

Frequently Asked Questions

The CDHO has been receiving a number of inquiries with respect to self-initiation. Prior to calling the office, please check to see if your question is answered below.

Does the 365 day rule exist in Ontario? No. In BC a client must have seen a dentist within the previous 365 days or the dental hygienist may not initiate dental hygiene treatment. Ontario does not have such a provision. However, if dental hygienists encounter something that is beyond their competence, they must refer the client to either a physician or a dentist. (*O. Reg. 501/07 Part III*)

How does documentation differ if the dental hygienist is self-initiating? When the dental hygienist is working with either a "standing" or "client specific order" that "order" must be documented in the client's chart. If the dental hygienist is self-initiating, no such documentation is required and the dental hygienist's signature is sufficient.

What do I do if my employer refuses to provide me with a copy of the "standing order" that we both signed? It is always wise to keep a copy of any document that you signed. If you are unable to get a copy of your "standing order" then write a letter to the CDHO explaining the situation, including the name of the dentist who provided the "order" and the length of time that you have been working with that "order". In the absence of evidence to the contrary, the CDHO will accept your letter as proof, as it is professional misconduct to provide false information to your College. (*O. Reg. 218/94, Section 15. 27*)

When a dental hygienist works in several different offices, is it necessary to carry the CDHO certificate with the seal for self-initiation from office to office? No, the dental hygienist may request additional wall certificates (for a fee) and seals. The College maintains records of all registrants who have received additional seals and approval for self-initiation is noted on the CDHO web site.

May I provide oral hygiene services for an elderly person in their home who has not seen a dentist in a long time? Yes, provided that you obtain a detailed medical history (guide on the web site under *Practice Guidelines*) and obtain the appropriate clearance, if required, as stated in the contraindications regulation. Remember that a referral to a dentist or physician may be required as stated in the regulations (*O. Reg. 281/94, Section 15. 4*).

May dental hygienists administer an Epi-pen if a client has an allergic reaction? Administering a substance by injection or inhalation is a controlled act that is not authorized to dental hygienists. However, in an emergency situation (note article related to the administration of oxygen in previous issue of *Milestones*) the *RHPA, 1991* has an exception as to who can perform a controlled act in the case of an emergency. Subsection 29(1)(a) "*An act by a person is not in contravention of subsection 27(1) if it is done in the course of rendering first aid or temporary assistance in an emergency.*"

If a dental hygienist has been practicing exclusively in restorative dental hygiene or orthodontics for the previous several years, under which self-initiation stream would they apply for approval? Dental hygienists who have not been practicing their authorized act of "scaling teeth and root planing, including curetting surrounding tissue for the previous two years, but have practiced previously, would be eligible for approval under Stream Two. (CDHO web site under *What's New*)

How long is the self-initiation approval process? Once the dental hygienist has qualified under any of the Streams and has the requisite documentation, the process takes approximately 10 business days or two weeks depending on the volume of requests received.

What if you are approved by the CDHO to self-initiate but your employer wants you to continue working with a "standing order"? Employment contracts are based on negotiations between the two parties. If your contract requires the "standing order" you may

be bound by contract law to comply. If you have an employment contract and you wish to make changes, you would be wise to consult with your own legal counsel.

Several dentists in my area have indicated that they will not see clients who have been seen by a dental hygienist who is not in their employ, even if the client is a client of record of that dentist. Our regulations indicate that we must refer to a dentist or physician if we observe a condition beyond our competence. **Must dentists accept these referrals?** This is a question for the dentists' regulatory authority. However, you would be wise to seek out other dentists in your community who are willing to accept referrals from a dental hygienist. We also suggest that you inform the CDHO in every situation where dentists refuse a referral from a dental hygienist for their own patients.

Is it legal for an employer to require you to sign a contract that indicates that you will not practise elsewhere or see clients from his/her practice when you are no longer employed by that person? The CDHO does not provide legal advice and will only give its position on interpretation and enforcement of the *RHPA* and the *Dental Hygiene Act*. Consequently, if you are asked to sign such a contract, you should consult with legal counsel.

