

South Australia

## Dental Practice (General) Regulations 2007

under the *Dental Practice Act 2001*

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#### 1—Short title

These regulations may be cited as the *Dental Practice (General) Regulations 2007*.

#### 2—Commencement

These regulations will come into operation on the day on which section 5(1) of the *Dental Practice (Miscellaneous) Amendment Act 2006* comes into operation.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Dental Practice Act 2001*;

*child* means a person under the age of 18 years;

*employ* includes engage under a contract for services;

*prescribed body* means—

- (a) Nganampa Health Council Incorporated; or
- (b) Nunkuwarrin Yunti of South Australia Incorporated;

*public sector* has the same meaning as in the *Public Sector Management Act 1995*.

#### **4—Exempt provider**

For the purposes of the definition of *exempt provider* in section 3(1) of the Act, each of the following is an exempt provider:

- (a) the University of Adelaide;
- (b) the Minister for Employment, Training and Further Education.

#### **5—Representative bodies**

For the purposes of the definition of *representative body* in section 3(1) of the Act, each of the following is a representative body:

- (a) Australian Dental Association South Australian Branch Incorporated;
- (b) Australian Dental Prosthetists Association (SA) Incorporated;
- (c) The Dental Hygienist Association of Australia (S.A. Branch) Incorporated;
- (d) Australian Dental Technicians Association SA Incorporated;
- (e) South Australian Dental Therapists' Association Incorporated;
- (f) Health Consumers Alliance of South Australia Incorporated.

#### **6—Annual report**

- (1) For the purposes of section 23(2)(a)(iv) of the Act, the following information is to be included in the Board's annual report in relation to the relevant financial year:
  - (a) the number of persons registered in each category of registration;
  - (b) the number of persons in each category of registration registered with limited registration;
  - (c) the number of dental services providers who have given notice to the Board under section 39(1) of the Act;
  - (d) the number of complaints received by the Board against registered persons, dental services providers or persons who occupy positions of authority in corporate or trustee dental services providers from persons of Aboriginal or Torres Strait Islander descent;
  - (e) the number of persons included on the register of persons who have been prohibited by order of the Tribunal from carrying on business as a dental services provider or occupying a position of authority in a corporate or trustee dental services provider;
  - (f) the number of proceedings commenced before the Tribunal and the outcomes of those proceedings;

- (g) a statement of whether codes of conduct or professional standards for registered persons, codes of conduct for dental services providers or guidelines on continuing dental education for dental practitioners have been prepared or endorsed by the Board and, if so, a summary of the codes, standards or guidelines;
  - (h) a description of any committees established by the Board and the purposes for which they were established;
  - (i) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 54(2) of the Act;
  - (j) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 54(2a) of the Act;
  - (k) the number and nature of orders made by the Board under section 56 of the Act;
  - (l) the number of persons in each category of registration who have submitted information to the Board under section 75(1) of the Act;
  - (m) the number of persons in each category of registration in respect of whom notices have been received by the Board under section 76 of the Act;
  - (n) the number of claims in respect of which information has been provided to the Board under section 79(1) of the Act;
  - (o) the number of claims in respect of which information has been provided to the Board under section 79(2) of the Act;
  - (p) the number of persons found guilty of an offence against the Act, the nature of the offences and the penalties imposed.
- (2) Information presented in relation to the relevant financial year should be presented in a manner enabling it to be compared with statistical data from previous years.

## **7—Meaning of supervision**

- (1) For the purposes of these regulations, dental treatment is provided to a patient by a person under the supervision of a dental practitioner if and only if—
- (a) the practitioner has responsibility for the care of the patient; and
  - (b) the treatment is of a kind authorised by the practitioner's registration; and
  - (c) the practitioner has personally attended the patient; and
  - (d) the practitioner has prepared or approved a written individual treatment plan for the patient within the previous 6 months; and
  - (e) the treatment is provided in accordance with the plan; and
  - (f) subject to subregulation (2), a dental practitioner whose registration authorises the provision of the treatment of the kind concerned is present on the premises where the treatment is being provided and is available—
    - (i) to advise or assist the person in the provision of the treatment; or
    - (ii) to intervene in the provision of the treatment,as may be necessary in the circumstances of the case.

