

DENTAL PRACTITIONERS INTERIM CODE of PRACTICE – 2001

Code of Practice under the *Dental Practitioners Registration Act 2001*

In exercise of the powers conferred under Section 11 of *The Dental Practitioners Registration Act 2001* and acting in accordance with the provisions of sub-section (3) of the *Act* the Dental Board of Tasmania, hereby makes the following Interim By Laws for the purpose of providing practical guidance to practitioners in the practice of dentistry in Tasmania.

These By-laws were made at a duly constituted meeting of the Dental Board held on the Third day of December 2001.

PART I PRELIMINARY

Short title.

1 - These By Laws may be cited as the *Dental Code 2001*

Commencement.

2 - This Dental Code takes effect from 3rd December 2001.

Interpretation

3. In this Dental Code, unless the contrary intention appears -

"**the Act**" means the *Dental Practitioners Registration Act 2001*;

"**Board**" means the Dental Board of Tasmania constituted under Section 6 of the Act;

"**certificate of registration**" means a certificate of registration issued under Section 30 of the Act.

"**dental auxiliary**" means a person who is registered under sub-section (2) or (3) of Section 20 of the Act;

"**dental practitioner**" means a person who is registered under sub-section (1) or (2) or (3) of Section 20 of the Act;

"**dental service**" whether in the singular or plural context means any procedure undertaken or advice given within the definition of "dentistry"

"**dentist**" means a person who is registered under sub-section (1) of Section 20 of the Act;

"**dentistry**" has the same meaning as the definition of "dentistry" in subparagraphs (a), (b), (c) and (d) of Section 3 of the Act;

"**register**" means the register of dental practitioners kept pursuant to Section 32 of the Act;

"**supervision**" means consultation with, the giving of advice or direction to another dental practitioner and periodic general oversight of dental services undertaken or proposed to be undertaken by another dental practitioner.

PART 11**GUIDELINES FOR THE PRACTICE OF DENTISTRY AND
DELIVERY OF DENTAL SERVICES****4. Professional/Ethical Objectives**

- 4.1** The objective of *Dental Practitioners Registration Act* 2001 is to control and regulate the practice of dentistry in Tasmania so as to -:
- (a) ensure that persons practice dentistry according to the highest professional standards;
 - (b) ensure that dental services provided to the public are of the highest possible standard; and
 - (c) guard against unsafe, incompetent and unethical dental practices.
- 4.2** It is the role of the Dental Board to administer the *Act* and exercise its powers to ensure compliance with those objectives.
- 4.3** Dental practitioners shall contribute to the promotion and maintenance of a safe, competent and ethical dental health environment by;
- 4.3.1** acknowledging and respecting each other's entitlement to practice dentistry within the restrictions and limitations imposed under the provisions of the *Act*;
 - 4.3.2** participating in the promotion of "dental health team" concepts for consultation, referral and professional advice to other dental practitioners;
 - 4.3.3** practicing dentistry in a manner consistent with achieving the objectives of the *Act* as described in (a) (b) and (c) of Clause/By Law **4.1**;
 - 4.3.4** consulting with and referring to other experienced and/or specialist dental practitioners when dental care services require expertise beyond an individual's scope; and
 - 4.3.5** consulting with and referring to other health care professionals when a client's needs fall outside the scope of dentistry.

5. Responsibilities/Accountabilities

- 5.1** Dental practitioners shall at all times be personally responsible and accountable for familiarisation with the legal requirements of the Act and other legislation, Codes of Practice and Guidelines affecting the delivery of dental services, including, but not limited to;
- (a)** infection control procedures;
 - (b)** procurement, storage and administration of substances under the provisions of the Poisons Act;
 - (c)** operation of radiographic equipment;
 - (d)** administration of anaesthetics; and
- 5.2** exercising appropriate and effective levels of duty of care in the practice of dentistry;
- 5.3** identifying and responding appropriately to instances of unsafe practice (s);
- 5.4** recognising and acting appropriately in respect of breaches of the law;

6. DENTAL AUXILIARIES

- 6.1** For the purposes of this By-law references to “dental auxiliary” or “auxiliary” means a **dental therapist** or a **dental hygienist** registered under PART 3 of the *Act*.
- 6.1** A dental auxiliary may practice dentistry provided always that any procedures undertaken and advice given is within the scope of training, acquired skills and competency of the auxiliary and does not exceed the scope of training applicable to the curricula leading to
- (a) award of the qualification(s) entitling the auxiliary to a certificate of registration under PART 3 of the *Act*; or
 - (b) award of such other further or advanced course or courses of training as may be approved by the Board.
- 6.2** A dental auxiliary engaged in the employ of a dentist must if requested to do so, provide to the Board the name and practice address of the employing dentist.
- 6.3** A dental auxiliary whether acting alone or in combination with other dental auxiliaries and not being in the employ of a dentist must enter into a formal arrangement with at least one dentist whereby the dentist agrees to;
- (a) act as a dental consultant , and
 - (b) accept referrals for the undertaking of procedures and/or the giving of advice determined to be outside of the scope of the dental auxiliary.
- 6.4** A dental auxiliary not engaged in the employ of a dentist must if requested to do so, provide to the Board the names and practice addresses of dentists with whom the dental auxiliary has entered into an agreement under By Law **6.3**.
- 6.5** In the interests of public safety and to guard against unsafe, incompetent and unethical dental practices that might lead to disciplinary actions and/or other legal implications, an agreement made between a dental auxiliary and a dentist, whether or not in an employer/employee relationship could include, depending upon the negotiated preferences of the parties, references to -:
- (a) each parties’ responsibilities and accountabilities;
 - (b) a general or detailed description of procedures to be undertaken and the advice to be given by a dental auxiliary;
 - © undertakings that -:
 - (i) a dentist shall not knowingly direct or permit a dental auxiliary to practice any part of dentistry or to give advice beyond the auxiliary’s entitlement to practice dentistry and as provided for under **By-law 6.1 (a) and (b)** of this Code; and
 - (ii) a dental auxiliary shall not knowingly practice any part of dentistry or give advice beyond his or her entitlement to practice dentistry and as provided for under **By-law 6.1 (a) and (b)** of this Code; and
 - (d) any other terms and conditions, including supervision as may be agreed between the parties in the interests of public safety and to guard against unsafe, incompetent and unethical dental practices.

7. Without limiting the generality of By Law **6**, any condition of employment or any agreement made between a dental auxiliary and a dentist, shall not contain any term, or condition or impose any restriction limiting a dental auxiliary to practicing dentistry at a level below that permitted under Clause/By Law **6.1** of this **Code**.
8. A dentist shall not unreasonably withhold consent to enter into an arrangement/agreement as referred to in Clause/By Law **6.3** of this Code.
9. A dental auxiliary may appeal to the Board in any circumstance where it is believed that a dentist may have unreasonably withheld consent to enter into an arrangement/agreement as referred to in Clause/By Law/Code **6.3**.