contents of notice

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

a. whether the meeting will be conducted in person or by teleconference;

b. the place, date, and time of the meeting; and

c. the specified matters for decision at a special Council meeting.

2.7 Council Meeting Business and Agendas

2.7.1 Business at special Council meetings

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

a. the matters specified in the request for the special Council meeting provided to the Registrar;

b. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and

c. routine and procedural matters, which shall be dealt with in accordance with the rules of order.

2.7.2 Business at regular Council meetings

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

a. matters brought by the Executive Committee;

b. recommendations in reports by committees;

c. motions for which notice was provided by a member of Council

   i. at the preceding Council meeting, or

   ii. in writing at least thirty (30) days in advance of the meeting;

d. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and

e. routine and procedural matters to be dealt with in accordance with the rules of order.

2.7.3 Meeting agendas set by the President

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

2.8 Presiding Officer

2.8.1 Presiding Officer as chair

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

2.8.2 Term of office

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

2.8.3 Duties of Presiding Officer

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

2.8.4 Duty of confidentiality

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

2.8.5 Acting chair

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

a. Where no Presiding Officer has been appointed, the President or his or her designate shall act as chair of Council meetings.

b. Where the President is absent and no chair has been designated, the Vice President shall act as chair of Council meetings.

c. Where both the President and Vice-President are absent and no chair has been designated, the members of the Council in attendance at a Council meeting shall elect one of their numbers to act as chair of the meeting.

2.9 Quorum

2.9.1 Quorum as majority

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

2.9.2 Effect of vacancy on quorum

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

2.10 Voting

2.10.1 Default method

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

2.10.2 Roll call vote at teleconference

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

2.10.3 Roll call vote by request

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

2.10.4 Roll call vote recorded in the minutes

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

2.10.5 Roll call vote for regulations

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

a. shall be by roll call vote; and

b. the minute of such vote shall record those members of Council in favour, those opposed, those who abstained, and those who were not present.

2.10.6 Default is simple majority

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

2.10.7 Vote of chair to be counted

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

2.10.8 Tied votes decided in the negative

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

2.10.9 Record of dissent upon request

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

2.11 Minutes and Adjournments

2.11.1 Minutes of Council meetings

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

2.11.2 Accuracy of minutes

Minutes of a Council meeting that have been

a. approved by Council at a subsequent Council meeting, subject to any corrections made at that meeting, and

b. signed by the recording officer,

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

2.11.3 Adjournments

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

2.11.4 Reconvening after an adjournment

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

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

b. all members of Council are present.

2.12 Deputations

2.12.1 Deputations at the request of Council, committees

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

2.12.2 Written request for deputation

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

2.12.3 Timing of written request for deputation

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

2.12.4 Waiver of deputation request period

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

2.12.5 Approval of deputation

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

2.12.6 Notice of approval of deputation

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

2.12.7 Deputation limited to two speakers

A deputation shall have only one or two speakers.

2.12.8 Deputation limited to ten minutes

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

2.12.9 Chair may extend deputation

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

2.12.10 Clarifying questions only

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

2.12.11 No interaction with members during deputation

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

2.13 Rules of Order

2.13.1 Rules of order

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

2.13.2 Rules inconsistent with Act, etc.

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

3 OFFICERS OF THE COLLEGE

3.1 General

3.1.1 Officers of the College

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

3.1.2 Duties of officers may be delegated

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

3.2 President

3.2.1 Duties of the President

The President is responsible for

a. providing leadership to Council and carrying out his or her responsibilities in accordance with the Act, regulations and by-laws;

b. overseeing the performance of the duties of the officers of the College;

c. taking reasonable steps to ensure Council adheres to its governance and policy-making role;

d. representing Council and its decisions to stakeholders; and

e. such other duties as assigned by Council or the Executive Committee, or as are reasonably required by the office of President

3.2.2 Powers of the President

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

3.3 Vice-President

3.3.1 Duties of the Vice-President

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

3.3.2 Powers of the Vice-President

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

3.4 Registrar

3.4.1 Duties of the Registrar

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

a. managing the day-to-day operations of the College in accordance with the mandate of Council and generally accepted business and financial practices;

b. providing leadership and management to College staff;

c. advising Council on the requirements of and compliance with the by-laws and College policies;

d. translating the goals, objectives and strategic directions of Council into operational plans and implementing the decisions of Council;

e. keeping Council, the Executive Committee and the President informed with respect to the operations of the College and implementation of policy;

f. supporting the President in meeting his or her responsibilities;

g. supporting Council and the Executive Committee in meeting their responsibilities;

h. acting as the recording officer for meetings of Council and the Executive Committee and ensuring that minutes and other records of College business are kept in accordance with good recordkeeping practices;

i. coordinating preparation of annual reports, business plans and other documents for Council as directed by Council, the Executive Committee or the President;

j. having care and custody of all funds and securities of the College and depositing such funds and securities in the name of the College;

k. paying all orders drawn on the accounts of the College;

l. keeping a correct account of all funds received and disbursed on behalf of the College; and

m. ensuring that the state of the finances of the College are reported to Council annually and at such other times as requested by Council or the Executive Committee.

3.4.2 Powers of the Registrar

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

3.4.3 Direction by Council, Executive Committee

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

3.4.4 Custodian of seal and other documents

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

3.4.5 Delegation of authority

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

3.5 Acting Registrar

3.5.1 Acting Registrar during absence

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

3.5.2 Duty to consult regarding appointment

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

3.5.3 Remuneration of Acting Registrar

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

3.6 Inspectors

3.6.1 Appointment of inspectors

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

3.7 Hiring of Registrar

3.7.1 Definition

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

3.7.2 Search committee

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

3.7.3 Avoidance of conflict of interest

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

3.7.4 Executive recruitment service

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

3.7.4.1 Engagement of Executive Recruitment

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

3.7.5 Search committee to review job criteria

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

3.7.6 Position to be advertised

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

3.7.7 Short list of candidates

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

3.7.8 Recommendation to Council

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

3.7.9 Council may approve recommendation

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

3.8 Remuneration of Registrar

3.8.1 Remuneration set by resolution

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

3.9 Removal of President, Vice-President or other officers

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

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

3.9.2 Replacement of President, Vice-President after removal

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

3.9.3 Removal of other officers

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

3.9.4 Removal from office not termination

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

3.10 Vacancies

3.10.1 President, Vice-President

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

4 COMMITTEES OF THE COLLEGE

4.1 Executive Committee

4.1.0 Composition

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

4.1.1 President and Vice-President

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

4.1.2 President as chair

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

4.1.3 Registrar as secretary

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

4.1.4 Quorum

A majority of members of the Executive Committee constitutes quorum.

4.1.5 Procedure for meetings

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

4.1.6 Invitation to attend

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

4.1.7 Powers of the Executive Committee

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

4.1.8 Report to Council

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

4.2 Registration Committee

4.2.1 Composition

The Registration Committee shall be composed of the following members:

a. at least three (3) members of Council who are members of the College;

b. at least one (1) public member of Council; and

c. one (1) non-Council committee member.

4.3 Inquiries, Complaints and Reports Committee

4.3.1 Composition

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

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

b. at least one (1) public member of Council; and

c. up to four (4) subject matter experts who meet the competencies specified by the Governance Committee.

4.4 Discipline Committee

4.4.1 Composition

The Discipline Committee shall be composed of the following members:

a. at least three (3) members of Council who are members of the College;

b. at least four (4) public members of Council;

c. at least five (5) non-Council committee members; and

d. at least one (1) subject matter expert who has been specifically appointed to chair panels of the committee or to assist in adjudicating hearings.

4.4.2 Vice-chair, Discipline Committee

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

4.4.3 Powers of vice-chair, Discipline Committee

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

a. The chair requests the vice-chair to assume any or all of the duties of the chair.

b. The position of chair becomes vacant for any reason.

c. The Registrar is unable to reach the chair despite reasonable efforts, and there is a matter of urgency that requires the action of the chair.

4.5 Fitness to Practise Committee

4.5.1 Composition

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

a. two (2) members of Council who are members of the College;

b. two (2) public members of Council;

c. at least two (2) non-Council committee members; and

d. At least one (1) subject matter expert who has been specifically appointed to chair panels of the committee or to assist in adjudicating hearings.

4.6 Quality Assurance Committee

4.6.1 Composition

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

a. two (2) members of Council who are members of the College;

b. at least one (1) public member of Council; and

c. two (2) non-Council committee members.

4.7 Patient Relations Committee

4.7.1 Composition

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

a. one (1) member of Council who is a member of the College;

b. two (2) public members of Council; and

c. at least two (2) non-Council committee members.

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

4.9 Dental CT Scanner Committee

4.9.1 Composition

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

4.9.2 Terms of Reference

The Dental CT Scanner Committee shall perform

a. such functions as required of it under the by-laws; and

b. such other functions as may be assigned from time to time by Council or the Executive Committee.

4.10 [Revoked] (September 21, 2023)

4.11 Finance, Audit and Risk Committee

4.11.1 Composition

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

a. the President;

b. two (2) members of Council who are members of the College;

c. two (2) public members of Council; and

d. two (2) non-Council committee members.

4.11.2 Terms of reference

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

a. the financial and property requirements of the College;

b. the financial implications of proposed changes to the College's policies and programs;

c. the annual budget of the College;

d. the disbursement of the funds of the College;

e. allowances paid to and reimbursements of expenses for Council members;

f. the appointment or reappointment of an Auditor, after reviewing the remuneration and other terms of such appointment;

g. the scope of the Auditor's examination, the nature and level of support provided by the College's internal accounting function, and any staff reports arising from these matters;

h. the College's annual audited financial statements;

i. the effectiveness of the external audit function and any matter which the Auditor wishes to bring to the attention of the College;

j. appropriate systems of internal control over financial reporting;

k. any litigation, claim or other contingency that could have a material effect upon the financial position or operating results of the College; and

l. such other matters as may be assigned by Council or the Executive Committee.

4.11.3 Report to Council

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

4.12 [Revoked] (September 21, 2023)

4.13 Professional Liability Program Committee [Revoked] (April 16, 2026)

4.14 Sedation and General Anaesthesia Committee

4.14.1 Composition

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

4.14.2 Terms of Reference

The Sedation and Anaesthesia Committee shall perform

a. such functions as required of it under the by-laws; and

b. such other functions as may be assigned from time to time by Council or the Executive Committee.

4.15 [Revoked] (November 18, 2021)

4.16 [Revoked] (October 24, 2024, effective January 23, 2025)

4.17 [Revoked] (September 21, 2023)

4.18 Governance Committee

4.18.1 Composition

The Governance Committee shall be composed of the following members:

a. two (2) members of Council who are members of the College;

b. two (2) public members of Council; and

c. at least two (2) subject matter experts with expertise relating to professional regulation and governance.

4.18.2 Terms of Reference

The Governance Committee shall perform all functions provided under the by-laws and, in addition, make recommendations to Council, the Executive Committee or the Registrar, as appropriate, on matters related to governance including but not limited to:

a. the eligibility requirements, competencies and skills matrices relating to persons seeking election or appointment to Council, committees or to act as chair of Council or any committee;

b. the assessment of applications and eligibility of persons seeking election or appointment to Council, committees or to act as chair of Council or any committee;

c. the performance evaluation of Council, committees, Council members, committee members and chairs;

d. the expectations related to the conduct of Council and committee members, management of conflicts of interest and the adequacy of by-law 12 (CODE OF CONDUCT);

e. the governance policy review cycle;

f. training and education for Council and committees;

g. succession planning, recruitment and onboarding of Council and committee members; and

h. other matters as may be assigned by Council or the Executive Committee.

4.18.3 Quorum

A quorum of the Governance Committee at a meeting shall be a majority of members; however, no meeting of the Governance Committee shall be required to conduct candidate interviews, which may be conducted by one or more members of the Governance Committee.

5 COMMITTEE PROCEDURE

5.1 Appointments to Committees

5.1.1 Appointment to statutory committees

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

5.1.2 Chair of statutory committees

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

5.1.3 Term of committee appointment

Unless otherwise provided for in the by-laws, and subject to article 2.3.12, every appointment to a committee expires after Council has completed its appointments for that committee at the first regular meeting of Council following the next general election.

5.1.4 Non-Council committee members permitted

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

5.2 Standing and Ad Hoc Committees

5.2.1 Creation of standing and ad hoc committees

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

5.2.2 Terms of reference for standing, ad hoc committees

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

5.2.3 Members, chair of standing and ad hoc committees

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

5.2.4 Quorum, standing, ad hoc committees

A majority of members of a standing or ad hoc committee shall constitute a quorum, unless otherwise specified in the by-laws.

5.2.5 Standing committees

The following are the standing committees of the College:

a. [Revoked] (September 15, 2022 effective January 19, 2023)

b. [Revoked] (September 21, 2023)

b1. [Revoked] (September 21, 2023)

c. Finance, Audit and Risk Committee

d. [Revoked] (September 21, 2023)

e. [Revoked] (April 16, 2026)

f. Sedation and General Anaesthesia Committee

g. Dental CT Scanner Committee

h. [Revoked] (November 18, 2021)

i. [Revoked] (October 24, 2024)

j. Governance Committee

5.3 Delegation to Committees

5.3.1 Delegation to committees

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

5.3.2 Delegated powers subject to approval

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

5.4 Vacancies on a Committee

5.4.1 Committee continued during vacancy

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

5.4.2 Effect of vacancy on quorum

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

5.4.3 Vacancy of committee chair

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

5.4.4 Vacancy of Discipline Committee chair

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

5.4.5 Filling vacancies on committees

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

5.4.6 Filling vacancy of committee chair

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

5.4.7 Term for filled vacancies

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

1. The individual is replaced or removed in accordance with the by-laws.

2. The first regular meeting of Council following the general election is held.

5.4.8 Confirming, replacing vacancy appointments

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

5.4.9 Replacing appointed chair

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

5.5 Removing Committee Members

5.5.1 Automatic removal of former Council members

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

5.5.2 Removing Council member of statutory committee

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

5.5.3 Replacement, member of Council

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

5.5.4 Replacement chair, statutory committee

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

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

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

5.5.6 Replacement, non-Council, standing or ad hoc

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

5.5.7 Replacement chair, standing or ad hoc committee

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

5.6 Committee Meetings

5.6.1 Scheduling

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

5.6.2 No formal notice required

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

5.6.3 Informal notice

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

5.6.4 Chair or designate presides

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

5.6.5 Panel chair

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

5.6.6 Selection by panel

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

5.6.7 Decision by majority

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

5.6.8 Tied votes decided in the negative

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

5.6.9 Minutes of committee meetings

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

5.6.10 Accuracy of committee minutes

Minutes of a committee meeting that have been

a. approved by the committee at a subsequent meeting, subject to any corrections made at that meeting, and

b. signed by the presiding and recording committee member,

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

5.6.11 Committee meetings by teleconference

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

5.6.12 Voting at teleconference

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

5.6.13 Roll call vote by request

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

6 MEMBERS OF COUNCIL

6.1 Electoral Districts

6.1.1 Electoral districts dissolved

The twelve (12) electoral districts as existed immediately prior to the coming into force of this by-law shall remain in effect until the commencement of the first regular meeting of Council held after the election in December 2026, at which time all electoral districts are dissolved, to be replaced by province-wide elections in accordance with these by-laws.

6.1.2 Extension of term of office for members of Council who sit on Executive Committee

The term of office of the three (3) elected members of Council who sit on the Executive Committee as of the date this by-law comes into force continue for one additional year, with their term ending at the commencement of the first regular meeting of Council held after the election in December 2027. For greater certainty, the term of office of all other members of Council elected in December

2024 shall continue until the commencement of the first regular meeting of Council held after the election in December 2026.

6.2 Elected and Selected Members of Council

6.2.1 Elected members of Council

6.2.1.1 Number of elected members

Effective the first regular meeting of Council held after the election in December 2026, there shall be ten (10) elected members of Council.

6.2.1.2 Term of office - transition - members elected in December 2026

The terms of office of the seven (7) members of Council elected in December 2026 will be as follows:

a. the three (3) elected Council members receiving the highest number of votes among all candidates will be elected for a three (3) year term, commencing at the first regular meeting of Council following the December 2026 election and ending at the commencement of the first regular meeting of Council following the election held three (3) years later, when their successor takes office, or, if re-elected, when the member takes office for the new term.

b. the three (3) elected Council members receiving the second highest number of votes among all candidates will be elected for a two (2) year term, commencing at the first regular meeting of Council following the December 2026 election and ending at the commencement of the first regular meeting of Council following the election held two (2) years later, when their successor takes office, or, if re-elected, when the member takes office for the new term.

c. the one (1) elected Council member receiving the third highest number of votes of all candidates will be elected for a one (1) year term, commencing at the first regular meeting of Council following the December 2026 election and ending at the commencement of the first regular meeting of Council following the election held one (1) year later, when their successor takes office, or, if re-elected, when the member takes office for the new term.

6.2.1.3 Term of office – members elected in general election of December 2027 and after

The term of office of a Council member elected in a general election, beginning with the election to be held in December 2027, shall be three (3) years, commencing at the first regular meeting of Council following the election and ending at the commencement of the first regular meeting of Council following the election held three (3) years later, when their successor takes office, or, if re-elected, when the member takes office for the new term.

6.2.2 Selected members of Council

6.2.2.1 Number of selected members

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

6.2.2.2 Term of office – transition

The term of office of a selected member of Council holding office prior to the December 2026 general election continues until the first regular meeting of Council following the December 2026 general election.

6.2.2.3 Term of office

The term of office of a selected member of Council commences after the member completes and submits to the Registrar an eligibility questionnaire in the form approved by Council and satisfies the Registrar and Governance Committee that the member is eligible to be selected, and continues until the first regular meeting of Council following the next general election that is three (3) years after their selection.

6.3 Maximum Terms and Cooling Off Period - Elected and Selected Members of Council

6.3.1 Maximum term – elected and selected

6.3.1.1 Not to exceed three (3) consecutive terms - elected

Subject to article 6.3.2.1, no member of the College may be elected to Council in more than three (3) consecutive general elections.

6.3.1.2 Not to exceed three (3) consecutive terms - selected

Subject to article 6.3.2.1, no member of the College may be selected to Council for more than three (3) consecutive terms.

6.3.1.3 Not to exceed nine (9) consecutive years

No elected or selected member of Council may serve on Council for more than nine (9) consecutive years (inclusive of years of service prior to the date this by-law comes into effect).

6.3.1.4 Maximum service prior to end of term - elected

If an elected member reaches the end of their maximum service prior to the end of their term, the elected member will cease to hold office and their position on Council will be filled in accordance with articles 6.5.2 and 6.5.3.

6.3.1.5 Maximum service prior to end of term - selected

If a selected member reaches the end of their maximum service prior to the end of their term, the selected member will cease to hold office and their position on Council will be filled by selection in accordance with article 6.5.5.

6.3.1.6 Cooling off - elected Council members

Subject to article 6.3.2.1, a member of the College who has been elected to Council for three (3) consecutive terms or who has served nine (9) consecutive years on Council is ineligible to stand for election to Council until the third general election that takes place after the member completed their last term as a member of Council.

6.3.1.7 Cooling off - selected Council members

Subject to article 6.3.2.1, a selected member of Council who has been selected and served for three (3) consecutive terms or who has served nine (9) consecutive years on Council, is ineligible to be re-selected until three (3) years have expired after the member last served as a member of Council.

6.3.1.8 Alternate elected members deemed elected counted

The period during which an elected member of Council holds office under articles 6.5.2 or 6.5.3 shall be counted in determining whether a member of the College is eligible to stand for election under articles 6.3.1.6 and 6.3.2.2, or eligible to be selected under articles 6.3.1.7 and 6.3.2.3.

6.3.1.9 Vacancy counted - selected members

A selection as a selected member of Council to fill a vacancy shall be considered as a selection and shall be counted in determining whether a member of the College is eligible to stand for election under articles 6.3.1.6 and 6.3.2.2, or eligible to be selected under articles 6.3.1.7 and 6.3.2.3.

6.3.1.10 Selected member of Council counted

Service as a selected member of Council shall be counted in determining whether a member of the College is eligible to stand for election under articles 6.3.1.6 and 6.3.2.2.

6.3.1.11 Elected member of Council counted

Service as an elected member of Council shall be counted in determining eligibility for selection under articles 6.3.1.7 and 6.3.2.3.

6.3.2 Transition - sitting Council members

6.3.2.1 Maximum term and cooling off do not apply

Articles 6.3.1.1, 6.3.1.2, 6.3.1.6, and 6.3.1.7 do not apply to any elected or selected member of Council sitting on Council at the time this by-law takes effect.

6.3.2.2 Cooling off - sitting Council members - elected

Any elected or selected member of Council sitting on Council at the time this by-law takes effect is ineligible to stand for election to Council if they have served nine (9) consecutive years on Council until the third general election that takes place after the member completed their last term as a member of Council.

6.3.2.3 Cooling off - sitting Council members - selected

Any elected or selected member of Council sitting on Council at the time this by-law takes effect is ineligible to be re-selected to Council if they have served nine (9) consecutive years on Council until more than three (3) calendar years after the member completed their last term as member of Council.

6.4 Resignations

6.4.1 Notice of resignation

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

6.4.2 Effective date of resignation

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

6.4.3 Resignation irrevocable

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

6.5 Vacancies

6.5.1 Vacancies

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

6.5.1.1 Vacancies - transition

If and only if the number of elected Council members falls or is anticipated to fall to nine (9) or less before the December 2026 election, sufficient vacancies shall be filled by the Executive Committee appointing members who were previously elected to Council and who are eligible and willing to serve such that there shall be ten (10) elected members of Council.