- (2) If a dental hygienist provides dental treatment of a kind authorised by his or her registration—
- (a) in the course of an epidemiological research project being undertaken by the hygienist; or
  - (b) on the premises of the Julia Farr Centre or at a supported residential facility as defined in the *Supported Residential Facilities Act 1992*,

subregulation (1)(f) does not apply, but instead a registered dentist or registered specialist must be contactable by telephone, facsimile, electronic mail or other electronic means to provide advice or instruction to the hygienist, if necessary, while the hygienist is providing the treatment.

### **8—Authority conferred by registration as dental prosthetist (section 31(c) of Act)**

For the purposes of section 31(c) of the Act, registration on the register of dental prosthetists authorises the prosthetist to provide dental treatment consisting of—

- (a) the manufacture of dental prostheses; and
- (b) the manufacture of corrective dental appliances prescribed by a registered dentist or registered specialist; and
- (c) the fitting of, and taking impressions or measurements for the purposes of fitting, a denture to a jaw—
  - (i) in which there are no natural teeth or parts of natural teeth or implants; and
  - (ii) where the jaw, gum and proximate tissue are not abnormal, diseased or suffering from a surgical wound; and
- (d) with the written approval of the Board, the fitting of, and taking impressions or measurements for the purposes of fitting, a denture to a jaw—
  - (i) in which there are natural teeth or parts of natural teeth but no implants; and
  - (ii) where the jaw, gum and proximate tissue are not abnormal, diseased or suffering from a surgical wound.

### **9—Authority conferred by registration as dental hygienist (section 31(e) of Act)**

- (1) For the purposes of section 31(e) of the Act, registration on the register of dental hygienists authorises—
- (a) a dental hygienist employed in the public sector or by a prescribed body to provide dental treatment of a kind prescribed by subregulation (2) in accordance with the conditions of the hygienist's employment;
  - (b) a dental hygienist employed in the private sector (other than by a prescribed body) to provide dental treatment of a kind prescribed by subregulation (2) under the supervision of a registered dentist or registered specialist.

- (2) For the purposes of subregulation (1), the following kinds of dental treatment are prescribed:
- (a) oral examination and the assessment and recording of oral conditions;
  - (b) the taking of impressions of teeth (other than for the purposes of prosthodontic or prosthetic dental treatment);
  - (c) the application of preventive and therapeutic solutions to teeth;
  - (d) preventive dental procedures, including the application of fissure sealants;
  - (e) the non-surgical management of gingival and periodontal conditions, including root debridement;
  - (f) orthodontic procedures that do not initiate tooth movement (including, but not limited to, orthodontic band sizing or selection, the bonding of fixed orthodontic retainers, the disengagement of arch-wires and the removal of orthodontic attachments and adhesives);
  - (g) the placement and removal of metallic and non-metallic separators;
  - (h) splinting to stabilise mobile teeth;
  - (i) the polishing and recontouring of restorations;
  - (j) the application of professionally available bleaching agents;
  - (k) the removal of sutures;
  - (l) the application and removal of periodontal packs;
  - (m) diagnostic dental radiography, but only if—
    - (i) the dental hygienist is licensed under section 31 of the *Radiation Protection and Control Act 1982* to operate ionising radiation apparatus used for such radiography; and
    - (ii) the exposure of a patient to ionising radiation for the purpose of such radiography has been authorised under Part 3 Division 1 of the *Radiation Protection and Control (Ionising Radiation) Regulations 2000*;
  - (n) dental treatment consisting of—
    - (i) the administration of local anaesthetic solutions for the purposes of dental procedures; and
    - (ii) the placement of temporary restorations not involving removal of a tooth structure,but only if the dental hygienist has been authorised in writing by the Board to provide dental treatment of that kind.