Do dental hygienists require a dentist's signature in order to bill the client's insurance company? That depends on the dental hygienist's working arrangement. If the dental hygienist is employed by the dentist and billing is done through the dental office, then nothing has changed. If the dental hygienist is seeing clients directly external to an employment arrangement with a dental office, then the dental hygienist may use the CDHA codes and the ODHA fee guide for insurance billing purposes, assuming that the insurance company accepts the dental hygiene codes and direct billing by dental hygienists. A unique number is required for submission of dental hygiene claims and may be obtained from the CDHA.

May a dental hygienist take digital radiographs without a prescription? No, digital radiographs also require a form of energy. Therefore, in accordance with the *HARP Act*, a prescription is required.

Why is "scaling teeth and root planing, including curetting surrounding tissue" an "authorized" act for dental hygienists and who/what provides that authorization? The *DHA, 1991* provides authorization in Section 4.

May a dental hygienist treat clients in an orthodontic office without the dentist present? The *DHA, 1991* does not require supervision of any sort. However, an "order" is still required for orthodontic and restorative treatment. That "order" is usually included in the treatment plan developed by the dentist. Employing dentists may have their own protocols about whether such a procedure can be performed in their absence which may form part of the employment contract.

Under Stream Three in the Standard of Practice for Self-Initiation it indicates that mentorship is required. Does the mentor have to be physically in the same office at all times as the dental hygienist being mentored? No, but there must be regular and frequent contact. The two individuals will be required to sign an agreement and adhere by the terms of that agreement prepared by the CDHO and adhere to the terms of the agreement. Watch the CDHO web site for further information on the mentoring process coming in Spring 2008.

How will billing for insurance purposes work if the dental hygienist is practicing external to a dental office? The dental hygienist can obtain a unique number and the codes from the CDHA and a copy of the ODHA fee guide from the ODHA web site (www.odha.on.ca).

Are insurance companies accepting direct billing from dental hygienists? Some are and many more are in the process of changing their systems to accommodate dental hygiene billing codes. Contact the CDHA for additional information (www.cdha.ca).

If a dental hygienist is eligible to be approved for self-initiation, what is the advantage to continue working with an “order”? If there is an employment contract indicating that an “order” is required, then the contract needs to be honoured or renegotiated. Also, the dental hygienist may choose to work with an “order” if s/he so desires.

May a dental hygienist who has been working in a dental practice for many years and now wants to open his/her own practice inform the clients in the previous practice? Solicitation is not acceptable and all employment agreements should be honoured. However, clients do not belong to any one practitioner or practice and may choose where and from whom they wish to receive their oral health care. Subject to any restrictions in their employment contracts, dental hygienists may place an advertisement in a local newspaper announcing his/her new practice location. It is then the clients who will make the decision whether to move to the new office or remain in the previous practice. The CDHO has guidelines for informing clients that you are leaving one practice location to go to another. (www.cdho.org *Practice Guidelines*).

If a dental hygienist is planning to see clients external to the dental office, does s/he have to have their own business? Not necessarily. If the dental hygienist is in the employ of the dentist and the dental hygienist sees the client as part of that employment arrangement, then nothing changes. However, if the dental hygienist chooses to see clients who are not part of the dentist’s practice then the dental hygienist would be seeing the client as part of their own business and using dental hygiene fee codes, etc. Dental hygienists who wish to go into business on their own should consult with financial and legal advisers and may decide to set up a professional corporation, which must be registered with the CDHO.

Do dental hygienists in hospital settings require approval for self-initiation? In a hospital setting there may be medical directives in place that govern such matters. Otherwise, a dental hygienist authorized to self-initiate may be able to obtain a clearance, in accordance with the contraindications regulation, from the attending physician, who knows the client and do so more readily than from a dentist who may or may not know the client. Thus, having approval for self-initiation may be of benefit to the clients.

Are there significant costs to opening a dental hygiene practice? Yes, there are always costs associated with a new venture and the dental hygienist who is considering such a move should seek legal and financial advice.

Is there a timeline for applying for approval to self-initiate? No, the dental hygienist may apply, as per the conditions noted in the Standard of Practice for Self-Initiation, when s/he chooses.

If a dental hygienist chooses to self-initiate does that have an impact on the amount of professional liability insurance required? No, but a dental hygienist who owns their own business is well advised to insure that business.

Is professional incorporation required? No. Professional incorporation is a choice made for tax deferral and other reasons. It is only an option. (See the CDHO web site at www.cdho.org)

Please watch this site for more Frequently Asked Questions.