6.5.2 Alternate elected members

If the seat of a member elected in the December 2026 election or thereafter becomes vacant, the seat shall be filled as follows:

a. The Alternate Elected Candidate as defined in article 7.7.1.1 with the highest number of votes in the annual election immediately preceding the vacancy, and who continues to meet the eligibility requirements as an elected member of Council under article 7.2.4, shall be deemed to be the elected member filling the vacancy.

b. If the Alternate Elected Candidate in the annual election immediately preceding the vacancy with the highest number of votes is no longer eligible or is unwilling to act as an elected member of Council, the Alternate Elected Candidate with the next highest number of votes, and who continues to meet the eligibility requirements under article 7.2.4 shall be deemed to be the elected member filling the vacancy, with the understanding that if that Alternate Elected Candidate is no longer eligible or is unwilling to act as an elected member of Council, the process shall be repeated with the Alternate Elected Candidate with the next highest number of votes, until such vacancy is filled.

c. If there are no Alternate Elected Candidates in the annual election immediately preceding the vacancy that are eligible or willing to act as elected members of Council, the Alternate Elected Candidate with the highest number of votes in the annual election one (1) year prior to the annual election immediately preceding the vacancy, and who continues to meet the eligibility requirements as an elected member of Council under article 7.2.4, shall be deemed to be the elected member filling the vacancy.

d. If the Alternate Elected Candidate with the highest number of votes in the annual election one (1) year prior to the annual election immediately preceding the vacancy is no longer eligible or is unwilling to act as an elected member of Council, the Alternate Elected Candidate with the next highest number of votes, and who continues to meet the eligibility requirements under article 7.2.4 shall be deemed to be the elected member filling the vacancy, with the understanding that if that Alternate Elected Candidate is no longer eligible or is unwilling to act as an elected member of Council, the process shall be repeated with the Alternate Elected Candidate with the next highest number of votes until such vacancy is filled.

e. If there are no Alternate Elected Candidates in the annual election one year prior to the annual election immediately preceding the vacancy, the process in paragraphs (c) and (d) is repeated with respect to the Alternate Elected Candidates in the annual election two (2) years prior to the annual election immediately preceding the vacancy, until such vacancy is filled.

6.5.3 No Alternate Elected Candidates

Where no Alternate Elected Candidates are eligible or willing to act as an elected member of Council in accordance with article 6.5.2, the Executive Committee shall appoint a member of the College who has previously been elected to Council and who is eligible for election under article 7.2.4, to fill the vacancy.

6.5.4 [Revoked] (March 30, 2026)

6.5.5 Vacancy, selected member

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

7 ELECTIONS TO COUNCIL

7.1 Timing of Elections

7.1.1 Election date

A general election shall be held on the second Wednesday of December in 2026 and each year thereafter.

7.2 Eligibility

7.2.1 Definitions

The "**voting eligibility date**" is the day that is eighty (80) days before the date of the election.

The "**Competency and Diversity Profile for RCDSO Council Members**", approved by Council, reflects the desired and/or aspirational composition of Council and the collective knowledge, skills, experiences and diversity attributes needed to achieve a Council composed of qualified members who reflect the diverse public and the diverse communities the College serves and protects. The Competency and Diversity Profile for RCDSO Council Members may identify specific prerequisites for candidates to be selected to run for election or to be appointed as a selected Council member. The Competency and Diversity Profile for RCDSO Council Members reflects Council's view that Council shall be comprised of members who collectively reflect, serve or have experience working with diverse patient populations and communities.

The "**Candidate Profile**" developed and proposed by the Governance Committee and approved by Council in advance of each upcoming election, reflects an assessment of the gaps in the skills and attributes of Council as constituted at any given time and as determined with reference to the Competency and Diversity Profile for RCDSO Council Members. With the approval of Council, the Governance Committee will rely on the Candidate Profile to assess the eligibility of candidates seeking election to Council at the next upcoming election.

7.2.2 Eligibility to vote

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

a. the member holds a general or specialty certificate of registration;

b. the member practises dentistry or resides in Ontario;

c. the member is not in default of payment of any fees, fines, or other amounts owed

d. to the College; and

e. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

7.2.3 [Revoked] (December 7, 2023)

7.2.3.1 Council competencies and Candidate Profile

Prior to the Registrar's call for applications under article 7.4.3, Council shall review and approve the proposed Candidate Profile, prepared by the Governance Committee in conjunction with and in reference to Council's Competency and Diversity Profile for RCDSO Council Members.

7.2.4 Eligibility to stand for election

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

a. the member holds a general or specialty certificate of registration;

b. the member practises dentistry in or, if the member does not practise dentistry, resides in Ontario;

c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;

d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;

e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession

e.01 the member is not the subject of a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code;

e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;

e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of the Inquiries, Complaints and Reports Committee, on or after October 1, 2015;

e.2 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries,

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

e.3 the member does not have a notation on the Register of an undertaking provided to the College in relation to a matter involving the Inquiries, Complaints and Reports Committee or the Discipline Committee;

e.4 the member does not have a notation on the Register of a finding of professional negligence or malpractice made against the member;

e.5 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;

e.6 the member is not currently the subject of an undertaking provided to the College in relation to a fitness to practise issue;

f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;

g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national or provincial dental association or organization, including a specialty association or organization, or other similar national, international, or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;

i. the member is not ineligible as a result of article 6.3.1.6 (Cooling off period, elected Council members);

j. the member does not have a criminal finding of guilt as an adult under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada);

j.1 the member does not have a finding of guilt as an adult under any provincial statute for which the member received a sentence of jail or imprisonment;

j.2 the member is not the subject of a charge under the Criminal Code (Canada) or the *Controlled* Drugs *and Substances Act* (Canada);

k. the member has not been found to have committed professional misconduct by the Discipline Committee or by any discipline committee in any jurisdiction relating to dentistry or any other profession;

k.1 the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;

l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);

m. the member is not a party to a legal proceeding against the College;

n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) years;

o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;

p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and

q. the member has satisfied the Governance Committee that the member:

i. possesses all the competencies required to be an effective member of Council, as approved by Council and set out in the Competency and Diversity Profile for RCDSO Council Members; and

ii. meets the requirements set out in the Candidate Profile approved annually by Council.

7.2.5 Review by Governance Committee

A member who would not otherwise be eligible to stand for election to Council under one or more of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 7.2.4 or who may have a disqualifying conflict under paragraph g of article 7.2.4 may submit to the Registrar, along with the member's application, a written request, a current Curriculum Vitae, and supporting documentation for review by the Governance Committee so as to allow the Governance Committee time to decide if the member shall be deemed to be eligible to stand for election.

7.2.5.1 Clarification

For greater clarity, where a member has been deemed by a decision of the Governance Committee to be eligible to stand for election to Council under articles 7.2.5 and 7.2.8, the member continues to be eligible to stand for future elections and need not re-apply to the Governance Committee unless the facts which caused the member to have had to apply to the Governance Committee have

changed since the member made the original request to that committee to be deemed eligible to stand for election.

7.2.6 Criteria for review

Without limiting the Governance Committee's decision-making authority to refuse a written request made under article 7.2.5 for other reasons, the Governance Committee shall not exercise its discretion under article 7.2.5 in respect of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 7.2.4 unless:

i. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College; and

ii. the time elapsed since the event or conduct that caused the member not to be eligible under article 7.2.4 is at least five (5) years

a. in the case of the event or conduct referred to in paragraph e.1 of article 7.2.4, from when the member attended and received the oral caution, or from when the member completed the specified continuing education program, including any monitoring required,

b. in the case of the event or conduct referred to in paragraph e.3 of article 7.2.4, from the date of the undertaking, if the undertaking related solely to a fitness to practise issue, and otherwise, from when the notation was placed on the Register,

c. in the case of the event or conduct referred to in paragraph e.4 of article 7.2.4, from when the notation was placed on the Register,

d. in the case of the event or conduct referred to in paragraph e.6 of article 7.2.4, from the date of the undertaking,

e. in the case of the event or conduct referred to in paragraphs j and j.1 of article 7.2.4, from when the member finished serving and/or complied with any penalty imposed as a result of the finding of guilt, or if no penalty was imposed, from the date of the finding of guilt, and

f. in the case of the event or conduct referred to in paragraph k of article 7.2.4, from when the member finished serving and/or complied with any penalty imposed or order made as a result of the finding of professional misconduct, or if no penalty was imposed or order made, from the date of the finding of professional misconduct.

7.2.6.1 Criteria for review- conflict of interest

Without limiting the Governance Committee's decision-making authority to refuse a written request made under article 7.2.5 for other reasons, the Governance Committee shall not exercise its discretion under article 7.2.5 in respect of paragraph g of article 7.2.4 unless:

a. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College.

7.2.7 Criteria for Governance Committee consideration

Before making any decision to allow a member to stand for election, the Governance Committee will consider the following criteria in making a decision under article 7.2.5 in respect of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 7.2.4:

a. the time elapsed since the event or conduct which caused the member not to be eligible under article 7.2.4;

b. the severity of the event or conduct which caused the member not to be eligible under article 7.2.4;

c. the relevance of the event or conduct which caused the member not to be eligible under article 7.2.4 in the context of serving on Council and its committees;

d. the extent to which the event or conduct which caused the member not to be eligible under article 7.2.4 calls into question the integrity and honesty of the member;

e. how the event or conduct which caused the member not to be eligible under article 7.2.4 would affect the operations of the Council and its committees, if known to the members of Council and its committees;

f. the member's history with the College both before and after the event or conduct which caused the member not to be eligible under article 7.2.4; and

g. any written submission provided by the member to the Governance Committee.

7.2.7.1 Governance Committee and competency requirement

In order to satisfy the requirements of paragraph q of article 7.2.4, the member shall, within the time period specified by the Registrar or Governance Committee, provide to the Registrar:

a. a current Curriculum Vitae, together with the member's application;

b. any supporting documentation required by the Registrar; and

c. any other information deemed necessary by the Governance Committee, which may include requiring the applicant to attend an interview.

7.2.8 Decisions of the Governance Committee

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

7.2.8.1 Independent legal, human resources and/or diversity, equity and inclusion (DEI) consultant

The Governance Committee may obtain the assistance of an independent legal, human resources and/or diversity, equity and inclusion (DEI) consultant with respect to any issues of law, human resources and/or DEI.

7.2.8.2 Decision final

The Governance Committee's decisions under articles 7.2.5 and 7.2.7.1 are solely within the discretion of that Committee, final and not subject to challenge and an election result is not subject to challenge on the basis that a member of the College was not permitted to stand for election as a result of the decision of the Governance Committee.

7.3 Disputes

7.3.1 Disputed eligibility to vote

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

7.3.2 Disputed candidacy

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

7.3.3 Registrar to refer

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall refer the matter to the Governance Committee to determine the candidate's eligibility.

7.3.4 Registrar may postpone election

The Registrar shall take all reasonable steps to ensure that all candidates are eligible to stand for election, and if for any reason, including a candidate's disqualification or a candidate's withdrawal, the Registrar may postpone the election in the impacted electoral district for such time as necessary to ensure the election is fair and reasonable.

7.3.5 Independent legal consultant

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

7.3.6 Full disclosure

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

7.3.7 Submissions from disputed candidate

The Governance Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make submissions.

7.3.8 Notice of decision

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

7.3.9 Decision final

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

7.4 Application and Election Procedure

7.4.1 Registrar to supervise applications and elections

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

7.4.2 Registrar to set application deadline

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

7.4.3 Notice of election and call for applications

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

a. the date, time, place, and method of the election;

b. the number of available positions on Council;

c. the procedure for standing for election, including the Candidate Profile approved by Council; and

d. the deadline for receipt of applications.

Such notification shall be by electronic mail, shall include the Candidate Profile and a link to the application form for election and shall be addressed to each such member at his or her electronic address that is on file with the College. Such notice shall also be published on the website of the College.

7.4.4 Application procedure

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

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

b. a completed and signed declaration using the method and the form approved by the Registrar; and

c. if required to be eligible to stand for election, the written request referred to in article 7.2.5.

7.4.4.1 Decisions on eligibility

No later than forty-five (45) days before the election, the Governance Committee shall provide the Registrar with a list of all eligible candidates.

7.4.5 [Revoked] (December 7, 2023)

7.4.6 [Revoked] (December 7, 2023)

7.4.7 Where not enough eligible candidates apply

Where not enough eligible candidates apply to fill the seats available in the general election, the Registrar shall make a second call for applications. The Registrar shall be responsible for all aspects of the second call, including setting the process, dates and deadlines required to facilitate the second call.

7.4.8 Where not enough candidates apply in second call

Where not enough eligible candidates apply in the second call to fill the number of seats available in the general election, the seat(s) will be filled in accordance with article 6.5.2 and 6.5.3.

7.5 Acclamation

7.5.1 Election by acclamation

If the number of candidates who have applied for and are eligible for election to Council is less than or equal to the number of members to be elected in that election, the Registrar shall declare the candidate or candidates elected by acclamation.

7.6 Voting Procedure

7.6.1 Electronic voting

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

7.6.1.1 Access to ballot

The Registrar shall provide a ballot of all eligible candidates and voting instructions to every member eligible to vote at least ten (10) days before the election.

7.6.2 Voting

In each annual election, each member of the College eligible to vote may vote for up to the number of candidates as there are seats available on Council. A member of the College shall not cast more than one (1) vote for any one (1) candidate.

7.6.2.1 Deadline for ballots

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

7.6.3 Registrar to supervise election

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

a. retain an independent organization to receive the ballots cast and to tabulate the results of each election; and

b. provide for the notification of all candidates and members of the College of the results of the election; and

c. take such steps as the Registrar considers appropriate to ensure that the election is appropriately administered in the circumstances.

7.6.4 [Revoked] (December 7, 2023)

7.6.5 [Revoked] (December 7, 2023)

7.6.6 Registrar may extend deadline

Where there are extraordinary circumstances and the Registrar believes for any reason that the timelines provided under these by-laws were not adequate in those circumstances, the Registrar may extend the deadline for such period as the Registrar considers appropriate.

7.6.7 Ballots to be opened, counted

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

7.7 Election results

7.7.1 Successful candidates

Successful candidates in an election will be those with the highest and next highest number of votes, and so on until the number of successful candidates equals the number of members to be elected in that election.

7.7.1.1 Alternate Elected Candidates

Those candidates who ran for election but who did not have sufficient votes to be elected in accordance with article 7.7.1 are deemed Alternate Elected Candidates for the purposes of the provisions set out in articles 6.5.2 and 7.4.8.

7.7.2 Registrar to notify

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

a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;

b. notify each eligible candidate that he or she may require a recount; and

c. where the Registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the Registrar broke the tie.

7.8 Tied Votes

7.8.1 Determined by lot

If there is a tie in an election of elected members and it is necessary to break the tie to determine who will be the successful candidate, the Registrar shall break the tie, by lot, and then declare the candidate elected.

7.9 Verification

7.9.1 Candidate may require verification

An eligible candidate in an election may require a verification of the results of the election by providing a written request to the Registrar no more than two (2) days after being advised of the results of the election.

7.9.2 Registrar to hold verification

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

7.9.3 Verification procedure

The results of a verification shall be reported to the Governance Committee and the Registrar shall report the results of the verification to the candidates involved in the verified election, including the number of votes cast for each candidate.

7.9.4 Destruction of ballots

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

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

b. following the first regular meeting of Council following a verification conducted under article 7.9.1 (Candidate may require verification).

7.10 By-Elections [Revoked] (March 30, 2026)

7.10.1 By-election procedure - [Revoked] (March 30, 2026)

7.11 Validity of Elections

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

8 SELECTIONS TO COUNCIL

8.1 Eligibility

8.1.1 Eligibility for selection

Subject to article 8.1.2, a member is eligible to be selected as a selected member of Council provided that the member satisfies all of the following conditions on the date of the member's selection:

a. the member holds an appointment of Assistant Professor, Associate Professor, or Full Professor in the faculty or school of dentistry that selected the member;

b. the member submitted a completed and signed written declaration in the form approved by the Registrar and that written declaration was received by the Registrar;

c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;

d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;

e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession;

e.01 the member is not the subject of a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code;

e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;

e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of the Inquiries, Complaints and Reports Committee, on or after October 1, 2015;

e.2 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries, Complaints and Reports Committee, in connection with the maintaining of professional boundaries;

e.3 the member does not have a notation on the Register of an undertaking provided to the College in relation to a matter involving the Inquiries, Complaints and Reports Committee or the Discipline Committee;

e.4 the member does not have a notation on the Register of a finding of professional negligence or malpractice made against the member;

e.5 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;

e.6 the member is not currently the subject of an undertaking provided to the College in relation to a fitness to practise issue;

f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;

g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;

i. the member is not ineligible as a result of article 6.3.1.7 (Cooling off period - selected Council members);

j. the member does not have a criminal finding of guilt as an adult under the Criminal Code (Canada) or the *Controlled Drugs and Substances Act* (Canada);

j.1 the member does not have a finding of guilt as an adult under any provincial statute for which the member received a sentence of jail or imprisonment;

j.2 the member is not the subject of a charge under the Criminal Code (Canada) or the *Controlled Drugs and Substances Act* (Canada);

k. the member has not been found to have committed professional misconduct by the Discipline Committee or by any discipline committee in any jurisdiction relating to dentistry or any other profession;

k.1 the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;

l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);

m. the member is not a party to a legal proceeding against the College;

n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) years;

o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education

requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;

p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and

q. the member has satisfied the Governance Committee that the member:

   i. possesses all the competencies required to be an effective member of Council, as approved by Council and set out in the **Competency and Diversity Profile for RCDSO Council Members**; and

   ii. meets the requirements set out in the **Candidate Profile** approved annually by Council.

8.1.2 Review by Governance Committee

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

8.1.2.1 Clarification

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

8.1.3 Criteria for review

Without limiting the Governance Committee's decision-making authority to refuse a written request made under article 8.1.2 for other reasons, the Governance Committee shall not exercise its discretion under article 8.1.2 in respect of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 8.1.1 unless:

i. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College; and

ii. the time elapsed since the event or conduct that caused the member not to be eligible under article 8.1.1 is at least five (5) years,

a. in the case of the event or conduct referred to in paragraph e.1 of article 8.1.1, from when the member attended and received the oral caution, or from when the member completed the specified continuing education program, including any monitoring required,

b. in the case of the event or conduct referred to in paragraph e.3 of article 8.1.1, from the date of the undertaking, if the undertaking related solely to a fitness to practise issue, and otherwise, from when the notation was placed on the Register,

c. in the case of the event or conduct referred to in paragraph e.4 of article 8.1.1, from when the notation was placed on the Register,

d. in the case of the event or conduct referred to in paragraph e.6 of article 8.1.1, from the date of the undertaking,

e. in the case of the event or conduct referred to in paragraphs j and j.1 of article 8.1.1, from when the member finished serving and/or complied with any penalty imposed as a result of the finding of guilt, or if no penalty was imposed, from the date of the finding of guilt, and

f. in the case of the event or conduct referred to in paragraph k of article 8.1.1, from when the member finished serving and/or complied with any penalty imposed or order made as a result of the finding of professional misconduct, or if no penalty was imposed or order made, from the date of the finding of professional misconduct.

8.1.3.1 Criteria for review - conflict of interest

Without limiting the Governance Committee's decision-making authority to refuse a written request made under article 8.1.2 for other reasons, the Governance Committee shall not exercise its discretion under article 8.1.2 in respect of paragraph g of article 8.1.1 unless:

i. it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the member on Council or any of its committees as impairing the public's trust in the College.

8.1.4 Criteria for Governance Committee consideration

Before making any decision to allow a member to be a selected member of Council, the Governance Committee will consider the following criteria in making a decision under article 8.1.2 in respect of paragraphs e.1, e.3, e.4, e.6, j, j.1, and k of article 8.1.1:

a. the time elapsed since the event or conduct which caused the member not to be eligible under article 8.1.1;

b. the severity of the event or conduct which caused the member not to be eligible under article 8.1.1;

c. the relevance of the event or conduct which caused the member not to be eligible under article 8.1.1 in the context of serving on Council and its committees;

d. the extent to which the event or conduct which caused the member not to be eligible under article 8.1.1 calls into question the integrity and honesty of the member;

e. how the event or conduct which caused the member not to be eligible under article 8.1.1 would affect the operations of the Council and its committees, if known to the members of Council and its committees;

f. the member's history with the College both before and after the event or conduct which caused the member not to be eligible under article 8.1.1; and

g. any written submission provided by the member to the Governance Committee.

8.1.4.1 Governance Committee and competency requirement

In order to satisfy the requirements of paragraph q of article 8.1.1, the member shall, within the time period specified by the Registrar or Governance Committee, provide to the Registrar:

a. a current Curriculum Vitae, together with the member's application and supporting documentation, at least sixty (60) days before the expected date of selection, so as to allow the Governance Committee time to decide if the member meets the requirement of that paragraph.

b. any supporting documentation required by the Registrar; and

c. any other information deemed necessary by the Governance Committee, which may include requiring the applicant to attend an interview.

8.1.5 Decision of the Governance Committee

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

8.1.5.1 Independent legal, human resources and/or diversity, equity and inclusion (DEI) consultant

The Governance Committee may obtain the assistance of an independent legal, human resources and/or diversity, equity and inclusion (DEI) consultant with respect to any issues of law, human resources and/or DEI.

8.1.5.2 Decisions final

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

9A NON-COUNCIL COMMITTEE MEMBERS

9A.1 General

9A.1.1 Definition

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

9A.1.2 Non-Council committee members

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

9A.2 Eligibility

9A.2.1 Eligibility for non-Council committee members

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

a. the member has filed a completed application in the form approved by the Registrar;

b. the member is not ineligible for election or selection as a member of Council under articles 6.3.1.1 (Not to exceed three (3) consecutive terms - elected) or 6.3.1.2 (Not to exceed three (3) consecutive terms - selected);

c. the member is not in default of any fees, fines, or other amounts owed to the College;

d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;

e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction relating to dentistry or any other profession;

e.01 the member is not the subject of a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code;

e.02 the member is not the subject of an incapacity inquiry under section 57 or 58 of the Code;

e.1 the member has not been ordered to attend to receive a caution from a panel of the Inquiries, Complaints and Reports Committee, or been required to complete a specified continuing education or remediation program by a panel of Inquiries, Complaints and Reports Committee, in connection with the maintaining of professional boundaries;

e.2 the member is not currently the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;

f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;

g. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

h. the member is not a salaried employee of the College or has not been a salaried employee of the College during the previous six (6) years;

i. the member is not ineligible as a result of article 6.3.1.6 (Cooling off period, elected Council members) or 6.3.1.7 (Cooling off period - selected Council members);

j. the member is not the subject of a charge under the Criminal Code (Canada) or the *Controlled Drugs and Substances Act* (Canada);

k. the member is not the subject of an order by the Fitness to Practise Committee or any similar committee in any jurisdiction relating to dentistry or any other profession;

l. the member has not been disqualified by Council from serving as a member of Council as a result of a breach of by-law 12 (CODE OF CONDUCT) or by-law 13 (CONFLICTS OF INTEREST);

m. the member is not a party to a legal proceeding against the College;

n. the member is not a dental consultant to a third party dental benefits provider or has not been a dental consultant to a third party dental benefits provider during the previous three (3) years;

o. the member has met all requirements relating to College quality assurance programs, including without limitation any mandatory continuing education requirement, and if the member has been selected to complete it, successful completion of the Practice Enhancement Tool;

p. the member has successfully completed the College's current training program relating to the duties, obligations and expectations of Council and committee members; and,

q. where a member has served as a non-Council committee member for six (6) consecutive years on one or more committees, at least one (1) year has expired since the member last served as a non-Council committee member.