## 10—Authority conferred by registration as dental therapist (section 31(f) of Act)

- (1) For the purposes of section 31(f) of the Act, registration on the register of dental therapists authorises—
  - (a) a dental therapist employed in the public sector or by a prescribed body to provide to a child dental treatment of a kind prescribed by subregulation (2) in accordance with the conditions of the therapist's employment;
  - (b) a dental therapist employed in the private sector (other than by a prescribed body) to provide to a child dental treatment of a kind prescribed by subregulation (2) under the supervision of a registered dentist or registered specialist.
- (2) For the purposes of subregulation (1), the following kinds of dental treatment are prescribed:
  - (a) oral examination;
  - (b) the diagnosis of oral conditions and planning of dental treatment;
  - (c) the taking of impressions of teeth (other than for the purposes of prosthodontic or prosthetic dental treatment);
  - (d) the application of preventive and therapeutic solutions to teeth;
  - (e) preventive dental procedures, including the application of fissure sealants;
  - (f) the administration of local anaesthetic solutions for the purposes of dental procedures;
  - (g) dental prophylaxis, including the removal of dental calculus;
  - (h) splinting to stabilise mobile teeth;
  - (i) restoration of coronal tooth structure, including pulp capping and pulpotomy;
  - (j) extraction of deciduous teeth;
  - (k) the referral to—
    - (i) in the case of a dental therapist who provides dental treatment under the supervision of a registered dentist or registered specialist—that dentist or specialist; or
    - (ii) in any other case—a registered dentist or registered specialist,of a patient whose present situation requires dental treatment of a kind not authorised by the dental therapist's registration;
  - (l) diagnostic dental radiography, but only if—
    - (i) the dental therapist is licensed under section 31 of the *Radiation Protection and Control Act 1982* to operate ionising radiation apparatus used for such radiography; and
    - (ii) the exposure of a patient to ionising radiation for the purpose of such radiography has been authorised under Part 3 Division 1 of the *Radiation Protection and Control (Ionising Radiation) Regulations 2000*.

### **11—Authority conferred by registration as dental student (section 31(h) of Act)**

For the purposes of section 31(h) of the Act, registration on the register of dental students authorises the student to provide, under the supervision of a dental practitioner giving instruction in a course of study that provides qualifications for registration as a dental practitioner under the Act in which the student is enrolled, dental treatment of a kind authorised by the practitioner's registration.

### **12—Use of certain titles or descriptions prohibited (section 44 of Act)**

For the purposes of section 44(1) and (3) of the Act, the words specified in column 1 of the table in Schedule 1 are prescribed in relation to a person who is not registered on the register specified opposite in column 2.

### **13—Obligation to report medical unfitness or unprofessional conduct of dental practitioner or dental student (section 54 of Act)**

- (1) For the purposes of section 54(2) of the Act, the following information is required to be included in a report to the Board:
  - (a) the diagnosis of the dental practitioner or dental student and its likely duration and prognosis;
  - (b) if the person making the report is of the opinion that the dental practitioner or dental student is or may be medically unfit to provide dental treatment only in a particular branch of dentistry—a statement specifying the particular branch of dentistry and the reasons for the opinion.
- (2) For the purposes of section 54(2a) of the Act, the following information is required to be included in a report to the Board:
  - (a) the date, time and place at which it is alleged the dental practitioner or dental student engaged in unprofessional conduct;
  - (b) the nature of the alleged unprofessional conduct.

### **14—Meaning of health product**

For the purposes of the definition of *health product* in section 69 of the Act, therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth are declared to be health products for the purposes of Part 7 of the Act.

### **15—Meaning of health service**

For the purposes of the definition of *health service* in section 69 of the Act, each of the following services is declared to be a health service for the purposes of Part 7 of the Act:

- (a) acupressure;
- (b) acupuncture;
- (c) homeopathy;
- (d) massage therapy;
- (e) naturopathy;

- (f) nutritional therapy;
- (g) traditional Chinese medicine;
- (h) western herbal medicine.

**16—Registered person etc must declare interest in prescribed business  
(section 75 of Act)**

- (1) For the purposes of section 75(1) of the Act, the information that must be given to the Board by a person who has an interest in a prescribed business is—
  - (a) the full name and residential address of the person who has the interest; and
  - (b) if the person who has the interest is a prescribed relative of a registered person—the relationship of the person to the registered person; and
  - (c) the name, address and nature of the prescribed business in which the person has the interest; and
  - (d) the nature of the interest and of any benefit derived from the interest; and
  - (e) if the interest consists of a shareholding in a prescribed business—the number, nominal value and class of shares held and particulars of any voting rights exercisable by the holder at a meeting of shareholders.
- (2) For the purposes of section 75(2) of the Act, details of the change in the information referred to in subregulation (1) must be given to the Board by the person.