9A.2.2 Vacancy counted

An appointment as a non-Council committee member to fill a vacancy shall be considered an appointment for the purposes of determining eligibility under article 9A.2.1.

9A.2.3 Reappointment permitted

Subject to meeting the eligibility criteria set out in article 9A.2.1, a non-Council committee member may be reappointed.

9A.2.4 Members of Council disqualified

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

9A.2.5 Automatic termination

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

9A.3 Resignation

9A.3.1 Resignation by non-Council committee member

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

9A.3.2 Effective date of resignation

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

9A.3.3 Resignation irrevocable

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

9A.4 Disqualification

9A.4.1 Termination by Council

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

a. the Executive Committee determines that the member had not met one or more of the eligibility conditions in article 9A.2.1;

b. the member, after being appointed, ceases to meet one or more of the eligibility conditions set out in article 9A.2.1;

c. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;

d. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been appointed;

e. [Revoked] (March 10, 2022)

f. the member breaches section 36 of the RHPA (duty of confidentiality); or

g. the member breaches any of the rules respecting conflicts of interest set out in bylaw 13 (CONFLICTS OF INTEREST).

9A.5 Procedure

9A.5.1 Registrar to notify

Subject to article 9A.5.2, the Registrar shall notify every member of the College of the following information no later than sixty (60) days prior to the anticipated termination of the term of office of a non-Council committee member:

a. the opportunity to be appointed as a non-Council committee member;

b. the eligibility date set by the Registrar;

c. the eligibility criteria to be appointed as a non-Council committee member; and

d. the procedure to apply for appointment.

9A.5.2 Exception

The provisions of article 9A.5.1 do not apply where the Registrar is seeking applications to fill a vacancy.

9A.5.3 Registrar to set application procedure

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

9A.5.4 Application procedure may include forms, documentation

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

9A.5.5 Registrar may extend deadline

Where there are extraordinary circumstances and the Registrar believes for any reason that the timelines provided under these by-laws were not adequate in those circumstances, the Registrar may extend the deadline for such period as the Registrar considers appropriate.

9A.5.6 Registrar to prepare list of candidates

After the eligibility date or any extension under article 9A.5.5, the Registrar shall

a. prepare a list of all eligible candidates for appointment as non-Council committee members, and

b. submit the list, along with any documentation received from the candidates, to the Governance Committee.

9A.5.7 Governance Committee to present slate

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

9A.5.7.1 Selection criteria

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

9A.5.8 Council to appoint non-Council committee members

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

9A.6 Revoked (March 10, 2016)

9A.7 Term of Office

9A.7.1 Non-Council members

Subject to article 9A.7.3, the term of office of a non-Council member of a committee commences on the date of his or her appointment and terminates after Council has completed its appointments for that committee at the first regular Council meeting following the next general election.

9A.7.2 [Revoked] (April 16, 2026)

9A.7.3 Term of office, vacancies

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

9A.7.4 Termination

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

9A.8 Vacancies

9A.8.1 Vacancies

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

9A.8.2 Appointment of replacement member

Where a vacancy occurs, as contemplated by article 9A.8.1, the Executive Committee may appoint, in accordance with this article and effective immediately, a member who had made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment or may direct additional recruitment.

9A.8.3 Verify willingness, eligibility

Before making the appointment, the Executive Committee shall verify that the proposed replacement member appointed pursuant to article 9A.8.2 is both willing and eligible to be appointed as a non-Council committee member.

9A.8.4 Eligibility of replacement member

A proposed replacement member appointed pursuant to article 9A.8.2 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9A.2.1 on the date of his or her appointment.

9A.8.5 Where no suitable member

Where no willing, eligible, and otherwise suitable member can be found under article 9A.8.2, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9A.5 or an abbreviated procedure.

9A.8.6 Council to confirm appointment

Council shall be asked to confirm an appointment by the Executive Committee under article 9A.8.2 at its next regular meeting, or such later meeting as Council may determine.

9A.8.7 Council refusal to appoint

In the event Council refuses to confirm an appointment to fill a vacancy under article 9A.8.2 the member appointed shall immediately cease to be a non-Council committee member and shall immediately cease to be a member of the committee or committees to which he or she was appointed.

9A.8.8 Clarification

Subject to the requirements of these by-laws, the Executive Committee may fill a committee vacancy with a member who is currently a non-Council committee member of another committee, in which event article 9A.8 would not apply.

9A.9 Additional Non-Council Committee Members

9A.9.1 Additional non-Council committee members

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

9A.9.2 Verify willingness, eligibility

Before making the appointment, the Executive Committee shall verify that the proposed additional member appointed pursuant to article 9A.9.1 is both willing and eligible to be appointed as a non-Council committee member.

9A.9.3 Eligibility of additional member

A proposed additional member appointed pursuant to article 9A.9.1 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9A.2.1 on the date of his or her appointment or an abbreviated procedure.

9A.9.4 Where no suitable member

Where no willing, eligible, or otherwise suitable member can be found under article 9A.9.1, the Executive Committee may direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9A.5.

9A.9.5 Council to confirm appointment

Council shall be asked to confirm an appointment by the Executive Committee under article 9A.9.1 at its next regular meeting, or such later meeting as Council may determine.

9A.9.6 Council refusal to appoint

In the event Council refuses to confirm an appointment to fill a vacancy under article 9A.9.1, the member appointed shall immediately cease to be a non-Council committee member and shall immediately cease to be member of the committee or committees to which he or she was appointed.

9B SUBJECT MATTER EXPERTS

9B.1 Procedure

9B.1.1 Registrar to set application procedure

The Registrar shall establish the procedure for applying for appointment as a subject matter expert, in consultation with the Governance Committee.

9B.1.2 Application procedure may include forms, documentation

The procedure to apply for appointment as a subject matter expert shall include the completion of a form set by the Registrar and the submission of relevant documentation, including the applicant's curriculum vitae.

9B.1.3 Eligibility for subject matter experts

a. An individual shall not be eligible to apply for or to be appointed as a subject matter expert if, on the anticipated date of appointment:

b. the individual is a current or former member of the College;

c. the individual is a current or former member of Council;

d. the individual is a current or former employee of the College; and

e. the individual is or has not been for the three (3) years prior to the anticipated date of appointment, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee.

9B.1.4 Selection criteria

Before selecting any individual to present to Council for appointment as a subject matter expert, the Governance Committee shall consider applicable competencies and/or attributes.

9B.1.5 Council to appoint subject matter experts

After receiving the recommendations of the Governance Committee and subject to any amendments by Council, Council may appoint subject matter experts to the committees in accordance with the by-laws.

9B.2 Term of Office

9B.2.1 Subject matter expert members

Subject to article 9B.2.3, the term of office of a subject matter expert of a committee commences on the date of his or her appointment and terminates after Council has completed its appointments for that committee at the first regular Council meeting following the next general election.

9B.2.2 [Revoked] (April 16, 2026)

9B.2.3 Term of office, vacancies

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

9B.2.4 Termination by Council

Council may, by resolution, terminate the appointment of a subject matter expert at any time and for any reason without notice, and with or without cause.

9B.2.5 Termination by Executive Committee

The Executive Committee shall terminate the appointment of a subject matter expert where it is satisfied that the individual meets any of the following criteria:

a. the individual, since being appointed as a subject matter expert, ceases to meet one or more of the eligibility conditions set out in article 9B.1.3;

b. the individual has, since being appointed as a subject matter expert, obtained a position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

c. the individual fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;

d. the individual breaches section 36 of the RHPA (duty of confidentiality); or

e. the individual breaches any of the rules respecting conflicts of interest set out in bylaw 13 (CONFLICTS OF INTEREST).

9B.2.6 Automatic termination of Council member

The appointment of a subject matter expert automatically terminates if the individual becomes a member of Council.

9B.3 Resignation

9B.3.1 Resignation by subject matter expert

A subject matter expert may resign his or her appointment by giving written notice.

9B.3.2 Effective date of resignation

The resignation of a subject matter expert is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

9B.3.3 Resignation irrevocable

The resignation of a subject matter expert is irrevocable and may not be withdrawn or rescinded.

9B.4 Vacancies

9B.4.1 Vacancies

A vacancy occurs where for any reason, an individual appointed as a subject matter expert ceases to act in that capacity, including as a result of the individual's death, resignation, disqualification or termination of the appointment by Council prior to the completion of the term.

9B.4.2 Appointment of replacement individual

Where a vacancy occurs, as contemplated by article 9B.4.1, the Executive Committee may appoint, in accordance with this article and effective immediately, an individual who had made application to be appointed to be a subject matter expert, or direct further recruitment.

9B.4.3 Council to confirm appointment

Council shall be asked to confirm an appointment by the Executive Committee under article 9B.4.2 at its next regular meeting, or such later meeting as Council may determine.

9B.4.4 Council refusal to appoint

In the event Council refuses to confirm an appointment to fill a vacancy under article 9B.4.2 the individual appointed shall immediately cease to be a subject matter expert and shall immediately cease to be member of the committee or committees to which he or she was appointed.

9B.5 Additional subject matter expert members

9B.5.1 Additional subject matter expert members

Where the Executive Committee believes that one (1) or more additional subject matter experts members is required by the College, the Executive Committee may appoint, in accordance with this article, and effective immediately, one (1) or more members who had previously made application to be appointed to be a subject matter expert member when the College last sought applications from members for appointment, or one (1) or more members who responded to a targeted recruitment who are recommended by the Governance Committee for appointment.

9B.5.2 Council to confirm appointment

Council shall be asked to confirm an appointment by the Executive Committee under article 9B.5.1 at its next regular meeting, or such later meeting as Council may determine.

9B.5.3 Council refusal to appoint

In the event Council refuses to confirm an appointment made under article 9B.5.1, the subject matter expert member appointed shall immediately cease to be a subject matter expert member and shall immediately cease to be member of the committee or committees to which he or she was appointed.

10 REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES

10.1 General

10.1.1 Definitions

In this by-law,

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

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

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

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

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

a "**meeting**" means an in-person, telephone, or virtual meeting of Council or a committee, and an in-person, telephone, or virtual attendance for College business authorized or approved by Council,

the Executive Committee, the President, or the Registrar, and includes hearings of a panel of a committee

10.1.2 Compensation and Reimbursement for Members of the College and Subject Matter Experts

The articles of this by-law related to the payment of compensation and the reimbursement of expenses do not apply to public members of Council, but do apply to other members of Council, members of the College and subject matter experts on committees other than subject matter experts who have specifically been appointed to the Discipline and/or Fitness to Practise Committee to chair panels of the committees or to assist in adjudicating hearings. The compensation and reimbursement for each of those subject matter experts shall be determined in accordance with an agreement approved by the Registrar between the College and the subject matter expert.

10.1.3 Other allowances and expenses

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

10.2 Allowances and Per Diems

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

10.2.2 President's annual allowance

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

10.2.3 President's per diem

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

10.2.4 Permitted attendances

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

a. meetings of Council, the Executive Committee, or other College committees or approved College working groups;

b. [Revoked] (June 15, 2023);

c. Ontario Dental Association meetings which may include Local Society meetings if deemed necessary to support College communication initiatives;

d. [Revoked] (June 15, 2023);

e. other federal or provincial-level meetings to which the President should attend based on College initiatives and interests;

f. official ceremonies of Ontario faculties or schools of dentistry such as those related to convocation or for internationally trained students.

10.2.5 Chair per diem

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

10.2.6 Council, committee member per diem

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

10.2.7 Revoked

10.3 Allowances and Per Diems – Application and Limitations

10.3.1 Minimum length of time

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

10.3.2 No more than a full day per diem

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

10.3.3 Preparation time not included

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

10.3.4 Additional per diem, ICRC preparation

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

10.3.5 Additional per diem, Discipline Committee reasons

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

10.3.6 Payment for expected meeting duration

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

10.3.7 Travel time included

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

10.3.8 Extended travel time

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

10.3.9 Cancellation

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

a. the member of a committee would have earned professional income from the practice of dentistry or would have earned other income but for the committee member's arrangement to attend the meeting; and

b. the member of a committee made reasonable efforts to mitigate against the loss of income, but was unable to do so.

10.3.9.1 Sufficient notice of cancellation

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

10.3.10 Partial mitigation

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

10.3.11 Extraordinary Preparation, ICRC Preparation and Reasons

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

a. the payment of an additional half day per diem at the rate for non-chair committee members for each full day attendance at a meeting of the panel if the time taken to prepare for a meeting of the panel exceeds two (2) days for each full day attendance at a meeting of the panel.

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

Any policy approved by the Executive Committee under article 10.3.11 automatically expires on the earlier date specified in the motion approving the policy or December 31st of the year in which the policy was approved. Any policy approved by the Executive Committee under article 10.3.11 may be expressly renewed by the Executive Committee.

10.4 Revoked

10.5 Expenses – General

10.5.1 Expenses reimbursed

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

10.5.2 Other sources

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

10.6 Claims Procedure

10.6.1 Claims submitted within thirty days

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

10.6.2 Claims automatically adjusted

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

10.6.3 Disputed claims

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

11 CODE OF ETHICS

11.1 General

11.1.1 Council to adopt Code of Ethics

Council shall adopt a Code of Ethics entitled "Foundations of Professionalism" for members of the College.

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

11.1.2 Purpose of Code of Ethics

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

11.1.3 Members to adhere to Code of Ethics

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

12 CODE OF CONDUCT

12.1 Preamble

12.1.1 Purpose

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

12.1.2 Expectations for Council members

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

a. familiarize themselves with the Regulated Health Professions Act, 1991 and its Health Professions Procedural Code, the Dentistry Act, 1991, the regulations under those Acts and the by-laws and policies of the College;

b. place the interests of the public, the College, its Council and committees above all other competing interests;

c. exercise reasonable care, diligence, skill and prudence in carrying out their duties;

d. be fully prepared to participate in meetings of Council and meetings of committees or panels of committees to which they are appointed by reading background material and documents provided to them by the College and attending meetings when called on to do so; and

e. participate in Council and committee meetings in a respectful, courteous and professional manner recognizing the diverse background, skills and experience of Council and committee members.

12.1.3 Preamble not considered

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

12.2 Code of Conduct

12.2.1 Duties of Council members

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

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

b. ensure that confidential information received by him or her is not disclosed by him or her except as required for the performance of his or her duties or as directed by Council;

c. not communicate with members of any statutory committee or take any other action which could be reasonably perceived as influencing or attempting to influence any member of a committee in making a statutory decision, except where he or she is a member of the panel which is making that decision or, where there is no panel, of the committee making that decision;

d. comply with the College's by-laws respecting conflict of interest and bias including avoiding and, where that is not possible, declaring any appearance of or actual conflict of interest or bias in accordance with the provisions of that by-law;

e. respect and support every decision of Council regardless of the level of prior individual disagreement with that decision;

f. follow the established policies and processes of the College regarding College communications;

g. be respectful of staff, fellow councillors and non-Council committee members and in particular, but without limiting the generality of the foregoing, not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment;

h. not use his or her position as a member of Council to obtain or attempt to obtain employment or preferential treatment for him or herself, family members, friends or associates; and

i. refrain from including or referencing Council or committee titles or positions held at the College in any personal or business promotional material, advertisement, or business cards.

12.2.2 Communications regarding specific committee matters

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

a. applications for registration or reinstatement;

b. matters coming before the Inquiries, Complaints and Reports Committee respecting a member's conduct;

c. an investigation by the College of a member's conduct;

d. matters coming before the Quality Assurance Committee relating to an individual member; and

e. matters relating to discipline or fitness to practise proceedings in relation to a member.

12.2.3 Exception, Quality Assurance Committee

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

12.2.4 Explanation of prior disagreement

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

12.2.5 Exception, acknowledgement of dissenting vote

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

12.2.6 Exception, explanation of prior disagreement

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

a. does so in a manner that both respects and supports the Council's decision, and

b. does not use the forum as an opportunity to question the decision of Council or to provoke further discussion or debate on the issue.

12.2.7 Breach of Code of Conduct

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

13 CONFLICTS OF INTEREST

13.1 General

13.1.01 Application to all Council Members

This by-law applies to all members of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and to all non-Council committee members.[1]

13.1.1 Definitions

In this by-law,

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

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

a. child or spouse of a child

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

b. grandchild or spouse of a grandchild

c. parent or spouse of a parent

d. grandparent or spouse of a grandparent

e. sibling or spouse of a sibling

f. aunt or uncle or spouse of an aunt or uncle

g. niece or nephew or spouse of a niece or nephew;

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

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

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

13.2 Conflicts of Interest of Council and Committee Members

13.2.1 Conflict of interest, non-hearing or meeting

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

a. a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the member's judgement was likely to have been influenced by the personal or financial interest of the member or by the personal or financial interest of a related person or related corporation of that member, or

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

13.2.2 Conflict of interest, hearing or meeting

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

a. the member has an association, relationship, non-financial interest or activity that is incompatible with his or her responsibilities as an impartial decision-maker; or

b. a reasonable person knowing the relevant facts would conclude or perceive that the member's decision was not impartial nor based solely on the evidence or

information properly received by Council or the committee, but rather influenced by the existence of personal extraneous factors, such as

i. the member's connection with the issues or decisions to be made, or

ii. the member's connection with any person involved in the proceeding, including the person who is the subject matter of the hearing or meeting, or any person whose evidence or information is presented at the hearing or meeting.

13.3 Procedure for Conflicts of Interest

13.3.1 Duty to consult, member of Council

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

13.3.2 Action by member of Council

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

a. prior to any consideration of the matter at a meeting of Council, disclose to Council the fact that he or she may have a conflict of interest;

b. not take part in the discussion of or vote on any question at Council in respect of the matter;

c. absent himself or herself from that portion of any Council meeting relating to the matter; and

d. not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence the other members of Council or the decision relating to that matter.

13.3.3 Conflict recorded in minutes

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

13.3.4 Participation with approval of Council

Notwithstanding article 13.3.2, a member of Council may participate in and vote on a matter in which the member has disclosed a potential conflict of interest to Council, provided that Council

determines to permit such participation by a vote of at least two-thirds of the members of Council present at the meeting.

13.3.5 Duty to consult, member of committee

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

a. where time and circumstances permit, consult privately with the Registrar or a designated member of staff regarding whether a conflict of interest exists and how the member should proceed; or

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

13.3.6 Action by member of committee, hearing

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

a. decline to participate in any way in respect of the hearing or matter and remove himself or herself from the panel or committee, and

b. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the outcome of the hearing or matter.

13.3.7 Action by member of committee, non-hearing

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

a. prior to any consideration of the matter,

   i. disclose to the chair of the committee that he or she has a potential conflict of interest that prevents the member from participating, without disclosing the details of the potential conflict,

   ii. not take part in the discussion of or vote on any question in respect of the matter,

   iii. absent himself or herself from the portion of the meeting relating to the matter, and

iv. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the decision relating to the matter; or

a. prior to any consideration of the matter,

i. disclose to the committee that he or she has a potential conflict of interest and the nature of the potential conflict, and

ii. not take part in the vote on any question in respect of the matter.

13.3.8 Conflict recorded in minutes

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

a. the member is not and has not been for the previous three (3) years, in any position of responsibility with any organization, association, or group whose mandate in any way conflicts with the College's mandate to regulate dentists in the public interest, including but not limited to any national, international, or provincial dental association or organization, including a specialty association or organization, or other similar national or provincial association or organization, other than one to which the member has been appointed by Council or the Executive Committee or whose appointment has been approved by Council or the Executive Committee;

13.4 Conflict of Interest Declaration [2]

13.4.1 Purpose of Conflict of Interest Declaration

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

13.4.2 Annual Conflict of Interest Declaration

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

13.4.3 Amended Conflict of Interest Declaration

Each member of Council, whether elected, selected or appointed by the Lieutenant Governor in Council, and each non-Council committee member shall immediately complete, sign and provide

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

to the Registrar a new or amended Conflict of Interest Declaration form should the information previously provided in a prior Conflict of Interest Declaration form change.

13.4.4 Adherence to Conflict of Interest Declaration

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

13.5 Public Availability

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

14 DISQUALIFICATIONS, GENERAL

14.1 General

14.1.1 Commissioner

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

14.1.2 Definitions

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

14.1.3 Council to be mindful

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

14.2 Temporary Exclusion

14.2.1 Temporary exclusion for default

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

a. any fees, fines, or other amounts owed to the College, or

b. completing and submitting any form prescribed by the regulations or required by the by-laws,

including without limitation any default that originates after the deadline for receipt of applications, in the case of an elected member of Council, or after the member's selection, in the

case of a selected member, will not be disqualified under articles 14.3.1 or 14.3.2, but shall not serve on Council or any committee until the default is remedied.

14.2.2 Temporary exclusion during proceedings

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

a. a Registrar's investigation under clause 75(1)(a) or subsection 75(2) of the Code,

b. an incapacity inquiry under section 57 or 58 of the Code, or

c. an interim order made by a panel of the Inquiries, Complaints and Reports Committee,

that originates after the deadline for receipt of applications, in the case of an elected member of Council, or after the member's selection, in the case of a selected member, will not be disqualified under article 14.3.1 or 14.3.2, but shall not serve on Council or any committee until the matter at issue is finally determined.

14.3 General Disqualification Criteria

14.3.1 Elected members of Council

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

a. Council determines that the member had not met one or more of the eligibility conditions in article 7.2.4, other than one which the member was deemed to have met as a result of the decision of the Governance Committee under article 7.2.5;

b. subject to article 14.2.1 and 14.2.2, the member, after being elected, ceases to meet one or more of the eligibility conditions set out in article 7.2.4;

c. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;

d. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or

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

14.3.2 Selected members of Council

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

a. Council determines that the member had not met one or more of the eligibility conditions in article 8.1.1, other than one which the member was deemed to have met as a result of the decision of the Governance Committee under article 8.1.2;

b. subject to article 14.2.1 and 14.2.2, the member, after being selected, ceases to meet one or more of the eligibility conditions set out in article 8.1.1;

c. the member ceases to hold an appointment of Assistant Professor, Associate Professor, or Full Professor in the faculty or school of dentistry that selected the member;

d. the member has their selection rescinded, withdrawn, or otherwise cancelled by the faculty or school of dentistry that selected the member;

e. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;

f. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which they are a member; or

g. the member fails, without reasonable cause, to attend a hearing of a committee for which they have been selected.

14.4 Allegations and Information

14.4.1 Information coming to Registrar's attention

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

i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or

ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

a. notify the member in writing of the basis for the Registrar's belief, and

b. provide the member with twenty (20) days in which to make a written response.

14.4.2 Statement from member of Council

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

i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or

ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

a. provide the member of Council who is the subject of the statement with a copy of the statement, and

b. provide that member with twenty (20) days in which to make a written response.

14.4.3 Registrar to notify Executive Committee

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

14.5 Executive Committee Process

14.5.1 Preliminary determination of facts

Where the Executive Committee receives a report from the Registrar under article 14.4.3 related to a member who potentially meets one or more disqualification criteria set out in article 14.3.1 or 14.3.2, the Executive Committee shall make a preliminary determination of the relevant facts and report its findings to the member of Council who is the subject of the matter and, where applicable, to the member of Council who provided a written statement to the Registrar under article 14.4.2.

14.5.2 Referral to Council

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

14.5.3 Notification of consideration by Council

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

14.5.4 Conflicts of interest referred to Council

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

14.6 Council Process, General

14.6.1 Disputed material facts

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

14.6.2 Referral to commissioner

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

14.6.3 Public excluded

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

14.7 Council Process, Conflict of Interest

14.7.1 Consideration by Council

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

a. refer the matter to a commissioner under article 14.7.3, or

b. adopt a process to deal with the allegation that is consistent with the rules of order and provides the member with an opportunity to explain their actions to Council.

14.7.2 Action by Council, non-hearing process

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

a. demand an apology from the member;

b. require assurances from the member that similar behaviour will not occur in the future; or

c. suspend the member until an apology or resolution acceptable to Council is reached.

14.7.3 Referral to commissioner

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

14.7.4 Public excluded

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

14.8 Commissioner Process

14.8.1 Commissioner to hold hearing

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

a. the relevant facts and circumstances;

b. whether the member of Council who is the subject of the hearing breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, if the matter was referred under article 14.7.3;

c. any questions of law for which Council requested the commissioner's assistance; and

d. the effect or anticipated effect of the member's conduct on the College.

14.8.2 Interim suspension of duties

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

14.8.3 Commissioner to determine parties

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

14.8.4 Commissioner hearing process

A commissioner shall adopt a hearing process that

a. provides the member of Council who is the subject of the matter with full and continuing disclosure of the evidence to be presented at the hearing,

b. provides the member with an opportunity to make written and oral submissions, and

c. is, to the extent reasonably possible, in keeping with the *Statutory Powers and Procedures Act*.

14.8.5 Commissioner time frame

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

14.8.6 Commissioner report

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

a. the commissioner's findings in respect of the relevant facts;

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

c. the commissioner's opinions on any question of law for which the Council sought the commissioner's assistance;

d. the commissioner's findings in respect of the actual or anticipated effect of the member's conduct on the College; and

e. the commissioner's reasons for those findings and opinions.

14.9 Actions by Council

14.9.1 Council to consider Commissioner report

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

14.9.2 Council may adopt report

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

14.9.3 Lifting of interim suspension

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

a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2, or

b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

14.9.4 Action by Council, where no breach

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

a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2, or

b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

14.9.5 Action by Council, conflict of interest

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

a. demand an apology from the member in a form acceptable to Council; or

b. subject to article 14.9.7 (Conditions for resignation), demand the immediate written resignation of the member.

14.9.6 Suspension where apology not received

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

14.9.7 Conditions for resignation

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

a. the member's breach of the conflict of interest articles of the by-laws or other action while in a conflict of interest was willful or caused by the gross neglect of the member, or

b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

14.9.8 Disqualification where resignation not received

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

14.9.9 Public excluded

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

14.10 Additional Procedural Requirements

14.10.1 14.10.1 Two-thirds votes required

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

a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;

b. imposing an interim suspension under article 14.8.2;

c. taking action under article 14.7.2 or article 14.9.5;

d. suspending a member of Council under article 14.9.6; or

e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

14.10.2 Opportunity for submissions

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

a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;

b. imposing an interim suspension under article 14.8.2;

c. taking action under article 14.7.2, article 14.9.5;

d. suspending a member of Council under article 14.9.6; or

e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

14.10.3 No participation of subject member

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

a. shall not take part in any deliberation or vote of Council regarding the matter,

b. shall not be present during any vote of Council regarding the matter, and

c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

14.11 Following Disqualification

14.11.1 Following disqualification

Where Council disqualifies a member of Council, Council shall

a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or

b. in the case of an elected or selected member of Council, treat the situation in the same manner as if a vacancy had been created as a result of the member's resignation from Council and all committees on which the member served.

15 DISQUALIFICATIONS, CODE OF CONDUCT

15.1 General

15.1.1 Definitions

In this by-law,

an "**adjudication committee**" means the committee established under article 15.5.1;

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

a "**commissioner**" means a commissioner appointed under article 14.1.1.

15.2 Allegations of Breach

15.2.1 Statement from member of Council

Where a member of Council believes that

i. another member of Council has breached the code of conduct, and

ii. it is both necessary and in the interests of the College to formally deal with the alleged breach,

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

a. the name of the member of Council who he or she believes breached the Code of Conduct;

b. the factual basis for his or her belief;

c. the reasons that he or she believes make it necessary and in the interest of the College to formally deal with the alleged breach; and

d. whether the decision to establish an adjudication committee under article 15.5.1 should be made by the Executive Committee or a commissioner.

15.2.2 Security for commissioner

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

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

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

15.2.3 Agreement to pay cost, resign

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

i. that the allegation made by the member of Council is frivolous, vexation, or made in bad faith, or

ii. that the member of Council knew or ought to have known that the allegation was false,

the member of Council agrees

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

b. to resign as a member of Council immediately upon the adjudication committee's finding.

15.3 Commissioner Process

15.3.1 Registrar to refer to commissioner

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

15.3.2 Commissioner to review

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

a. the facts set out in the written statement provided under article 15.2.1, if true, would constitute a breach of the code of conduct;

b. it is in the interest of the College to further investigate and adjudicate the allegation; and

c. there is no reason to believe, based on the information currently available to the commissioner, that the allegation is frivolous, vexatious, or made in bad faith.

15.3.3 Timeline for decision by commissioner

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

15.3.4 Commissioner to notify of delay

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

15.3.5 Decision of commissioner final

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

15.3.6 Return of deposit

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

15.3.7 Forfeit of deposit

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

15.4 Executive Committee Process

15.4.1 Registrar to notify Executive Committee

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

15.4.2 Executive Committee may refer to adjudication committee

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

a. direct the Registrar to appoint an adjudication committee, or

b. take such other action as it deems appropriate in the circumstances.

15.4.3 Executive Committee to meet in camera

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

15.5 Adjudication Committee Process

15.5.1 Registrar to establish adjudication committee

The Registrar shall establish an adjudication committee where

a. he is directed to do so by a commissioner under article 15.3.2;

b. he is directed to do so by the Executive Committee under article 15.4.2; or

c. he receives information other than from a member of Council and determines that there are reasonable and probable grounds to believe that

   i. a member of Council has breached the code of conduct, and

   ii. it is both necessary and in the interests of the College to formally deal with the alleged breach.

15.5.2 Timeframe for establishment of adjudication committee

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

15.5.3 Composition of adjudication committee

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

a. A former justice of the Ontario Superior Court of Justice selected by the Registrar, who shall act as chair.

b. A current or former registrar or executive director of a health professional college regulated under the RHPA, or a current or former chief executive or chief administrative officer of another regulatory authority for a statutorily self-regulated profession in Ontario, selected by the Registrar.

c. A third individual selected by the two members described above.

15.5.4 No prior knowledge

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

15.5.5 Confidentiality

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

15.5.6 Committee continued during vacancy

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

15.5.7 Vacancy of chair

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

15.5.8 Registrar to inform committee

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

a. advise the members of their responsibility to select a third member of the committee and to notify the Registrar of the identity of that member once selected, and

b. provide the members with all of the materials and other information the Registrar has in connection with the alleged breach of the code of conduct for which the committee was established.

15.5.9 Registrar to notify member

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

a. advise the member of Council who is alleged to have breached the code of conduct that an adjudication committee has been established and that he or she will be contacted by the adjudication committee regarding its process, and

b. provide the member of Council with a copy of all materials and other information that were provided to the adjudication committee.

15.5.10 Registrar to notify Executive Committee

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

a. notify the Executive Committee during an in camera meeting that an adjudication committee has been appointed

b. where not previously disclosed, inform the Executive Committee of the name of the member of Council who is alleged to have breached the code of conduct, and

c. where not previously disclosed, inform the Executive Committee of the name of the member of Council who made the written statement under article 15.2.1, as applicable.

15.5.11 Delay in establishing committee

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

a. the member of Council who is alleged to have breached the code of conduct;

b. the Executive Committee, during an in camera meeting;

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

15.5.12 Registrar to assist

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

15.5.13 Committee to meet in camera

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

15.5.14 Adjudication committee investigation

An adjudication committee shall

a. take such steps as it, in its sole discretion, considers necessary to fairly investigate the matter before it, having regard to the seriousness of the allegations, and

b. adopt such processes as it considers fair and reasonable to ensure that the member of Council who is the subject of the investigation has a reasonable opportunity to make a full answer to the allegations.

15.5.15 Timeframe

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

15.5.16 Delay

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

15.5.17 Registrar to notify

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

a. the member of Council who is alleged to have breached the code of conduct;

b. the Executive Committee, during an in camera meeting; and

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

15.6 Informal Resolutions

15.6.1 Informal resolution

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

15.6.2 Approval of informal resolution

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

a. the adjudication committee;

b. the member of Council who is alleged to have breached the code of conduct; and

   i. the Executive Committee, where the matter was referred to the adjudication committee at the direction of the Executive Committee, or

   ii. the member of Council who provided the written statement under article 15.2.1, where the matter was referred to the adjudication committee at the direction of a commissioner.

15.6.3 Executive committee may approve

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

15.6.4 Meeting in camera

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

15.6.5 No further action, informal resolution

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

a. the member of Council who alleged to have breached the code of conduct resigns as a member of Council, or

b. the matter is resolved under article 15.6.1 (Informal resolution)

15.6.6 Report to Council

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

15.6.7 Contents, manner of report

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

15.7 Report and Findings

15.7.1 Report

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

a. the member of Council who is the subject of the matter,

b. the Registrar, and

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

15.7.2 Findings final

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

15.7.3 Findings of breach

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

a. whether it is in the interest of the College for Council to take further action in respect of the member, and

b. whether the breach by the member is sufficiently serious that Council should consider disqualifying the member.

15.7.4 No submissions by reporting member

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

15.7.5 Registrar to deliver to Executive Committee

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

15.8 No Further Action by Council

15.8.1 Report to Council

Where an adjudication committee finds that

a. the allegations giving rise to the matter are frivolous, vexatious, or made in bad faith

b. the allegations giving rise to the matter have no merit, or

c. even if a breach of the code of conduct did occur, it is not in the interests of the College to take further action in respect of the matter

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

15.8.2 Contents of report

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

a. the nature of the allegations giving rise to the matter,

b. the name of the member of Council who was the subject of the allegations, or

c. the name of the individual who provided the information which gave rise to the matter.

15.8.3 Exception, contents of report

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

15.8.4 Public excluded

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

15.8.5 No further action

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

15.9 Further Action by Council

15.9.1 Report to Council

Where an adjudication committee finds that

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

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

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

15.9.2 Public excluded

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

15.9.3 Submissions by member

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

15.9.4 Action by Council

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

a. demand an apology from the member in a form acceptable to Council;

b. subject to article 15.9.6 (Conditions for resignation), demand the immediate written resignation of the member.

15.9.5 Suspension where apology not received

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

15.9.6 Conditions for resignation

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

a. the member's breach of the code of conduct was willful or caused by the gross neglect of the member, or

b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

15.9.7 Disqualification where resignation not received

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

15.9.8 Vote by secret ballot

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

15.10 Recovery of Costs and Expenses

15.10.1 No recovery of costs

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

15.10.2 Recovery of legal expenses, subject member

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

15.10.3 Recovery of legal expenses, reporting member

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

15.11 Additional Procedural Requirements

15.11.1 Two-thirds votes required

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

a. take action under article 15.9.4;

b. suspend a member under article 15.9.5; or

c. disqualify a member of Council under article 15.9.7.

15.11.2 Opportunity for submissions

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

a. take action under article 15.9.4;

b. suspend a member of Council under article 15.9.5;

c. disqualify a member of Council under article 15.9.7.

15.11.3 No participation of subject member

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

a. shall not take part in any deliberation or vote of Council regarding the matter,

b. shall not be present during any vote of Council regarding the matter, and

c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

15.11.4 No participation of reporting member

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

15.12 Following Disqualification

15.12.1 Following disqualification

Where Council disqualifies a member of Council, Council shall

a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or

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

16 THE REGISTER

16.1 General

16.1.1 Definitions

In this by-law,

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

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

a. the address in Ontario where the member practices

b. the address designated by the member, if the member practices at more than one address in Ontario, or

c. the address in Ontario where the member resides, if the member does not practice in Ontario;

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

a "**principal member**" means

a. a member of the College with whom an associated member practices as an employee or independent contractor, or

b. a member of the College who practices dentistry as a member of a partnership.

16.2 Contents of the Register

16.2.1 Contents required by the Code

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

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

16.2.2 Additional information

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

16.2.3 Designated information for safety exception

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

16.2.4 Name of member

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

16.2.5 Change of name

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

a. the member requests that his or her name as it appears on the Register be changed,

b. the Registrar is satisfied that the member has validly changed his or her name, and

c. the Registrar is satisfied that the member did not change his or her name for an improper purpose.

16.2.6 Business address

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

16.2.7 Business telephone number

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

16.3 Removal of Information from the Register

16.3.1 Information required by the Code

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

16.3.2 Information required by the by-laws

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

16.4 Information from Members of the College

16.4.1 Notification information

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

a. the member's home address and home telephone number;

b. the member's e-mail address;

c. whether the member is practicing in Ontario;

d. where the member is practicing, the address and telephone number of

   i. the member's principal place of practice in Ontario, and

   ii. all other locations at which the member practices, including any hospital or other health facility at which the member has professional privileges;

e. where the member is not practicing, the member's designated business address and telephone number;

f. the member's preferred address for communication by the College;

g. where the member practices in more than one location in Ontario, the member's designated election address;

h. where the member uses a practice name.

   i. the locations at which the practice name is used, and

   ii. the name of every member of the College who engages in practice under the practice name and whether that member practices as a principal or associate member; and

i. where the member is associated with a member of the College who uses a practice name, the practice name and the locations at which the associated member practices under that practice name.

16.4.2 Change to information

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

16.4.3 Information upon request

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

a. any information required to be provided by the member under the Act, regulations, or by-laws;

b. the member's date of birth;

c. the number and date of issuance of the member's certificate from the National Dental Examining Board of Canada, if any;

d. the name of any health profession corporation that holds a certificate of authorization issued by the College where the member is a voting shareholder, officer, or director of the corporation, and the position or title held by the member with the corporation;

e. where the member is a voting shareholder, office, or director of a health profession corporation

   i. the head office and mailing address of the corporation,

   ii. the practice names or business names used by the corporation, if any, and

   iii. the address and telephone number of each location at which the corporation carries on business;

f. the names and telephone numbers of the member's employees;

g. every hospital or other health facility in Ontario where the member has professional privileges;

h. a description of the services that the member provides in each of his or her practice locations; and

i. details of the legal and financial arrangements between the member and other members of the College practicing at the same location or under the same practice name

17 HEALTH PROFESSION CORPORATIONS

17.1 Certificates of Authorization

17.1.1 Issuance by Registrar

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

a. the corporation has submitted an application in the form approved by Council;

b. the corporation has paid all applicable fees for the issuance of the certificate;

c. the corporation meets all of the eligibility requirements set out in the regulations passed pursuant to the RHPA;

d. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;

e. the corporation has submitted the original, or a certified or notarized copy of, the certificate of incorporation of the corporation;

f. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* as of the day that the application was submitted;

g. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the application, that certifies that

    i. the corporation was in compliance with section 3.2 of the Business Corporations Act as of the date of the declaration,

    ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,

    iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the application, and

    iv. the information contained in the application is complete and accurate as of the date of the declaration;

h. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of application, and, where a shareholder is a member of the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of application;

i. the corporation has submitted the names of the directors and officers of the corporation as of the date of application;

j. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of application.

17.1.2 Annual renewal

A certificate of authorization issued under article 17.1.1 is subject to annual renewal by the College.

17.1.3 Revocation of certificate

A certificate of authorization issued under article 17.1.1 may be revoked in accordance with the regulations passed pursuant to the RHPA.

17.1.4 Revised certificate of authorization

Where an applicant corporation has changed its name following issuance of a certificate of authorization, the Registrar shall issue a revised certificate of authorization on behalf of the College to the corporation provided that the Registrar is satisfied that all of the following conditions are met:

a. the corporation has submitted an application for a revised certificate of authorization in the form approved by Council

b. the corporation has submitted all of the applicable fees for the issuance of the revised certificate

c. the corporation continues to be eligible to hold a certificate of authorization

17.1.5 Renewals

The Registrar shall renew the certificate of authorization of an applicant corporation on behalf of the College where the Registrar is satisfied that all of the following conditions are met:

a. the corporation has submitted a renewal application in the form approved by Council;

b. the corporation has paid all applicable fees for the renewal of the certificate;

c. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;

d. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* since the corporation's most recent application for a certificate of authorization or for renewal of its certificate of authorization;

e. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the renewal application, that certifies that

    i. the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date of the declaration,

    ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,

iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the renewal application, and

iv. the information contained in the renewal application is complete and accurate as of the date of the declaration;

f. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of the renewal application, and, where a shareholder is a member of the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of the renewal application;

g. the corporation has submitted the names of the directors and officers of the corporation as of the date of the renewal application;

h. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of the renewal application.

17.1.6 Incomplete applications rejected

The Registrar may reject an application for a certificate of authorization, a revised certificate of authorization, or for the renewal of a certificate of authorization where the application does not include all of the documents and other things required for the issuance or renewal of the certificate.

17.1.7 Return of documents

Where the Registrar rejects an application under article 17.1.6, the Registrar shall return to the applicant corporation all the documents and other things submitted with the application, except for the applicable fees.

17.1.8 Cancellation

The Registrar shall cancel the certificate of authorization of a corporation upon receipt of a written request of the corporation to that effect and a written confirmation that the corporation no longer practices dentistry.

17.2 Change of Shareholders

17.2.1 Notice of change of shareholders

A corporation that holds a certificate of authorization shall notify the Registrar of every change in the shareholders of the corporation who are members of the College in the form approved by Council.

17.2.2 Timing of notice

A corporation required to provide notice under article 17.2.1 shall submit the notice within ten (10) days of each change of shareholder.

17.2.3 Additional declaration

A corporation required to provide notice under article 17.2.1 shall in addition submit to the Registrar a statutory declaration of a director of the corporation, executed after the change of shareholders, certifying that the corporation is in compliance with section 3.2 of the *Business Corporations Act* and any regulations made under that section, as of the date of the declaration.

17.3 Interpretation

17.3.1 Time of receipt

A document, payment, or other thing that is required to be submitted under chapter 17.1 (Certificates of Authorization) or chapter 17.2 (Change of Shareholders) is deemed to be received at the following times:

a. where the document, payment, or other thing is received at the College's offices during the normal business hours of the College on a day when the College is open for business, the actual time that the document, payment, or other thing is received by the College; or

b. where the document, payment, or other thing is received at the College's offices at a time when the College is not open for business, 9:00AM on the next day that the College is open for business.

18 FEES

18.1 Courses and Fees

18.1.1 General, specialty, academic certificates

An applicant for the issuance of a general, specialty, or academic certificate of registration shall submit an application in the form provided by the Registrar and shall pay an application fee of $350.00.

18.1.2 Exemption, Remote Services Program

An applicant for the issuance of a general certificate of registration restricted to practising in the Remote Services Program of the Ontario Dental Association is exempt from the requirement to pay an application fee under article 18.1.1.

18.1.2.1 Exemption, emergency class applicant

An applicant for the issuance of a general, specialty or academic certificate of registration who held an emergency certificate of registration within three years before submitting their application for a general, specialty or academic certificate of registration is exempt from the requirement to pay an application fee under article 18.1.1.

18.1.3 Other certificates

An applicant for the issuance of a certificate of registration other than a general, specialty, or academic certificate shall submit an application in the form provided by the Registrar and shall pay an application fee of $150.00.

18.2 Registration Fees

18.2.1 Revoked (November 18, 2021, effective January 1, 2022)

18.2.2 Instructional, short duration

An applicant for an instructional or short duration certificate of registration shall pay a registration fee of $500.00 for the issuance of his or her certificate of registration.

18.2.3 Academic visitor

An applicant for an academic visitor certificate of registration shall pay a registration fee of $750.00 for the issuance of his or her certificate of registration.

18.3 Annual Fees

18.3.1 Registrar to Notify

The Registrar shall notify each member of the College of the amount of his or her annual fee and the day on which the fee is due.