**17—Information relating to claim against registered person to be provided**

- (1) For the purposes of section 79(1)(a) and (2)(a) of the Act, the information relating to a claim referred to in that section to be provided to the Board within 30 days after the claim is made is—
  - (a) the nature of the treatment or procedure that is alleged to have been carried out negligently; and
  - (b) full details of the alleged negligence; and
  - (c) the address of the premises at which the negligence is alleged to have occurred; and
  - (d) the time at which and the date on which the negligence is alleged to have occurred; and
  - (e) full details of the injury suffered or allegedly suffered by the claimant as a result of the alleged negligence; and
  - (f) the date of the claim.
- (2) For the purposes of section 79(1)(b) and (2)(b) of the Act, the information relating to the claim referred to in that section to be provided to the Board within 30 days after any order is made by a court to pay damages or other compensation in respect of that claim or any agreement has been entered into for payment of a sum of money in settlement of that claim (whether with or without a denial of liability) is—
  - (a) information adequate to identify the claim; and
  - (b) details of any change in information previously provided to the Board relating to the claim; and

- (c) details of the order or agreement (including the amount ordered or agreed to be paid).

## 18—Fees and charges

- (1) The Board may fix—
  - (a) registration fees; and
  - (b) reinstatement fees; and
  - (c) annual practice fees; and
  - (d) fees or charges for the inspection of a register; and
  - (e) fees or charges for a copy of any part of a register; and
  - (f) fees or charges for services provided by the Board in the exercise of its functions under the Act.
- (2) However, no fee may be charged for registration on the dental student register of a person who genuinely requires registration on that register—
  - (a) to enable the person to undertake an undergraduate course of study that provides qualifications for registration as a dental practitioner under the Act; or
  - (b) to enable the person to provide dental treatment as part of an undergraduate course of study related to dentistry being undertaken by the person in a place outside the State.
- (3) Fees or charges fixed by the Board may be differential, varying according to factors determined by the Board.
- (4) The Board may recover a fee or charge fixed under this regulation by action in a court of competent jurisdiction as a debt due to the Board from the person liable for payment of the fee or charge.
- (5) A person is exempt from the obligation to pay a registration fee or annual practice fee fixed by the Board under this regulation if the person—
  - (a) is registered as a dental practitioner in another State or a Territory of the Commonwealth and the appropriate fees have been paid in respect of the person's registration in that State or Territory; and
  - (b) is employed by any of the following to provide dental treatment:
    - (i) the Australian Government;
    - (ii) the Royal Flying Doctor Service (S.A. Branch) Inc.;
    - (iii) a person or body approved by the Board.

## Schedule 1—Prohibited words

Prescribed words	Appropriate register
Dental hygienist	Register of dental hygienists
Dental practitioner	Register of dentists, register of specialists, register of dental prosthetists, register of dental hygienists, register of dental therapists or register of dental technicians

<b>Prescribed words</b>	<b>Appropriate register</b>
Dental prosthetist	Register of dental prosthetists
Dental specialist	Register of specialists
Dental student	Register of dental students
Dental surgeon	Register of dentists
Dental technician	Register of dental technicians
Dental therapist	Register of dental therapists
Dentist	Register of dentists
Dento maxillofacial radiologist	Register of specialists in dento maxillofacial radiology
Endodontist	Register of specialists in endodontics
Oral and maxillofacial surgery	Register of specialists in oral and maxillofacial surgery
Oral medicine	Register of specialists in oral medicine
Oral pathologist	Register of specialists in oral pathology
Orthodontist	Register of specialists in orthodontics
Paediatric dentist	Register of specialists in paediatric dentistry
Paedodontist	Register of specialists in paediatric dentistry
Periodontist	Register of specialists in periodontics
Prosthodontist	Register of specialists in prosthodontics
Public health dentist	Register of specialists in public health dentistry
Special needs dentist	Register of specialists in special needs dentistry
Student dental practitioner	Register of dental students

## **Schedule 2—Revocation of *Dental Practice (General) Regulations 2003***

The *Dental Practice (General) Regulations 2003* are revoked.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2007	59	<i>Gazette 17.5.2007 p2024</i>	24.5.2007: r 2
2009	72	<i>Gazette 4.6.2009 p2373</i>	1.7.2009: r 2