18.3.2 Initial year of registration, new member

A member of the College who has never previously been a member of the College shall pay an annual fee in the following amount for the calendar year in which the member is first issued a general, academic, or specialty certificate of registration:

a. $3,670.00, if the certificate was issued on or after 01 January and before 01 June;

b. $1,835.00, if the certificate was issued on or after 01 June and before 01 September;

c. $1,035.00, if the certificate was issued on or after 01 September.

18.3.3 Initial year of registration, returning member

A member of the College who had previously been a member of the College shall pay the annual fee required by article 18.3.7 for the calendar year in which the member is first reissued a general, academic, or specialty certificate of registration.

18.3.4 Maximum one initial annual fee

A member of the College shall only pay one annual fee under article 18.3.1 or article 18.3.3, as applicable, regardless of the number of certificates of registration issued or reissued to the member during the calendar year.

18.3.5 Initial year of registration, education or post specialty training

A member of the College shall pay an annual fee of $3,670.00 for the calendar year in which he or she is first issued an education or post specialty training certificate of registration.

18.3.6 Initial year of registration, graduate student

A member of the College shall pay an annual fee of $100.00 for the calendar year in which he or she is first issued a graduate student certificate of registration.

18.3.6.1 Initial year of registration, emergency

A member of the College shall pay an annual fee of $1,500.00 for the calendar year in which he or she is first issued an emergency certificate of registration.

18.3.7 Annual fee, general, academic, specialty

A member of the College who holds a general, academic, or specialty certificate of registration shall pay an annual fee in the following amount for each calendar year in which the member holds the certificate:

a. $3,670.00, if paid on or before 15 December of the preceding year, or $4,170.00 if paid thereafter.

18.3.7.1 Annual fee, general, academic, specialty

Notwithstanding Article 18.3.7, the annual fee for a member holding a general or specialty certificate of registration may be reduced by the Registrar[3]to $250.00, with that fee being increased by COLA, rounded up to the nearest $5.00 commencing with the annual fee for the 2020 calendar year, provided the Registrar is satisfied that:

a. the member has requested the reduction in a form approved by the Registrar;

b. the reduction is appropriate as it supports the principle of encouraging members to perform dentistry on an unpaid charitable basis which supports access to care;

c. the member will be engaging in the practice of dentistry, but only on a charitable basis during the calendar year for which the annual fee is being reduced;

d. the member will be receiving no income or other monetary benefit from the practice of dentistry or from the member being a holder of a certificate of registration; and

[3] There is no obligation on the Registrar to reduce the annual fee under this Article as the authority is discretionary and the Registrar may refuse to reduce the fee for any reason including without limitation the prior conduct of the applicant.

e. the member has signed an agreement/undertaking, in a form satisfactory to the Registrar, to ensure, among other things, that the conditions for the reduction have been and will continue to be met.

18.3.8 Single annual fee for dual certificate holders

A member of the College who holds a general and specialty certificate of registration or an academic and specialty certificate of registration shall pay a single annual fee under article 18.3.7 per calendar year.

18.3.9 Annual fee, education – specialty programs

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program in the specialty of endodontics, oral and maxillofacial radiology, orthodontics and dental facial orthopaedics, paediatric dentistry, periodontics, prosthodontics, or public health dentistry shall pay an annual fee of $100.00 for each calendar year in which the member holds the certificate.

18.3.10 Annual fee, education – other program

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program other than one listed in article 18.3.9 shall pay an annual fee of $3,670.00 for each calendar year in which the member holds the certificate.

18.3.11 Annual fee, post specialty training

A member of the College who holds a post specialty training certificate of registration shall pay an annual fee of $3,670.00 for each calendar year in which the member holds the certificate.

18.3.12 Annual fee, graduate student

A member of the College who holds a graduate student certificate of registration shall pay an annual fee of $100.00 for each calendar year in which the member holds the certificate.

18.3.12.1 Annual fee, emergency

A member of the College who holds an emergency certificate of registration shall pay an annual fee of $1,000.00 for each calendar year in which the member holds the certificate.

18.3.13 Due date, education, post specialty training, graduate student, emergency

A member of the College who holds an education, post specialty training, graduate student, or emergency certificate of registration shall pay the applicable annual fee on or before the last day of the month immediately preceding the month in which the certificate was first issued.

18.3.13.1 Automatic CPI Adjustment of fees

Each of the fees referred to in Articles 18.3.2, 18.3.5, 18.3.7, 18.3.10, and 18.3.11 of By-Law No. 18: Fees, shall be automatically adjusted effective October 1, 2026 and on October 1st in each year

thereafter, by an amount equal to the annual increase in the Ontario consumer price index for the previous twelve months ending on June 30th of the year in which the adjustment is being made, rounded to the nearest five dollar ($5.00) increment.

18.3.14 Penalty fee for late payment

Where a member of the College who holds an education, post specialty training, or graduate student certificate of registration fails to pay the applicable annual fee on or before the date on which the fee is due shall pay an additional penalty fee of $500.00.

18.4 Examination Fees

18.4.1 Definition

In this chapter, "**examination**" means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

18.4.2 Examination application fee

An applicant for the examination shall pay an application fee of $100.00

18.4.3 Written component fee

An eligible candidate for the written component of the examination shall pay a fee of $1,600.00 at least thirty (30) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

18.4.4 Oral component fee

An eligible candidate for the oral component of the examination shall pay a fee of $3,300.00 at least ninety (90) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

18.4.5 Re-scoring fee, written

An applicant who applies to have the results of the written component of the examination re-scored shall pay a fee of $100.00.

18.4.6 Re-scoring fee, oral

An applicant who applies to have the results of the oral component of the examination re-scored shall pay a fee of $700.00.

18.4.7 Re-administration fees

A candidate who is unsuccessful in the written or oral component of the examination and who applies and is eligible to retake that component shall pay an additional application fee under article 18.4.2 and an additional examination fee under article 18.4.3 or article 18.4.4, as applicable.

18.5 Replacement Certificates

18.5.1 Revoked (November 18, 2021, effective January 1, 2022)

18.5.2 Revoked (November 18, 2021, effective January 1, 2022)

18.6 Fees for Lifting Suspensions

18.6.1 Suspension for non-payment of fees

An applicant seeking the lifting of a suspension imposed for the non-payment of fees shall submit an application in the form provided by the Registrar and a fee of $250.00

18.6.2 Two certificates

Where an applicant applies at the same time for the lifting of a suspension on both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under 18.6.1.

18.6.3 Fees payable on lifting of suspension

Where an applicant's certificate of registration was suspended for the non-payment of fees and the applicant is entitled to have the suspension lifted, the applicant shall pay

a. the fees that the applicant failed to pay which gave rise to the suspension,

b. the annual fee payable for the calendar year in which the suspension is to be lifted,

c. the penalty fee, if applicable, and

d. a reinstatement fee of $100.00.

18.7 Reinstatement Fees

18.7.1 Reinstatement hearing

An applicant requesting a hearing under the Act to consider reinstatement of his or her certificate of registration shall pay a fee of $3,500.00.

18.7.2 Partial refund on withdrawal

Where an applicant for a hearing under article 18.7.1 withdraws the application at least thirty (30) days prior to the scheduled date for the commencement of the hearing, the applicant shall be refunded $3000.00.

18.7.3 Other reinstatement

An applicant for the reinstatement of a certificate of registration, other than an applicant under article 18.7.1, shall submit an application in the form provided by the Registrar and pay a fee of $250.00.

18.7.4 Two certificates

Where an applicant applies at the same time for the reinstatement of both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under article 18.7.1 or article 18.7.3, as applicable.

18.7.5 Fees payable on reinstatement

Where a former member of the College is entitled to the reinstatement of his or her certificate of registration, the former member shall pay

a. the annual fee for any and all years in which the member practised in Ontario, if not previously paid,

b. any amounts owed to the College, including any penalty fee due at the time the former member ceased to be a member of the College,

c. the penalty fee, if applicable, and

d. a reinstatement fee of $100.00.

18.8 Course Fees

18.8.1 Remedial courses

Except as otherwise set by Council, a member of the College taking a remedial course presented by the College shall pay a course fee of $500.00.

18.8.1.1 Course and Monitoring Fees

Where a member has been ordered to have his or her practice or office monitored as part of a decision of a Committee or panel of a Committee of the College, including without limitation, the Inquiries, Complaints and Reports Committee, the Discipline Committee, the Fitness to Practice Committee or the Registration Committee, or the member has agreed to have his or her practice or office monitored, the member shall pay a fee of $1,000.00 for each practice or office monitoring visit conducted by or for the College.

18.8.2 Continuing education courses

The Executive Committee shall determine what course fee, if any, to charge for a continuing education course offered by the College.

18.8.3 Different course fees by membership

The Executive Committee may set a different course fee for members and non-members of the College.

18.8.4 Course fees payable on application

An applicant for a course presented or offered by the College shall pay the applicable course fee upon application.

18.9 Sedation and General Anesthesia

18.9.1 Member's Authorization, initial application

A member applying for authorization to administer minimal sedation or moderate sedation, deep sedation, and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of $600.00 in the case of a Visiting Member and $150.00 otherwise.

18.9.2 Member's Authorization, renewal

A member applying for renewal of an authorization to administer minimal sedation or moderate sedation, deep sedation, and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of $300.00 in the case of a Visiting Member and $150.00 otherwise.

18.9.3 Member's Authorization, inspection

A member who is authorized to perform moderate sedation or deep sedation and/or general anesthesia and who is required to pay an inspection fee under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of $450.00 in the case of a Visiting Member and $150. 00 otherwise.

18.9.4 Member's Authorization, inspection, minimal

A member who is authorized to perform minimal sedation and who is required to pay an inspection fee under By-law 21 (SEDATION AND GENERAL ANESTHESIA), shall pay a fee of $125.00.

18.9.5 Member's Authorization, revision

A member applying to revise an authorization to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of $150.00, and, where the application for revision requires an inspection, an inspection fee of $450.00.

18.9.6 Facility Permit, application

A member applying for a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of $750.00.

18.9.7 Facility Permit, renewal

A member applying for renewal of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay an application fee of $350.00.

18.9.8 Facility Permit, extension inspection

A member required to pay an inspection fee in respect of an extension of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of $600.00.

18.9.9 Facility Permit, renewal inspection

A member required to pay an inspection fee in respect of a renewal of a Facility Permit under By-Law 21 (SEDATION AND GENERAL ANESTHESIA) shall pay a fee of $60000.

18.10 Health Profession Corporation Fees

18.10.1 Certificate of authorization

A corporation applying for a certificate of authorization shall pay a fee of $750.00 for the issuance of the certificate.

18.10.2 Revised certificate of authorization

A corporation applying for a revised certificate of authorization shall pay a fee of $150.00 for the issuance of the revised certificate.

18.10.3 Renewal fee

A corporation applying for renewal of its certificate of authorization shall pay a renewal fee of $175.00, if paid on or before 31 July in the year in which the fee is due, and $200.00 if paid thereafter.

18.10.4 Revoked (November 18, 2021; effective January 1, 2022)

18.11 Dental CT Scanner Fees

18.11.1 Member's Authorization, initial application

A member applying for authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of $150.00.

18.11.2 Member's Authorization, renewal

A member applying for renewal of an authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of $150.00.

18.11.3 Member's Authorization, inspection

A member required to pay an inspection fee under By-law 20 (DENTAL CT SCANNERS) related to the member's authorization to prescribe, order or take dental CT scans shall pay a fee of $175.00.

18.11.4 Member's Authorization, revision

A member applying to revise an authorization to prescribe, order or take dental CT scans under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of $150.00.

18.11.5 Facility Permit, application

A member applying for a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of $850.00 per Facility Permit.

18.11.6 Facility Permit, renewal

A member applying for renewal of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of $400.00.

18.11.7 Facility Permit, revision

A member applying to revise a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay an application fee of $850.00 where an inspection is required and $150.00 otherwise.

18.11.8 Facility Permit, extension inspection

A member required to pay an inspection fee in respect of an extension of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of $700.00.

18.11.9 Facility Permit, renewal inspection

A member required to pay an inspection fee in respect of a renewal of a Facility Permit under By-law 20 (DENTAL CT SCANNERS) shall pay a fee of $700.00.

18.12 Other Fees

18.12.1 Letters of standing

A member or former member of the College who requests a certificate or letter of standing shall pay a fee of $75.00, to be submitted with the request.

18.12.2 Registrar may waive fee

The Registrar may, in his or her sole discretion, waive the fee for a certificate or letter of standing payable under article 18.12.1.

18.12.3 Loss of prescribing privileges

Where a member of the College agrees or is required to give up his or her prescribing privileges, the member shall pay a fee equal to the costs of the College to notify all members of the Ontario College of Pharmacists of the member's loss of prescribing privileges, up to a maximum of $500.00.

18.12.4 Discretionary removal of obsolete, no longer relevant Register information

A member of the College requesting the Registrar to exercise his discretion under subsection 23(7) of the Code shall submit an application in the form provided by the Registrar and a fee of $500.00.

18.12.5 Removal of historical disciplinary and incapacity Register information

A member of the College making an application under clause (c) of subsection 23(11) of the Code shall submit an application in the form provided by the Registrar and where the application relates to a finding of professional misconduct, the member shall submit a fee of $3500.00.

18.12.6 Partial refund on withdrawal

Where a member of the College who was required to pay a fee under article 18.12.5 withdraws the application at least thirty (30) days prior to date on which the application is scheduled to be considered by the Discipline Committee, the applicant shall be refunded $3000.00.

18.12.7 Declined payment fee

A member of the College shall pay a fee of $25.00 where

a. the member purports to make payment to the College by credit card, but the payment is refused by the credit card provider on first submission by the College, or

b. the member purports to make payment to the College by cheque, but the cheque is not honoured on first presentation to the financial institution of the payer.

18.13 Method of Payment

18.13.1 Accepted methods of payment

The College may accept payments made in cash; by credit card accepted by the College; by cheque; by money order; and by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar.

18.13.2 Other methods of payment

Methods of payment other than those set out in article 18.13.1 are not accepted, except as authorized by Council.

18.13.3 Timing of receipt of payment

A fee or other amount is deemed to be paid to the College at the following times:

a. where the payment is made in cash, the date upon which the cash is received at the offices of the College;

b. where payment is made by credit card accepted by the College, the date upon which appropriate authorization is received at the offices of the College;

c. where payment is made by cheque, the date of the cheque or the date that the cheque is received at the offices of the College, whichever is later, provided that the cheque is honoured on first presentation to the financial institution of the payer;

d. where payment is made by money order, the date upon which the money order is received at the offices of the College; and

e. where payment is made by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar, the date upon which the funds are actually received by the College.

18.14 Refunds

18.14.1 All fees non-refundable

Except as otherwise provided in these by-laws, all fees or other amounts paid to the College are non-refundable.

19 EXAMINATION FOR SPECIALITY IN DENTAL ANAESTHESIA

19.1 General

19.1.1 Definition

In this by-law, "**examination**" means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

19.1.2 Re-scoring

A person who is unsuccessful on either the written or oral component of the examination may have the component re-scored by filing a written request with the Registrar within thirty (30) days of receipt of the results of that component of the examination and submitting the applicable fee.

19.2 Eligibility

19.2.1 Eligibility criteria

A person is eligible to attempt the examination if he or she satisfies all of the following conditions:

a. the person has applied for a specialty certificate of registration in dental anaesthesia and obtained the approval of the Registration Committee;

b. the person has paid all applicable fees; and

c. the person has not been unsuccessful on either the written or oral component of the examination on three previous occasions.

19.2.2 Additional attempts

Where a person has been unsuccessful on either the written or oral component of the examination on three previous occasions, the person may not attempt the examination again until he or she has successfully completed such additional education, training, or both approved by a panel of the Registration Committee.

19.2.3 Additional education, training may include new program

The additional education or training approved by a panel of the Registration committee under article 19.2.2 may include the completion of a new approved specialty program that is a requirement for the issuance of a specialty certificate in dental anaesthesia.

19.2.4 Attempts following additional education, training

Where a person has completed additional education, training, or both as approved by the Registration Committee under article 19.2.2, the person's unsuccessful attempts at the examination prior to the completion of the education or training shall not be considered for the purpose of determining eligibility to attempt the examination under article 19.2.1.

20 DENTAL CT SCANNERS[4]

20.1 General

20.1.1 Definitions

In this by-law,

"**CF scan**" means a dental CT scan with a field of view over eight (8) centimetres;

"**CF scanner**" means a craniofacial CT scanner;

"**DA scan**" means a dental CT scan with a field of view eight (8) centimetres or less;

"**DA scanner**" means a dentoalveolar CT scanner;

"**dental CT scan**" means a CT scan taken with a CF scanner or a DA scanner;

"**dental CT scanner**" means a CF scanner or a DA scanner;

[4] This by-law must be read in conjunction with the Standard of Practice of the Royal College of Dental Surgeons of Ontario.

"**dental facility**" means any dental office in which oral health care is provided, including, but not limited to, traditional dental practices, community and school-based dental clinics, and collective living centres and other institutional settings;

"**Facility Permit**" means a permit issued by the College authorizing the member to install and operate a dental CT scanner at a dental facility;

"**inspection**" may include:

a. in relation to a member who prescribes, orders or takes dental CT scans, an audit of the documentation required to be filed with the College upon application for renewal of a Member's Authorization and/or an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection; b. in relation to a member or a dental facility which holds a Facility Permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;

b. in relation to a member or a dental facility which holds a Facility Permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;

"**Member's Authorization**" is the authorization issued by the College to a member under this by-law to permit the member to prescribe, order or take dental CT scans and, unless the context otherwise requires, includes one which has been provisionally issued under article 20.2.7;

"**Registrar**" in this by-law includes the Deputy Registrar or any person to whom the Registrar has delegated a responsibility or authority which the Registrar has under this bylaw; and

"**Standard of Practice**" means the standard of practice published by the College and entitled Standard of Practice: Dental CT Scanners.

20.2 Application, Provisional Authorization

20.2.1 Authorization required

A member of the College shall not prescribe, order, or take dental CT scans without obtaining appropriate authorization from the College.

20.2.2 Application for authorization

A member may apply to obtain authorization from the College to prescribe, order or take dental CT scans by submitting:

a. a completed application in the form provided by the Registrar, along with any requested information;

b. the written agreement required by article 20.2.5;

c. any other documentation requested by the Registrar; and

d. the applicable application fees.

20.2.3 Application to specify

An application under article 20.2.2 to prescribe, order or take dental CT scans shall specify whether the member is seeking authorization to take DA scans or CF scans.

20.2.4 Application for CF scans

An application to prescribe, order or take CF scans shall be deemed to be an application to prescribe, order or take CF scans and DA scans.

20.2.5 Application to cease prescribing, ordering or taking dental CT scans upon notice

A member applying for authorization to prescribe, order or take dental CT scans shall submit a written agreement, in the form provided by the Registrar, to immediately cease prescribing, ordering or taking dental CT scans in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to prescribe, order or take dental CT scans.

20.2.6 Notice to cease prescribing, ordering or taking dental CT scans

Where the Registrar notifies the member under article 20.2.5 to cease prescribing, ordering or taking dental CT scans, the Register will indicate which dental CT scans, if any, the member can continue to prescribe, order or take.

20.2.7 Conditions for provisional authorizations

The Registrar may issue a provisional Member's Authorization to a member who has made an application under article 20.2.2 to prescribe, order or take DA scans, or both DA scans and CF scans, where the Registrar or, failing the Registrar, the Dental CT Scanner Committee is satisfied that:

a. the member has the requisite education and training under the Standard of Practice; and

b. there are no concerns respecting the member's competence or prior conduct in relation to the prescribing, ordering or taking of dental CT scans for which the member is seeking authorization.

20.2.8 Contents of provisional authorizations

A provisional Member's Authorization issued under article 20.2.7 shall specify the following:

a. whether the member is authorized to prescribe, order or take DA scans or both CF scans and DA scans; and

b. that the Member's Authorization is subject to immediate cancellation in the event that the member fails to comply with the written agreement required by article 20.2.5.

20.2.9 Expiry of provisional authorizations

Unless extended by the Registrar, a provisional Member's Authorization expires on the earlier of

a. six (6) months from the date the provisional Member's Authorization was issued; and

b. the date of issuance of an annual Member's Authorization with the same specifications.

20.2.10 Extension of provisional authorizations

The Registrar may extend a provisional Member's authorization for a period of up to three (3) months, subject to any conditions the Registrar may determine appropriate.

20.3 Annual Authorization, Renewal

20.3.1 Conditions for annual authorization

The Registrar may issue an annual Member's Authorization to prescribe, order or take dental CT scans to a member who holds a provisional Member's Authorization to prescribe, order or take dental CT scans where the Registrar is satisfied as a result of an inspection that the member's records required to be maintained with regard to the prescribing, ordering or taking dental CT scans are in compliance with the Standard of Practice.

20.3.2 Expiry of annual authorization

An annual Member's Authorization to prescribe, order or take dental CT scans, including one that has been renewed, expires on the 31st day of October following its issuance or renewal.

20.3.3 Application for renewal

A member may apply for the renewal of an annual Member's Authorization to prescribe, order or take dental CT scans by submitting the following:

a. a completed application, in the form provided by the Registrar, along with any requested documentation;

b. any other documentation requested by the Registrar; and

c. the applicable renewal fees.

20.3.4 Conditions for renewal

The Registrar may renew a member's annual Member's Authorization to prescribe, order or take dental CT scans where the following conditions are met:

a. the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's records required to be maintained with regard to the prescribing, ordering or taking of dental CT scans are in compliance with the Standard of Practice; and

b. the Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the prescribing, ordering or taking of dental CT scans which the member is authorized to administer.

20.3.5 Where renewal prohibited

The Registrar shall not renew a member's annual Member's Authorization to prescribe, order or take dental CT scans where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice unless the Registrar is subsequently satisfied that all deficiencies have been addressed to the Registrar's satisfaction.

20.4 Inspection

20.4.1 Inspection for renewal of Member's Authorization

An inspection required in order to obtain renewal of an annual Member's Authorization shall include an inspection of the member's records with regard to the prescribing, ordering or taking of dental CT scans.

20.4.2 Extension of annual authorization for inspection

Where additional time is needed to allow for an inspection required by this by-law, or where the member requires additional time to rectify any deficiencies found during an inspection, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so, extend a member's annual Member's Authorization, including one that has expired, for a period of up to 90 days.

20.4.3 Conditions of extension

The Registrar may make an extension granted under article 20.4.2 subject to any conditions or inspections the Registrar may consider appropriate.

20.4.4 Inspection fees

A member shall pay the applicable inspection fees where an inspection is required:

a. by the Registrar under article 20.4.1; or; or

b. in order to obtain a renewal of the member's annual Member's Authorization due to deficiencies or concerns found during a previous inspection.

20.5 Amendments to Authorizations

20.5.1 Rescinding authorization

The Registrar may rescind a Member's Authorization where the Registrar is satisfied that:

a. the authorization was issued on the basis of information or representations that were inaccurate, false or misleading; or

b. the member no longer meets the requirements for issuance of such authorization.

20.5.2 Application to revise authorization

A member may apply to revise his or her Member's Authorization by submitting the following:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. any other documentation requested by the Registrar; and

c. the applicable application fees.

20.5.3 Conditions for revision

The Registrar may revise the Member's Authorization provided that the Registrar or, failing the Registrar, the Dental CT Scanner Committee, is satisfied that the member would meet all of the requirements of this by-law for the issuance of a new Member's Authorization with the revisions the member is requesting.

20.6 Facility Permits: General, Application

20.6.1 Facility Permit required

A Facility Permit shall authorize the installation and operation of a dental CT scanner at a specified dental practice location.

20.6.2 One Facility Permit per dental CT scanner

Each Facility Permit shall authorize the installation and operation of one (1) dental CT scanner, and shall specify the following:

a. whether the permit is for a DA Scanner or a CF scanner; and

b. that the Facility Permit is subject to immediate cancellation in the event that the member who holds the Facility Permit fails to comply with the written agreement required under article 20.6.6.

20.6.3 Facility Permit issued to authorized member

A Facility Permit shall only be issued to a member who practices at the dental facility for which the permit is issued and has the appropriate Member's Authorization for the type of dental CT scanner to be installed and operated.

20.6.4 Application for Facility Permit

A member may apply for a Facility Permit by submitting the following:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. any other documentation requested by the Registrar;

c. the written agreement required under article 20.6.6; and

d. the applicable application fees.

20.6.5 Application to specify type of Facility Permit

An application for a Facility Permit shall specify whether the application is for a DA scanner or a CF scanner.

20.6.6 Agreement to comply

A member applying for a Facility Permit shall submit a written agreement, in the form provided by the Registrar, to do the following:

a. to comply fully with the Standard of Practice and this by-law, including the provisions of article 20.8.1 (Duties of Facility Permit holder) and 20.8.2 (Duty to provide information); and

b. to immediately cease the operation of a dental CT scanner at the dental facility in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that

    i. there is a risk of harm to the public should the dental facility continue the operation of a dental CT scanner; or

    ii. the member is in breach of the terms of the written agreement.

20.6.7 Conditions for Facility Permit

The Registrar may issue a Facility Permit to a member where the Registrar, or failing the Registrar, the Dental CT Scanner Committee, is satisfied on the basis of an inspection that the dental facility is in compliance with the Standard of Practice.

20.7 Facility Permits: Expiry, Renewal, Extension, Revision, Cancellation

20.7.1 Expiry of Facility Permit

A Facility Permit, including one that has been renewed, expires on the 31st day of October following its issuance or renewal.

20.7.2 Renewal application for Facility Permit

At least thirty (30) days prior to the expiry of the permit, a member who holds a Facility Permit may apply for the renewal of the permit by submitting an application in the form provided by the Registrar, along with any requested documentation and paying the applicable fees.

20.7.3 Additional documentation

In addition to the requirements of 20.7.2, a member requesting the renewal of a Facility Permit shall provide any documentation requested by the Registrar, within 10 days of receiving the request.

20.7.4 Conditions for renewal

The Registrar may renew a member's Facility Permit where the Registrar is satisfied that:

a. the requirements of articles 20.7.2 and 20.7.3 have been met;

b. an inspection of the dental facility has taken place within the previous 36 months;

c. any inspection of the dental facility requested by the Registrar has been completed;

d. any deficiencies found during any inspection of the dental facility have been rectified; and

e. there is no reason to believe that the dental facility or the members authorized to prescribe, order or take dental CT scans at the dental facility are not in compliance with the Standard of Practice.

20.7.5 Extension of Facility Permit for inspection

Where additional time is needed to allow for an inspection required by this by-law or where the member requires additional time to rectify any deficiencies found during an inspection or where the member requires additional time to comply with article 20.7.2 or article 20.7.3, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so, extend a member's Facility Permit, including one that has expired, for a period of up to 90 days.

20.7.6 Conditions of extension

The Registrar may make an extension granted under article 20.7.5 subject to any conditions or inspections the Registrar may determine appropriate.

20.7.7 Inspection fees

Where an inspection is required by the Registrar under article 20.7.6, the member shall pay the applicable inspection fees.

20.7.8 Cancellation upon replacement

An existing Facility Permit shall be cancelled where any of the following circumstances occur:

a. where a new Facility Permit is issued for a dental facility, which is replacing a dental CT scanner that is the subject of an existing Facility Permit;

b. where the holder of a Facility Permit requests the cancellation of the Facility Permit, either because the dental CT scanner has been moved from the dental facility or for any other reason; or

c. where the Facility Permit has expired.

20.7.9 Cancellation for non-compliance with written agreement

The Registrar may immediately cancel a Facility Permit where the Registrar determines that the member who holds the Facility Permit is not in compliance with the written agreement required under article 20.6.6.

20.7.10 Cancellation conditions for non-compliance with standard

The Registrar may cancel, refuse to renew or place conditions on a member's Facility Permit where an inspection indicates that the dental facility, or any member prescribing, ordering or taking dental CT scans at the dental facility, does not meet any requirement of the Standard of Practice.

20.7.11 Reapplication

Where a Facility Permit is cancelled by the Registrar, the former holder of the Facility Permit may apply for the issuance of a new Facility Permit.

20.7.12 Removal of conditions

Where the Registrar places a condition on a Facility Permit, the Registrar may remove the condition on being satisfied that the dental facility and any member who prescribes, orders or takes dental CT scans at the dental facility are in compliance with the Standard of Practice.

20.8 Duties of Facility Permit Holder

20.8.1 Duties of Facility Permit holder

A member who is the holder of a Facility Permit shall comply with the Standard of Practice and shall ensure that each member who prescribes, orders or takes dental CT scans at the dental facility holds an appropriate Member's Authorization to do so and has received on-site training in the safe operation of the dental CT scanner equipment at the dental facility that the member is authorized to use.

20.8.2 Duties of Facility Permit holder

A member who is the holder of a Facility Permit shall, upon request of the College, provide details of the members who have prescribed, ordered or taken dental CT scans at the dental facility during the preceding twelve (12) months.

20.9 Facility Permit Inspections

20.9.1 Facility Permit Inspections

Each dental facility for which a Facility Permit has been issued is subject to inspection at such times as the Registrar may determine.

20.9.2 Inspections for renewal

Where deficiencies were noted during any inspection of a dental facility conducted in the preceding 36 months, the Registrar may require the dental facility to undergo one or more inspections prior to determining whether to renew the Facility Permit.

20.9.3 Inspections fees

Where an inspection is required by the Registrar under article 20.9.2, the member shall submit the applicable inspection fees.

20.10 Revised Facility Permits

20.10.1 Application

A member holding a Facility Permit may apply for a revised Facility Permit by submitting an application in the form provided by the Registrar to:

a. change the dental practice location referred to in the existing Facility Permit; or

b. change the installed location of the dental CT scanner in the current dental practice location.

20.10.2 Required documentation

A member may apply for a revised Facility Permit by submitting the following”

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. any other documentation requested by the Registrar;

c. the written agreement required under article 20.6.6; and

d. the applicable application fees.

20.10.3 Revised Facility Permit

The Registrar may issue a revised Facility Permit provided that:

a. the member has submitted all of the information and documentation required by article 20.10.2; and

b. where requested by the Registrar, the dental facility and the dental CT scanner at that dental facility have undergone an inspection by an inspector appointed by the Registrar and no evidence of non-compliance with the Standard of Practice was found.

21 SEDATION AND GENERAL ANAESTHESIA[5]

21.1 General

21.1.1 Definitions

In this by-law

"**dental facility"** means any dental office in which oral health care is provided, including, but not limited to, traditional dental practices, community and school-based dental clinics, and collective living centres and other institutional settings;

"**deep sedation**" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation, as more particularly described in the Standard of Practice;

"**Facility Permit**" means a permit issued by the College authorizing the administration of moderate sedation, deep sedation and/or general anesthesia at a dental facility;

"**general anesthesia**" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation, as more particularly described in the Standard of Practice;

"**inspection**" may include:

a. in relation to a member who administers minimal sedation, an audit of the documentation required to be filed with the College upon application for renewal of a Member's Authorization and/or an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection;

b. in relation to a member or a dental facility which holds a Facility Permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection; and

[5] This by-law must be read in conjunction with the Standard of Practice of the Royal College of Dental Surgeons of Ontario.

c. in relation to a Visiting Physician, an inspection of the physician's equipment and emergency drugs by an inspector or inspectors either appointed by or approved by the Registrar and includes are-inspection;

"**Member's Authorization**" is the authorization issued by the College to a member under this by-law to permit the member to administer minimal sedation, moderate sedation, deep sedation and/or general anesthesia-and, unless the context otherwise requires, includes one which has been provisionally issued under article 21.3.7 of this by-law;

"**minimal sedation**" means a minimally depressed level of consciousness. produced by a pharmacological method that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, as more particularly described in the Standard of Practice;

"**moderate sedation**" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation, as more particularly described in the Standard of Practice;

"**nitrous oxide and oxygen sedation**" means the sedation achieved by the administration of nitrous oxide and oxygen for the purpose of minimal sedation, as more particularly described in the Standard of Practice;

"**oral minimal sedation**" means the sedation achieved by the oral administration of a single sedative drug for the purpose of minimal sedation, as more particularly described in the Standard of Practice;

"**oral moderate sedation**" means the sedation achieved by the oral administration of a sedative drug with or without nitrous oxide and oxygen for the purpose of moderate sedation, as more particularly described in the Standard of Practice;

"**parenteral moderate sedation**" means the sedation achieved by the administration of a drug intravenously, intramuscularly, subcutaneously, submucosally or intranasally for the purpose of moderate sedation, as more particularly described in the Standard of Practice;

"**physician**" means a member of the College of Physicians and Surgeons of Ontario who

a. holds a certificate of registration issued by the College of Physicians and Surgeons of Ontario permitting the member to practise independently, and

b. is qualified by the College of Physicians and Surgeons of Ontario to administer moderate sedation, deep sedation and/or general anesthesia in a dental facility for which a Facility Permit has been issued;

"**Registrar**" in this by-law includes the Deputy Registrar or any person to whom the Registrar has delegated a responsibility or authority which the Registrar has under this by-law;

"**Standard of Practice**" means the standard of practice published by the College and entitled Standard of Practice: Use of Sedation and General Anesthesia in Dental Practice;

"**Type A Facility Permit**" means a Facility Permit which requires the dental facility to provide and have present at all times all of the equipment and emergency drugs needed to meet the requirements of the Standard of Practice;

"**Type B Facility Permit**" means a Facility Permit which requires the dental facility to utilize a Visiting Member or Visiting Physician to perform moderate sedation, deep sedation and/or general anesthesia at the dental facility;

"**Visiting Member**" means a member who holds a Member's Authorization and who is authorized under this by-law to perform moderate sedation, deep sedation and/or general anesthesia at a dental facility for which a Type B Facility Permit has been issued; and

"**Visiting Physician**" means a physician who performs moderate sedation, deep sedation and/or general anesthesia at a dental facility for which a Type B Facility Permit has been issued.

21.2 Minimal Sedation: Application, Authorization, Renewal [6]

21.2.1 Modalities of minimal sedation

The following are the modalities of minimal sedation:

a. nitrous oxide and oxygen sedation;

b. oral minimal sedation.

21.2.2 Application for minimal sedation

A member may apply to obtain authorization from the College to administer minimal sedation by submitting:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. the written agreement required by article 21.2.4;

c. any other documentation requested by the Registrar; and

d. the applicable application fees.

21.2.3 Application to specify

An application under article 21.2.2 to administer minimal sedation shall specify the modalities of sedation which the member is seeking to be authorized to perform.

21.2.4 Agreement to cease administration upon notice

[6] This Chapter shall be effective April 20, 2020.

A member applying for authorization to administer minimal sedation shall submit a written agreement, in the form provided by the Registrar, to immediately cease administering minimal sedation in the event that the Register notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to administer minimal sedation.

21.2.5 Conditions for annual authorization to administer minimal sedation

The Registrar may issue an annual Member's Authorization to a member who has made an application under article 21.2.2 to administer minimal sedation where the Registrar or, failing the Registrar, the Sedation and Anesthesia Committee is satisfied that:

a. the member has the requisite education and training under the Standard of Practice; and

b. there are no concerns respecting the member's competence or prior conduct in relation to the administration of minimal sedation.

21.2.6 Expiry of annual authorization

An annual Member's Authorization for minimal sedation, including one that has been renewed, expires on the 31st day of March following its issuance or renewal.

21.2.7 Application for renewal

A member may apply for the renewal of an annual Member's Authorization for minimal sedation by submitting the following:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. evidence satisfactory to the Registrar that the member has maintained the life support certification required by the Standard of Practice;

c. any other documentation requested by the Registrar; and

d. the applicable renewal fees.

21.2.8 Conditions for renewal to administer minimal sedation

The Registrar may renew a member's annual Member's Authorization to administer minimal sedation where the following conditions are met:

a. The Registrar is satisfied, as a result of an inspection conducted in the manner specified by the Registrar that the member's records require to be maintained with regard to the administration of minimal sedation are in compliance with the Standard of Practice:

b. The Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the administration of minimal sedation;

c. The Registrar is satisfied with the results of the inspection required by article 21.5.1.

21.2.9 Where renewal prohibited

The Registrar shall not renew a member's annual Member's Authorization for minimal sedation where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice.

21.3 Moderate Sedation, Deep Sedation, General Anesthesia Application, Provisional Authorization

21.3.1 Modalities of moderate sedation

The following are the modalities of moderate sedation:

a. oral moderate sedation;

b. parenteral moderate sedation with one (1) sedative drug;

c. parenteral moderate sedation with two (2) sedative drugs.

21.3.2 Application for moderate sedation or deep sedation and/or general anesthesia

A member may apply to obtain authorization from the College to administer moderate sedation or deep sedation and/or general anesthesia by submitting:

a. a completed application in the form provided by the Registrar, along with

b. the written agreement required by article 21.3.5;

c. any other documentation requested by the Registrar; and

d. the applicable application fees.

21.3.3 Application to specify

An application under article 21.3.2 to administer moderate sedation or deep sedation and/or general anesthesia shall specify the following:

a. whether the member is seeking authorization to be a Visiting Member;

b. whether the member is seeking authorization to perform general anesthesia and, if not, the modalities of sedation which the member is seeking to be authorized to perform.

21.3.4 Application for deep sedation

An application under article 21.3.2 to administer deep sedation shall be deemed to be an application to administer deep sedation and general anesthesia.

21.3.5 Agreement to cease administration upon notice

A member applying for authorization to administer moderate sedation or deep sedation and/or general anesthesia shall submit a written agreement, in the form provided by the Registrar, to immediately cease administering minimal sedation, moderate sedation or deep sedation and/or general anesthesia in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia.

21.3.6 Notice to cease administration

Where the Registrar notifies the member under article 21.3.5 to cease administering minimal sedation, moderate sedation or deep sedation and/or general anesthesia, the Registrar will indicate which modalities of sedation, if any, the member can continue to use.

21.3.7 Conditions for provisional authorizations

The Registrar may issue a provisional Member's Authorization to a member who has made an application under article 21.3.2 to administer moderate sedation or deep sedation and/or general anesthesia where the Registrar or, failing the Registrar, the Sedation and Anesthesia Committee is satisfied that:

a. the member has the requisite education and training under the Standard of Practice; and

b. there are no concerns respecting the member's competence or prior conduct in relation to the administration of deep sedation, general anesthesia, or the modalities of moderate sedation requested by the application.

21.3.8 Contents of provisional authorization

A provisional Member's Authorization issued under article 21.3.7 shall specify the following:

a. whether the member is authorized to administer deep sedation and general anesthesia and, if not, the modalities of moderate sedation that the member is authorized to administer;

b. whether the member is a Visiting Member or is limited to administering moderate sedation deep sedation and/or general anesthesia at a dental facility that holds a Type A Facility Permit; and

c. that the Member's Authorization is subject to immediate cancellation in the event that the member fails to comply with the written agreement required by article 21.3.5.

21.3.9 Expiry of provisional authorization

Unless extended by the Registrar, a provisional Member's Authorization expires on the earlier of

a. three (3) months from the date the provisional Member's Authorization was issued; and

b. the date of issuance of an annual Member's Authorization with the same specifications.

21.3.10 Extension of provisional authorization

The Registrar may extend a provisional Member's authorization for a period of up to three (3) months subject to any conditions the Registrar may determine appropriate.

21.4 Moderate Sedation, Deep Sedation, General Anesthesia: Annual Authorization

21.4.1 Conditions for annual authorization to administer moderate sedation or deep sedation and/or general anesthesia

The Registrar may issue an annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia to a member who holds a provisional Member's Authorization for moderate sedation or deep sedation and/or general anesthesia where the Registrar is satisfied as a result of an inspection that the member's records required to be maintained with regard to the administration of moderate sedation or deep sedation and/or general anesthesia are in compliance with the Standard of Practice.

21.4.2 Expiry of annual authorization

An annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia, including one that has been renewed, expires on the 31st day of March following its issuance or renewal.

21.4.3 Application for renewal

A member may apply for the renewal of an annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia by submitting the following:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. evidence satisfactory to the Registrar that the member has maintained the life support certification required by the Standard of Practice;

c. any other documentation requested by the Registrar; and

d. the applicable renewal fees.

21.4.4 Conditions for renewal to administer moderate sedation or deep sedation and/or general anesthesia

The Registrar may renew a member's annual Member's Authorization for moderate sedation or deep sedation and/or general anesthesia where the following conditions are met:

a. the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's records required to be maintained with regard to the administration of moderate sedation, deep sedation and/or general anaesthesia are in compliance with the Standard of Practice.

b. where the member is a Visiting Member, the Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's equipment and emergency drugs are in compliance with the Standard of Practice.

c. The Registrar is satisfied that the member continues to meet all of the requirements of the Standard of Practice and this by-law related to the administration of the type of sedation and/or general anesthesia which the member is authorized to administer.

21.4.5 Where renewal prohibited

The Registrar shall not renew a member's annual Member's Authorization for moderate sedation, or deep sedation, and/or general anesthesia where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice unless the Registrar is subsequently satisfied that all deficiencies have been addressed to the Registrar's satisfaction.

21.5 Inspection

21.5.1 Inspection for Renewal of Member's Authorization

An inspection required in order to obtain a renewal of an annual Member's Authorization shall include the following:

a. an inspection of the member's records with regard to the administration of minimal sedation, moderate sedation or deep sedation, and/or general anesthesia: and;

b. in the case of a Visiting Member, an inspection of the member's equipment and emergency drugs.

21.5.2 Extension of annual authorization for inspection

Where additional time is needed to allow for an inspection required by this by-law, or where the member requires additional time to rectify any deficiencies found during an inspection, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so:

a. extend a member's annual Member Authorization. including one that has expired, for a period of up to 90 days; and

b. extend a Visiting Member's Authorization, including one that has expired, for a period of up to 30 days.

21.5.3 Conditions for extension

The Registrar may make an extension granted under article 21.5.2 subject to any conditions or inspections the Registrar may determine appropriate.

21.5.4 Inspection fees

A member shall pay the applicable inspection fees where an inspection is required

a. by the Registrar under article 21.5.1, or

b. in order to obtain a renewal of the member's annual Member's Authorization due to deficiencies or concerns found during a previous inspection.

21.6 Amendments to Authorizations

21.6.1 Rescinding authorization

The Registrar may rescind a Member's Authorization where the Registrar is satisfied that

a. the authorization was issued on the basis of information or representations that were inaccurate, false, or misleading; or

b. the member no longer meets the requirements for the issuance of such authorization.

21.6.2 Application to revise authorization

A member may apply to revise his or her Member's Authorization by submitting the following:

a. a completed application in the form provided by the Registrar, along with any requested documentation;

b. any other documentation requested by the Registrar;

c. the applicable application fees; and

d. where the application includes permitting the member to be a Visiting Member, the applicable inspection fees.

21.6.3 Conditions for revision

The Registrar may revise the Member's Authorization provided that:

a. the Registrar or, failing the Registrar, the Sedation and General Anesthesia Committee. is satisfied that the member would meet all of the requirements of this by-law for the issuance of a new Member's Authorization with the revisions the member is requesting; and

b. where the application for revision includes permitting the member to be a Visiting Member, the Registrar is satisfied as a result of an inspection that the member's equipment and emergency drugs are in compliance with the Standard of Practice.

21.7 Facility Permits: General, Application

21.7.1 Facility Permit required

A Facility Permit shall authorize the use of one or more modalities of moderate sedation or deep sedation and/or general anesthesia at a specified dental practice location.

21.7.2 Facility Permit for deep sedation

A Facility Permit authorizing the use of general anesthesia also authorizes the administration of deep sedation and all modalities of moderate sedation.

21.7.3 Facility Permit issued to owner or designated owner

A Facility Permit shall only be issued to the member who owns the dental facility for which the permit is issued, or, in the case of multiple owners, to the member-owner designated by the owners to be the holder of the Facility Permit.

21.7.4 Application for Facility Permit

A member may apply for a Facility Permit by submitting the following:

a. a completed application in the form provided by the Registrar. along with any requested documentation;

b. any other documentation requested by the Registrar;

c. the written agreement required under article 21.7 .6; and

d. the applicable application fees.

21.7.5 Application to specify type of Facility Permit

An application for a Facility Permit shall specify whether the application is for a Type A Facility Permit, a Type B Facility Permit, or both.

21.7.6 Agreement to comply, cease administration upon notice

A member applying for a Facility Permit shall submit a written agreement, in the form provided by the Registrar, to do the following:

a. to comply fully with the Standard of Practice and this by-law, including the provisions of article 21.9.1 (Duties of Facility Permit holder) and 21.9.2 (Duty to provide information);

b. to immediately cease the use of minimal sedation. moderate sedation or deep sedation and/or general anesthesia at the dental facility in the event that the Register notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that:

   i. there is a risk of harm to the public should the dental facility continue to use minimal sedation, moderate sedation, deep sedation, and/or general anesthesia; or

   ii. the member is in breach of the terms of the written agreement; and

c. to immediately cease to use a physician to administer minimal sedation, moderate sedation or deep sedation and/or general anesthesia in the event that the Registrar notifies the member that the Registrar has reasonable and probable grounds to believe that:

   i. the physician is not in compliance with the Standard of Practice; or

   ii. there is a risk of harm to the public should the dental facility continue to use the physician.

21.7.7 Conditions for Facility Permit

The Registrar may issue a Facility Permit to a member where the Registrar or, failing the Registrar, the Sedation and General Anesthesia Committee, is satisfied on the basis of an inspection that the dental facility is in compliance with the Standard of Practice.

21.7.8 Contents of Facility Permit

Each Facility Permit shall specify the following:

1. whether the Facility Permit is a Type A or Type B Facility Permit;

2. for a Type A Facility Permit, whether deep sedation and general anesthesia are authorized to be used at the dental facility, and if not, the modalities of moderate sedation authorized to be used at the dental facility;

3. for a Type B Facility Permit. that moderate sedation or deep sedation and/or general anesthesia must be administered by a Visiting Member or by a Visiting Physician

whose equipment and emergency drugs have been subject to an inspection and found to be in compliance with the Standard of Practice;

4. that the Facility Permit is subject to immediate cancellation in the event that the member who holds the Facility Permit fails to comply with the written agreement required under article 21.7.6.

21.8 Facility Permits: Expiry, Renewal, Extension, Revision, Cancellation

21.8.1 Expiry of Facility Permit

A Facility Permit, including one that has been renewed, expires on the 31st day of March following its issuance or renewal.

21.8.2 Renewal Application for Facility Permit

At least thirty (30) days prior to the expiry of the permit it, a member who holds a Facility Permit may apply for the renewal of the permit by submitting an application in the form provided by the Registrar, along with any requested documentation and paying the applicable fees.

21.8.3 Additional Documentation

In addition to the requirements of 21.8.2, a member requesting the renewal of a Facility Permit shall provide any documentation requested by the Registrar, within 10 days of receiving the request.

21.8.4 Conditions for renewal

The Registrar may renew a member's Facility Permit where the Registrar is satisfied that

a. the requirements of articles 21.8.2 and 21.8.3 have been met;

b. an inspection of the dental facility has taken place within the previous 36 months;

c. any inspection of the dental facility requested by the Registrar has been completed;

d. any deficiencies found during any inspection of the dental facility have been rectified; and

e. there is no reason to believe that the dental facility or the members or physicians authorized or qualified to administer moderate sedation or deep sedation and/or general anesthesia at the dental facility are not in compliance with the Standard of Practice.

21.8.5 Extension of Facility Permit for inspection

Where additional time is needed to allow for an inspection required by this by-law or where the member requires additional time to rectify any deficiencies found during an inspection or where

the member requires additional time to comply with article 21.8.2 or article 21.8.3, the Registrar may, provided the Registrar is satisfied that there is no risk to the public in doing so:

a. extend a member's Facility Permit including one that has expired, for a period of up to 30 days in the case of a Type A Facility Permit; and

b. extend a member's Facility Permit. including one that has expired, for a period of up to 90 days in the case of a Type B Facility Permit;

21.8.6 Conditions of extension

The Registrar may make an extension granted under article 21.8.5 subject to any conditions or inspections the Registrar may determine appropriate.

21.8.7 Inspection Fees

Where an inspection is required by the Registrar under article 21.8.6, the member shall pay the applicable inspection fees.

21.8.8 Revisions to Facility Permits

The Registrar may revise a Type A Facility Permit into a Type B Facility Permit upon application by the holder of the Facility Permit.

21.8.9 No additional revisions to Facility Permit

No revisions to a Facility Permit shall be made, other than a revision under article 21.8.8.

21.8.10 Cancellation upon replacement

Where a new Facility Permit is issued for a dental facility which has at the time of issuance an existing Facility Permit of the same type, the existing Facility Permit is automatically cancelled.

21.8.11 Cancellation for non-compliance with written agreement

The Registrar may immediately cancel a Facility Permit where the Registrar determines that the member who holds the Facility Permit is not in compliance with the written agreement required under article 21.7.6.

21.8.12 Cancellation, conditions for non-compliance with standard

The Registrar may cancel, refuse to renew, or place conditions on a member's Facility Permit where an inspection indicates that the dental facility, or any member or physician administering moderate sedation or deep sedation and/or general anesthesia at the dental facility, does not meet any requirement of the Standard of Practice.

21.8.13 Reapplication

Where a Facility Permit is cancelled by the Registrar, the former holder of the Facility Permit may apply for the issuance of a new Facility Permit.

21.8.14 Removal of conditions

Where the Registrar places a condition on a Facility Permit, the Registrar may remove the condition on being satisfied that the dental facility and any member or physician who administers moderate sedation or deep sedation and/or general anesthesia at the dental facility are in compliance with the Standard of Practice.

21.9 Duties of Facility Permit Holder

21.9.1 Duties of Facility Permit holder

A member who is the holder of a Facility Permit shall comply with the Standard of Practice and shall ensure that all of the following conditions are met:

a. Each member who administers moderate sedation or deep sedation and/or general anesthesia in the dental facility holds an appropriate Member's Authorization to do so;

b. Each physician, including each Visiting Physician, who administers moderate sedation or deep sedation and/or general anesthesia in the dental facility:

   i. has notified the Out-of-Hospital Premises Inspection Program of the College of Physicians and Surgeons of Ontario of his or her intent to provide moderate sedation or deep sedation and/or general anesthesia in a dental facility and has been qualified by that College to administer the applicable modality of moderate sedation or deep sedation and/or general anesthesia for which the Facility Permit was issued; and

   ii. has maintained the life support certification required by the standards of practice of the College of Physicians and Surgeons of Ontario applicable to the Out-of-Hospital Premises Inspection Program.

c. The equipment and emergency drugs of each Visiting Physician have been subject to an inspection to satisfy the Registrar that the equipment and emergency drugs are in compliance with the Standards of Practice prior to the Visiting Physician's first administration of moderate sedation or deep sedation and/or general anesthesia and at least one inspection every three (3) years thereafter.

21.9.2 Duty to provide information

A member who is the holder of a Facility Permit shall, upon request of the College, provide details of the members and physicians who have administered moderate sedation or deep sedation and/or general anesthesia at the dental facility during the preceding twelve (12) months.

21.10 Facility Permit Inspections

21.10.1 Facility subject to inspection

Each dental facility for which a Facility Permit has been issued is subject to inspection at such times as the Registrar may determine.

21.10.2 Inspections for renewal

Where deficiencies were noted during any inspection of a dental facility conducted in the preceding 36 months, the Registrar may require the dental facility to undergo one or more inspections prior to determining whether to renew the Facility Permit.

21.10.3 Inspections fees

Where an inspection is required by the Registrar under article 21.10.2, the member shall submit the applicable inspection fees.

22 PROFESSIONAL LIABILITY AND INDEMNIFICATION

22.01 Professional Liability

22.01.01 Arrangements for professional liability indemnity

Council may cause the College to enter into arrangements for itself and its members respecting the indemnity of members for professional liability.

22.1 Professional Liability Coverage

Definitions:

22.1.1

In this by-law,

"**Professional Dental Services**" means those services which would be included in the scope of practice of dentistry under the *Dentistry Act*, 1991 (Ontario) and any successor legislation and, without limiting the generality of the foregoing, means those services usually performed or which ought to have been performed by or on behalf of a member in the member's capacity as a dentist. For greater clarity, Professional Dental Services shall be deemed to include those professional services reasonably considered by the College to be part of, related to, or ancillary to the practice of dentistry in Ontario; and

"**Dentistry Profession Corporation**" means a health profession corporation which has been issued a certificate of authorization by the College.

22.1.2

Every member holding a certificate of registration of any class issued by the College shall maintain professional liability coverage for all errors and omissions that may occur while providing Professional Dental Services in Ontario, in the manner required by this by-law, to ensure that

compensation is available for persons who have sustained damages as a result of the providing of or failure to provide those Professional Dental Services.

22.1.3

The professional liability coverage described above in Section 22.1.2 shall be purchased or arranged as follows:

i. for the calendar year 2026 professional liability coverage shall be arranged by the College for all members and former members;

ii. for the calendar year 2027, professional liability coverage shall, in the discretion of the College, be arranged by the College for all members and former members, and if professional liability coverage is not arranged by the College, professional liability coverage must be purchased by each member on or before the date their annual fee becomes payable (including each member who will cease to be a member during the calendar year 2027) through a policy of insurance issued through Jones DesLauriers Insurance Management Inc. (JDIMI) in which the member is specifically named as the named insured;

iii. for the calendar year 2028, each member (including each member who will cease to be a member during the calendar year 2028) shall on or before the date their annual fee becomes payable purchase a policy of insurance issued through JDIMI in which the member is specifically named as the named insured; and

iv. during the period commencing on January 1, 2029 and thereafter each member shall purchase professional liability coverage on or before the date their annual fee becomes payable through one or more of the following:

    a. a policy of insurance issued by a licensed insurance provider in Canada, which policy will specifically name the member as a named insured; or

    b. a policy of insurance issued by a licensed insurance provider in Canada obtained by an employer of the member which provides professional liability insurance for the member as an employee of the named insured.

22.1.4

Any professional liability coverage purchased or arranged as described above in Section 22.1.3(i), (ii) and (iii) shall include coverage of a minimum of $2,000,000.00 per occurrence and a minimum of $6,000,000.00 in the aggregate for each member per year in addition to unlimited coverage for investigative costs, legal defense costs, legal costs awarded to the claimant and pre- and post-judgment interest and shall include, at a minimum, coverage for the following persons as insureds under the policy:

a. each member

b. each Dentistry Profession Corporation but only with respect to the rendering of Professional Dental Services by the Dentistry Profession Corporation, its shareholders or its employees;

c. each partnership of members or Dental Profession Corporations or both, but only with respect to the rendering of Professional Dental Services by the partners or Dental Profession Corporations, their shareholders or their employees;

d. each officer, director and shareholder of each Dental Profession Corporation, but only with respect to the rendering of Professional Dental Services by the shareholders and employees of such Dental Professional Corporation; and

e. each employee of each member, Dental Profession Corporations, dentists' partnerships and partnerships of Dental Profession Corporations but only in respect of the provision of Professional Dental Services for or on behalf of a member, Dental Profession Corporation, a dentists' partnership or a partnership of Dental Profession Corporations.

22.1.5

Where an individual member would be an insured under the paragraph (e) of Section 22.1.4 above but is an employee of a corporation which is an employee of an insured defined in paragraphs (a), (b), (c) or (d) of Section 22.1.4 above, the employee for the purposes of paragraph (e) of Section 22.1.4 above must be deemed to be an employee of an insured defined under paragraphs (a), (b), (c) or (d) of Section 22.1.4 above.

22.1.6

Any professional liability coverage as described above in Section 22.1.3(iv) shall include coverage as determined appropriate by Council and set out in a by-law considered and passed by Council effective January 1, 2029. Failing the passage of such a by-law prescribing the minimum professional liability coverage required by the College prior to January 1, 2029 (a "**Minimum Coverage By-Law**"), the professional liability coverage with respect to each calendar year until the passage by the College of a Minimum Coverage By-Law shall be equal to the coverage required by Section 22.1.4 above.

22.2 Indemnity to Members of Council, Officers and Others

22.2.1 Members of Council, officers and others indemnified

Every member of the Council, every member of a committee, every officer of the College, every employee of the College, and every investigator, inspector, assessor, monitor, and expert consultant engaged by the College or any of its committees who, in respect of the execution or intended execution of his/her duties has undertaken or is about to undertake any liability on behalf of the College, and his/her respective heirs, executors and administrators, and estates and effects shall at all times be indemnified and saved harmless out of the funds of the College from and against all costs, charges, and expenses whatsoever which such person sustains or incurs in or about any action, suit, or proceeding that is brought, commenced or prosecuted against him/her in

or about the execution or intended execution of the duties of his/her office or employment or in respect of any such liabilities, save and except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

23 COLLEGE FINANCES

23.1 Banking

23.1.1 Definition

In this by-law, a "**bank**" means the bank appointed by the Executive Committee under article 23.1.2.

23.1.2 Executive Committee to appoint bank

The Executive Committee shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the College.

23.1.3 All money deposited with bank

All money belonging to the College shall be deposited in the name of the College with the bank.

23.1.4 Registrar may endorse

The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.

23.1.5 Endorsement by stamp

The Registrar may endorse a negotiable instrument by means of the College's rubber stamp.

23.2 Borrowing and Security

23.2.1 Borrowing powers of Council

Council may

a. borrow money upon the credit of the College

b. limit or increase the amounts to be borrowed

c. issue, sell, or pledge securities of the College for such sums or prices as may be deemed expedient, and

d. charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, currently owned or subsequently acquired, and to secure generally any other obligation or liability of the College.

23.2.2 Authorized representative for borrowed monies

Council may authorize any member of Council, an officer or employee of the College, or any other person to perform any one or more of the following functions:

a. make arrangements in respect of monies borrowed or to be borrowed and the terms and conditions of such related loans or securities;

b. vary or modify the arrangements, terms and conditions of loans and securities;

c. give additional securities for any monies borrowed or remaining due by the College; or

d. generally manage, transact, and settle the borrowing of money by the College.

23.3 Cheques, Drafts, Notes

23.3.1 Authorized signatories on cheques, etc.

All cheques, drafts, or orders for the payment of money and all notes, acceptances, and bills of exchange shall be signed by such officers or other persons and in such manner as authorized by Council by resolution.

23.4 Investment

23.4.1 Investment of funds by officers, other persons

The Registrar, CFO, or the College's Controller and such other officers or persons authorized by Council, may invest or re-invest funds of the College, not immediately required, in accordance with the Investment Policy of the College, in any one or more of the following investments:

a. Bonds, debentures, or other evidence of indebtedness guaranteed by

   i. the Government of Canada,

   ii. the Government of Ontario

   iii. the government of any other province of Canada, which province, at the time of such investment was rated by the Dominion Bond Rating Service as one of the five best rated provinces of Canada; or

b. Deposit receipts, deposit notes, bail-in bonds, certificates of deposit, acceptances and other similar instruments issued or endorsed by the

   i. Bank of Montreal,

   ii. Bank of Nova Scotia,

   iii. Canadian Imperial Bank of Commerce

   iv. Royal Bank of Canada

v. Toronto-Dominion Bank;

vi. National Bank; and

c. Bonds, debentures, promissory notes and other similar instruments issued or endorsed by Canadian public corporations, the terms of which provide that the principal and interest shall be fully repaid; and

d. Equity instruments in which a trustee may properly invest money under the *Trustee Act*, Ontario (which include common stock, preferred shares, exchange traded funds, pooled and mutual funds and structured notes).

23.4.1.1 Reporting of Investment

Each investment or reinvestment will be reported to the President and the Chair of the Finance, Audit and Risk Committee of the College within 15 business days after receipt of the trade confirmation.

23.4.2 Investment of funds by Finance, Audit and Risk Committee

The Finance, Audit and Risk Committee may by resolution invest or reinvest funds of the College not immediately required in any security in which a trustee may properly invest trust money under the *Trustee Act*, Ontario.

23.4.3 Same, delegation to officer

The Finance, Audit and Risk Committee may authorize by resolution officers of the College to implement its decisions related to the investment or re-investment of funds of the College.

23.5 Custody of Shares and Securities

23.5.1 Shares and securities to be held in bank, etc.

All shares and securities owned by the College shall be lodged in the name of the College and held

a. with a chartered bank or a trust company

b. in accounts with brokerage houses authorized by the Finance, Audit and Risk Committee, or

c. with such other depositories or in such manner as determined by Council.

23.5.2 Bonds, etc. held by nominees

All share certificates, bonds, debentures, notes or obligations belonging to the College shall be held or issued in the name of a nominee or nominees of the College or jointly in the name of more than one nominee of the College with the right of survivorship.

23.5.3 Certificates, etc. endorsed in blank, guaranteed

All share certificates, bonds, debentures, notes or obligations belonging to the College and held or issued in the name of a nominee or nominees of the College shall be maintained in a manner that enables the transfer and registration of such instruments.

23.6 Fiscal Year

23.6.1 Fiscal year is calendar year

The fiscal year of the College shall be the calendar year, 01 January to 31 December inclusive.

23.7 Auditors

23.7.1 Council to appoint auditor annually

The Council shall appoint an Auditor for a term of one year to audit the accounts of the College.

23.8 Reserve Funds

23.8.1 Reserve funds established by resolution

Council may establish, in accordance with Council's policy on Reserve Funds, either by a separate motion or as a consequence of a motion to approve a budget, such reserve funds as Council considers prudent.

24 SIGNING AUTHORITIES

24.1 College Seal

24.1.1 Official seal

The seal impressed in the margin of this document is the official seal of the College.

24.1.2 Use of College seal

The official seal of the College may be affixed to any duly signed contracts, documents, or other written instruments.

24.2 Execution of Contracts, Documents, and Other Instruments

24.2.1 Appointment of additional signing officers

Council may appoint by resolution any person to sign any, or any specified contracts, documents, or other written instruments on behalf of the College.

24.2.2 Signing of contracts, etc.

24.2.2.1 Budgeted matters

Contracts, documents or any other instrument requiring the signature of the College, if included in a Council approved budget, shall be signed by

a. one of the Registrar, CFO, Deputy Registrar, or Controller, where the total value of the contract, excluding taxes, is not greater than $50,000.00,

b. two of the Registrar, CFO, Deputy Registrar, and Controller, where the total value of the contract excluding taxes, is equal to or greater than $50,000.00 but not more than $100,000.00, and

c. two of the Registrar, CFO and Deputy Registrar, where the total value of the contract, excluding taxes, is equal to or greater than $100,000.00.

24.2.2.2 Unbudgeted matters

Contracts, documents or any other instrument requiring the signature of the College, if not included in a Council approved budget, shall be signed by

a. two of the Registrar, CFO, Deputy Registrar, and Controller, where the total value of the contract, excluding taxes, is not greater than $50,000.00, or

b. the President or Vice President, together with one of the Registrar, CFO or Deputy Registrar, where the total value of the contract, excluding taxes, is equal to or greater than $50,000.00.

24.2.3 Binding on signature

All contracts, documents, and other written instruments signed in in accordance with article 24.2.2 shall bind the College without any further authorization or formality.

24.2.4 Signing of summonses, notices, etc.

The Registrar may sign summonses, notices, and other similar documents on behalf of the College or any committee, except where proscribed by law.

25 ACCESS TO INFORMATION

25.1 Information Available to Members

25.1.1 Members cannot require disclosure of information

Except as provided by the Act, regulations, by-laws, or as required by law, no member of the College is entitled to or can require disclosure of any information regarding the affairs or business of the College that would, in the opinion of Council, be inexpedient, inadvisable, or otherwise not in the interests of the College to communicate to the public.

25.1.2 Council determines access to College records

Except as otherwise provided by the Act, regulations, by-laws, or as required by law, Council may determine whether, to what extent, and under what conditions, the documents, books, registers, books of account, and accounting records of the College shall be opened to inspection by members of the College.

25.1.3 Access to College records granted by statute, Council

No member of the College may inspect any document, book, register, book of account, or accounting record of the College except as provided by the Act, regulations, by-laws, or as required by law or authorized by Council.

26 PROCEDURE

26.1 Enactment, Amendment and Revocation of By-Laws

26.1.1 Two-thirds vote needed to enact, amend, or revoke a by-law

By-laws may be enacted, amended, or revoked by a two-thirds vote of the members of Council present at a Council meeting called for that purpose.

26.2 Notices

26.2.1 Method of service

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, or any other person, shall be served either personally, by post, or by courier.

26.2.2 Electronic service

Except as otherwise provided by the Act or regulations, a notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, may be given by facsimile, electronic mail or similar electronic means.

26.2.3 Address of service

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, shall be sent to the recipient's current address as it appears in the books of the College, or where no such address is available, to the recipient's last known address.

26.2.4 Personal service

Subject to the Act, regulations, and by-laws, every notice or other document sent by personal service shall be deemed to have been given when it is delivered.

26.2.5 Service by post

Subject to the Act, regulations, and by-laws, every notice or other document sent by post shall be deemed to have been given five days after the notice or other document was deposited in a post office or public letter box, provided that the notice or other document was addressed in the manner provided for in article 26.2.2 and affixed with sufficient postage.

26.2.6 Service by courier

Subject to the Act, regulations, and by-laws, every notice or other document sent by courier shall be deemed to have been given when the notice or other document was delivered.

26.2.7 Service by other means

Subject to the Act, regulations, and by-laws, every notice or other document delivered by means other than personal delivery, post, or courier shall be deemed to have been given at the time it arrived at the address provided for in article 26.2.3.

26.2.8 Signatures

The signatures to any notice or other document given by the College may be written, stamped, typewritten, or printed, in whole or in part.

26.2.9 Counting of notice period

Except as otherwise provided by the Act, regulations, or by-laws, when counting a period of time required for the giving of notice, each and every day, including holidays, non-juridical days, and the day of service or posting of the notice, shall be counted in such period of time, but the day on which the notice is given shall not be counted.

27 DECLARED EMERGENCY

27.1 General

27.1.1 Definition of "emergency"

In this by-law, "**emergency**" has a meaning ascribed to by the *Emergency Management and Civil Protection Act*, Ontario.

27.1.2 Declared emergency

A declared emergency shall occur where

a. the executive committee has, by majority resolution, declared there to be an emergency; or

b. the registrar has declared there to be an emergency provided that the registrar may only do so if there has been a declared emergency under the *Emergency Management and Civil Protection Act* anywhere in the province of Ontario and the executive committee is unable to meet within twenty-four hours of such declaration.

27.1.3 Effective during emergency

The provisions of by-law 27 (DECLARED EMERGENCY) shall only take effect during a declared emergency.

27.1.4 By-law takes priority

In the event of a conflict between this by-law and any other by-law of the College, the provisions of this by-law shall prevail.

27.2 Procedures During a Declared Emergency

27.2.1 Emergency Procedures

In the event of a declared emergency the following provisions shall apply to the governance of Council:

a. the Registrar, or if the Registrar is unable to do so the President, or if the President is unable to do so the Vice-President, shall immediately give notice to every member of Council that a declared emergency exists;

b. the quorum for a meeting of the executive committee shall be two, at least one of whom shall be the President or the Vice-President;

c. all members of Council shall be members of the Registration Committee;

d. in the event that the Registrar determines that an election of members of Council is not able to be held, the term of office of each elected and selected member of Council shall continue until the first regular meeting of Council held after the next election; and

e. a special Council meeting either held in person or by teleconference may be called by the President or the Registrar at any time on such notice as is sufficient for a quorum to be present in person or by teleconference and at such meeting Council may consider and deal with any matter that Council agrees to consider by a majority vote of those in attendance and voting.

27.2.2 End of "declared emergency"

A declared emergency shall cease when

a. the Registrar notifies members of Council that the emergency is over; or

b. the Executive Committee or Council declares by a majority resolution that the emergency is over.

27.2.3 Reversion of Registration Committee

Upon cessation of a declared emergency, the members of the Registration Committee that were added as a result of the operation of article 27.2.1 (Emergency Procedures) shall be automatically removed and the Registration Committee shall be comprised of only those members who were members of that committee immediately prior to the emergency being declared.

27.2.4 Delayed elections

Upon cessation of declared emergency, the Registrar shall immediately take steps to conduct any election that was affected as a result of the operation of article 27.2.1 (Emergency Procedures).

28 APPENDICES

28.1 Appendix – Register Information required by subsection 23(2) of the Code

For ease of reference only, the following information is required to be kept in the Register pursuant to subsection 23(2) of the Code:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.

2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.

3. The name, business address and business telephone number of every health profession corporation.

4. The names of the shareholders of each health profession corporation who are members of the College.

5. Each member's class of registration and specialist status.

6. The terms, conditions and limitations that are in effect on each certificate of registration.

7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1) of the Code, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1) of the Code.

8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.

9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved.

10. Every result of a disciplinary or incapacity proceeding.

11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.

12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.

13. A notation of every revocation or suspension of a certificate of registration.

14. A notation of every revocation or suspension of a certificate of authorization.

15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.

16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

17. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1) of the Code, the outcomes of inspections conducted by the college.

19. Information that is required to be kept in the Register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act*, 1991.

20. Information that is required to be kept in the Register in accordance with the by-laws.

28.2 Appendix – Additional Register Information under Article 16.2.2

28.2.1 Information in respect of members

The following additional information shall be kept in the Register in respect of each member of the College:

1. Any changes in the member's name that have been made since he or she obtained a degree in dentistry, if known to the College.

2. The member's registration number.

3. The date when the member's certificate of registration was first issued or, if the member was licensed under Part II of the *Health Disciplines Act*, the date when the member was first licensed by the College.

4. Where the member resigned, the last year during which the person was a member.

5. The university from which the member received his or her degree in dentistry and the year in which the degree was obtained.

6. The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each.

7. Where the member holds a certificate of registration in a specialty class, the member's specialty and the name of the university and the year in which the member completed his or her specialty training.

8. The address and telephone number of

    a. the member's principal place of practice in Ontario, and

    b. all other locations where the member practises.

9. Omitted

10. Omitted

11. Where the member uses or is associated with a member or members who use a practice name, the practice name and the locations for which the name is used.

12. Any information in respect of the member that the member and the College agreed should be included in the Register.

13. Where the member's certificate of registration is subject to any terms, conditions or limitations, other than those applicable to all members holding that class of certificate, the date upon which the terms, conditions or limitations were effective and whether the terms, conditions or limitations were imposed or voluntary.

14. Where the member's certificate of registration was suspended or revoked, the date upon which the suspension or revocation was effective, and where the suspension or revocation was lifted, the date upon which the suspension or revocation was lifted.

15. Where the Inquiries Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which did not result in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the matter which was the subject of the

investigation is finally concluded by the Inquiries, Complaints and Reports Committee

15.1 Where the Inquiries, Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which resulted in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the referral is finally concluded by the Discipline Committee or the Fitness to Practise Committee.

16. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned as authorized by paragraph 3 of subsection 26(1) of the Code,

a. a notation of that fact, including a summary of the caution,

b. the date of the panel's decision, and

c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

17. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,

a. a notation of that fact, including the continuing education or remediation program,

b. the date of the panel's decision, and

c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

18. Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.

19. Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by a board of inquiry or the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.

20. Where one or more allegations of professional misconduct or incompetence in respect of the member have been referred to the Discipline Committee on or after October 1, 2015 and have not yet been disposed of,

a. a copy of the specified allegations that have been referred,

b. the date of the referral,

c. the status of the discipline hearing and, if the hearing date has been set, the date set for the hearing, and

d. the Notice of Hearing.

21. Where a question of the member's capacity has been referred to the Fitness to Practise Committee and not yet disposed of, a notation of that fact.

22. Where a member resigned while a fitness to practise proceeding was outstanding, a notation of that fact.

23. A summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.

24. A summary of any finding of guilt of which the College is aware made by a court on or after January 1, 2015 against a member, in respect of any offence, in any jurisdiction, that the Registrar has reviewed and believes is in the public interest to be posted on the Register.

25. A summary of any existing restriction on the member's right to practise that has been imposed by a court or other lawful authority, if the College is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.

26. Where a decision of the Discipline Committee has been published by the College after March 30, 2000, with the member's name included,

a. a notation of that fact, and

b. identification of the specific publication containing that information.

27. Where the result of a disciplinary proceeding in respect of the member is contained in the Register, the date on which the panel of the Discipline Committee made its decision.

28. Where the result of an incapacity proceeding in respect of the member is contained in the Register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.

29. Where the member is authorized by the College to administer minimal sedation, moderate sedation, deep sedation, and/or general anesthesia,

a. a notation of the highest modality of sedation and/or general anesthesia that the member is authorized to administer;

b. where the member is a Visiting Member as defined in By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to that member; and

c. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member until the Registrar is satisfied that the deficiency has been rectified.

30. Where the member is the holder of a facility permit issued by the College permitting the administration of moderate sedation, deep sedation, and/or general anesthesia,

a. a notation of that fact;

b. the dental practice location named in the facility permit;

c. a notation of the type of facility permit;

d. the date of the last inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA); and

e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), until the Registrar is satisfied that the deficiency has been rectified.

31. Where the member is authorized by the College to prescribe, order or take dental CT scans,

a. a notation of the type(s) of dental CT scans the member is authorized to prescribe, order or take; and

b. a summary of each deficiency found during any inspection carried out under By-Law 20 (DENTAL CT SCANNERS) related to the member until the Registrar is satisfied that the deficiency has been rectified.

32. Where the member is the holder of a facility permit issued by the College permitting the installation and operation of a dental CT scanner,

a. a notation of that fact;

b. the dental practice location named in each facility permit;

c. a notation of each type of facility permit;

d. the date of the last inspection of the facility carried out under By-Law 20 (DENTAL CT SCANNERS); and

e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 20 (DENTAL CT SCANNERS), until the Registrar is satisfied that the deficiency has been rectified.

33. The member's electoral district.

28.2.2 Information in respect of sedation/anesthesia facilities

The following information shall be kept in the Register:

1. A listing of each dental practice location for which a facility permit authorizing the administration of moderate sedation, deep sedation, and/or general anesthesia has been issued by the College, including

   a. the name of the member who is the holder of the facility permit

   b. the type(s) of facility permit(s) issued by the College in relation to that dental practice location;

   c. in the case of a dental practice location for which a Type A Facility Permit has been issued, a notation of the highest modality of sedation and/or general anesthesia that is authorized to be administered at the location;

   d. the name of the dental practice location; and

   e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) until the Registrar is satisfied that the deficiency has been rectified.

28.2.3 Information in respect of sedation/anesthesia providers

The following information shall be kept in the Register:

1. A listing of each member who has been authorized by the College to administer minimal sedation, moderate sedation, deep sedation, and/or general anesthesia at a dental practice location, including

   a. the name and registration number of the member;

   b. a notation of the highest modality of sedation and/or general anesthesia that the member is authorized to administer;

   c. if the member is a Visiting Member as defined under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), a notation of that fact and the date of the last inspection carried out under By-Law 21

(SEDATION AND GENERAL ANAESTHESIA) related to the member; and

d. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member until the Registrar is satisfied that the deficiency has been rectified.

28.2.4 Information in respect of health professional corporations

The following information shall be kept in the Register in respect of each health profession corporation for which the College has issued a certificate of authorization:

1. The date of issuance of each certificate of authorization of a health profession corporation and whether it is current, suspended, cancelled or revoked.

2. Where the certificate of authorization of a health profession corporation has been suspended or revoked, the date of the suspension or revocation and the reason for the suspension or revocation.

3. Where the certificate of authorization of a health profession corporation has been cancelled, the date of cancellation and a notation that the certificate was cancelled at the request of the corporation which no longer practises dentistry.

28.2.5 Information in respect of dental CT scanner facilities

The following information shall be kept in the Register:

1. A listing of each dental practice location for which a facility permit authorizing the installation and operation of a dental CT scanner has been issued by the College, including

   a. the name of the member who is the holder of the facility permit;

   b. the type(s) of facility permit(s) issued by the College in relation to that dental practice location;

   c. the name of the dental practice location; and

   d. a summary of each deficiency found during any inspection of the facility carried out under By-Law 20 (DENATL CT SCANNER) until the Registrar is satisfied that the deficiency has been rectified.

28.2.6 Information in respect of dental CT scan providers

The following information shall be kept in the Register:

1. A listing of each member who has been authorized by the College to prescribe, order or take a dental CT scan at a dental practice location, including

a. the name and registration number of the member;

b. a notation of the type(s) of dental CT scans the member is authorized to prescribe, order or take; and

c. a summary of each deficiency found during any inspection carried out under By-Law 20 (DENTAL CT SCANNERS) related to the member until the Registrar is satisfied that the deficiency has been rectified.

28.3 [Revoked] (effective March 30, 2026)

28.4 Code of Ethics

For ease of reference, the following Code of Ethics, entitled "Foundations of Professionalism" was adopted by Council under article 11.1.1 (Council to adopt Code of Ethics).

Foundations of Professionalism

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Foundations of Professionalism reflects the individual and collective commitments to professionalism that dentists uphold throughout their careers. This document articulates the core principles and duties that dentists exemplify in managing and supporting the oral health care needs of individuals and communities, and in promoting and advocating for the health and wellbeing of patients and society.

Foundations of Professionalism replaces the *Code of Ethics* and serves as a foundation for all Royal College of Dental Surgeons of Ontario (RCDSO) Standards of Practice, Guidelines, and Advisories and related resources that inform dentists' conduct, such as Frequently Asked Questions and news articles.

Note: ***bolded terms*** *are defined. To view the definitions, refer to the Glossary at the end of the print version.*

Approved by RCDSO Council and in effect October 2, 2025.

Overview

Dentists are expected to practice in accordance with the core principles and duties set out in this document, which are organized by the following bioethical principles[1]:

- Patient Autonomy Respecting patient choices

- Beneficence Doing Good
- Nonmaleficence Doing no harm
- Justice Being Fair

Professionalism in Practice

As health care professionals, dentists' primary objective is to maintain or improve the oral health of individuals and communities, while upholding the trust of patients and society.

Continued trust in the dental profession is dependent on dentists' individual and collective commitment to a high standard of **professionalism**. This commitment begins with entry into dental school and continues through education, training, and becoming a regulated health care professional. It extends throughout one's career in the profession, right through to retirement.

One of the most important components of professionalism is to prioritize the wellbeing of patients and society. Dentists demonstrate this commitment by consistently placing patients' best interests first and actively promoting and advocating for the health and wellbeing of all.

Key fiduciary duties

The obligation to put patients' interests first is rooted in **fiduciary law**, which governs the special legal and ethical relationship between dentists (fiduciaries) and their patients (beneficiaries). Key fiduciary duties include, but are not limited to:

- Acting in patients' best interests
- Acting with integrity, loyalty, honesty, trustworthiness, and the utmost good faith
- Avoiding conflicts of interest
- Protecting patient confidentiality
- Providing access to patient records

Principles & Duties

The **principles** and **duties** of professionalism described in this document:

- Build on the core components of professionalism, including the prioritization of patient and societal wellbeing and adherence to fiduciary duties.
- Reflect dentists' broad responsibilities to patients, society, the profession, and themselves.[2]
- Represent what patients, society, and dentists consider important.
- Serve as a framework for dentists' individual and collective conduct.

- Help dentists navigate clinical and professional practice and the ethical complexities that are certain to arise.
- Support dentists in maintaining the highest possible level of confidence and trust with respect to patients and society.

The RCDSO believes it is important to clearly articulate the principles and duties of the profession.

This helps dentists, patients, and the public understand the high standard of professionalism that is expected of and demonstrated by dentists.

The principles and duties are not listed in any order of priority. They are all important, yet some may carry greater relevance depending on the specific circumstance.

PATIENT AUTONOMY

Respecting patient choices

Patients have a right to self-determination, including the right to make their own decisions about their health care, and to privacy and confidentiality of their personal health information.

1. Dentists respect patient autonomy by:

a. Being fully present, focused, and responsive during interactions with patients.

b. Providing clear and accurate information in a manner that the patient understands.

c. Encouraging active collaboration and shared decision-making with patients, or, when authorized, with their substitute decision-maker, family, or caregiver.

d. Obtaining consent for treatment in accordance with legal and professional obligations.[3]

e. Providing **patient-centered care** that upholds the standards of practice of the profession.

BENEFICENCE

Doing good

Health care professionals actively serve and benefit patients and society.

2. Dentists demonstrate beneficence by:

a. Acting, first and foremost, for the benefit of patients and in service to their health and wellbeing.

b. Creating a safe environment and treating others with kindness, compassion, and respect.[4]

c. Collaborating and communicating effectively within **professional relationships** and facilitating continuity of care, including:

- supporting patients throughout the entire treating relationship;
- coordinating care with patients' other health care professionals, as necessary; and
- providing emergency care or advising where it can be obtained.

d. Leading or participating in initiatives

e. Being open and receptive

NONMALEFICENCE

Doing no harm

Health care professionals do no harm to patients and society.

3. Dentists demonstrate nonmaleficence by:

a. Complying with legal, professional, and ethical obligations.[5] [6]

b. Being truthful and providing accurate information.[7]

c. Being accountable

d. Maintaining competence.[8]

e. Managing conflicts of interest.[9]

f. Maintaining boundaries.[10]

g. Being collegial

h. Using technology responsibly.[11]

i. Addressing harm.[12]

j. Maintaining wellbeing

JUSTICE

Being fair

Health care professionals treat all people fairly and equitably.

4. Dentists demonstrate justice by:

a. Complying with legal obligations.[13] [14]

b. Promoting equitable access

c. Recognizing **bias**

d. Recognizing power differences

e. Supporting individuals

f. Addressing **determinants of health**.[15]

Glossary

Bias: An inclination to think something or someone is better or preferred, usually in a way considered to be unfair. Bias can be explicit (or conscious) or implicit (or unconscious). Bias inhibits impartial judgement, thought, or analysis. Biases (particularly implicit or unconscious) are built into and perpetuated by societal systems and structures through socialization and may conflict with our declared beliefs and how we see ourselves.

Determinants of health: A broad range of personal, social, economic, commercial, political, and environmental factors that influence individual and population health. These include both modifiable and non-modifiable factors.

Discrimination: Is defined in case law[16] as when a distinction is made according to which some benefit is withheld or burden assigned to an individual or group of individuals on the basis of a personal characteristic that is irrelevant to the distinction which was made.[17] Discrimination exists where a discriminatory practice occurs on the basis of a prohibited ground[18] for which no valid justification has been made. Discrimination is also defined by the Canadian Human Rights Commission.[19]

Duties: Positive actions that dentists are expected to take in fulfilling their role as a regulated health care professional. These actions are informed by the legal, professional, and ethical obligations of the profession set out in law and by the RCDSO.

Fiduciary law: A specific area of law through which key duties are assigned to fiduciaries and owed to beneficiaries. The specific duties include:

- Acting in beneficiaries' best interests
- Acting with integrity, loyalty, honesty, and trustworthiness
- Avoiding conflicts of interest
- Not acting in self-interest/profit
- Protecting patient confidentiality
- Providing access to patient records
- Disclosing error, misconduct, and whistleblowing
- Acting with the utmost good faith

Harm: Any negative impact or damage that patients experience including physical, psychological, emotional, social, or financial.

Health inequities: Systematic differences in health-related exposures and outcomes among different population groups that are unnecessary, avoidable, unfair, unjust, and can be addressed through policy intervention.[20]

Patient-centered care: Care that acknowledges, respects, and is responsive to a patient's preferences, values, beliefs, goals, and economic circumstances.[21]

Prejudice: Preconceived judgement, opinion or attitude directed toward certain people based on their membership in a particular group.[22]

Principles: Fundamental truths or propositions that serve as the foundation for a system of values or behaviours.

Professionalism: The conduct, aims, and qualities that characterize a profession.[23]

Professional relationships: Relationships between dentists and patients, staff, colleagues, or other health care professionals.

Protected grounds: The Ontario Human Rights Code prohibits actions that discriminate based on protected grounds.[24]

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[1] Beauchamp, T.L. & Childress, J.F. (2019). *Principles of Biomedical Ethics* (8th ed). Oxford University Press.
[2] These broad responsibilities are set out in the Canadian Dental Association's Principles of Ethics.
[3] Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A and RCDSO's Standard of Practice on Consent to Treatment. This would include providing information about the nature of the treatment, the treatment's expected benefits, the treatment's material risks and material side effects, alternative courses of action, and the likely consequences of not receiving the treatment
[4] For more information, see the RCDSO's Standard of Practice on Prevention of Boundary Violations and Sexual Abuse and Infection Prevention and Control.
[5] This includes an obligation to participate in the regulation of the profession.
[6] For clarity, dentists are ultimately responsible for meeting their legal, professional, and ethical obligations regardless of whether they assign tasks to staff or other health care professionals, or work with an organization or other party in the course of practicing dentistry.
[7] For example, the information must not be false, misleading, fraudulent, deceptive, ambiguous or confusing. For more information, see the RCDSO's Practice Advisory on Professional Advertising and Section 2 paragraphs 40, 41, 45, 60, 61, and sections 8, 9 of Professional Misconduct, O. Reg. 853/93, enacted under the Dentistry Act, 1991, S.O. 1991, c. 24.
[8] For more information, see the RCDSO's Quality Assurance webpage and Practice Advisory on Most Responsible Dentist. The Practice Advisory on Most Responsible Dentists includes requirements for referrals.
[9] This includes ensuring that business interests and practices do not influence professional judgement. For more information, see the RCDSO's Guidelines on Conflict of Interest and Section 2 paragraph 38 and section 5 of Professional Misconduct, O. Reg. 853/93, enacted under the Dentistry Act, 1991, S.O. 1991, c. 24.
[10] For more information, see the RCDSO's Standard of Practice on Prevention of Boundary Violations and Sexual Abuse.
[11] For clarity, this provision applies to all technologies, including, but not limited to those that the RCDSO has set out expectations or guidance on (e.g., Dental CT Scanners, Virtual Care, Artificial Intelligence).

[12] For more information, see the RCDSO's Mandatory Reporting webpage.
[13] Ontario Human Rights Code and Accessibility for Ontarians with Disabilities Act, 2005 (AODA). For more information, see Working Together: The Code and the AODA by the Ontario Human Rights Commission and Policies and Guidelines on the Ontario Human Rights Commission webpage.
[14] For more information, see the Ontario Human Rights Commission's Guide to your rights and responsibilities under the Human Rights Code.
[15] This may include, but is not limited to: offering financial accommodations (e.g., payment plans), participating in government programs, volunteering, doing outreach, participating in or supporting innovative care models (e.g., mobile or community clinics), and pursuing relevant education or training (e.g., cultural safety, trauma and violence-informed care).
[16] Case law refers to judge-made law, or common law: law that is created through judicial decisions.
[17] Most human rights legislation does not include a formal definition of discrimination. The definition included in this document is from the judgement of McIntyre J. in *Law Society of British Columbia v. Andrews*, [1989] S.C.J. No. 6.
[18] The grounds in the Ontario Human Rights Code are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, and gender expression.
[19] Canadian Human Rights Commission. (2025). About discrimination.
[20] Adapted from Whitehead, M. (1992). *The concepts and principles of equity and health*. International Journal of Health Services, 22(3), 429–445.
[21] Adapted from Grover, S., Fitzpatrick, A., Azim, F.T., Ariza-Vega, P., Bellwood, P., Burns, J., Burton, E., Fleig, L., Clemson, L., Hoppmann, C.A., Madden, K.M., Price, M., Langford, D., Ashe, M.C. (2022). *Defining and implementing patient-centered care: An umbrella review*. Patient Educ Couns., 105(7), 1679–1688.
[22] Rouse, L., Booker, K., Stermer, S.P. (2011). *Prejudice*. In: Goldstein, S., Naglieri, J.A. (eds) Encyclopedia of Child Behavior and Development. Springer.
[23] Adapted from Cruess, S. R., Johnston, S., & Cruess, R. L. (2004). "Profession": A Working Definition for Medical Educators. Teaching and Learning in Medicine, 16(1), 74–76.
[24] Adapted from: Ontario Human Rights Commission. (2013). Guide to your rights and responsibilities under the Human Rights Code.