

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

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PREAMBLE TO BYLAW

The ethical foundation of regulation of the practice of dental hygiene consists of general principles of conduct, which the profession has come to accept as a prerequisite to maintain the dignity and integrity of the profession. The Council members will have regard to these general principles in conducting the affairs of the College, and it is expected that common sense and integrity will prevail. However, the Council is authorized by the *Regulated Health Professions Act, 1991* (Ontario) to make a bylaw relating to the administration and internal affairs of the College, and this bylaw, based on the tenets of common sense and practicality, will prevail in the case of a dispute.

In addition to the general principles referred to above, the *Regulated Health Professions Act, 1991* (Ontario) requires that Council members, committee members and employees of the College maintain the confidences that come to them in the course of their duties. This bylaw also reflects the important principle of confidentiality.

Bylaw No. 4 incorporates changes made to the *Regulated Health Professions Act, 1991* (Ontario), under the *Health System Improvements Act, 2007*.

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO

BYLAW NO. 4

BE IT ENACTED that all previous bylaws of the College of Dental Hygienists of Ontario be hereby revoked and it is hereby enacted as a bylaw of the College of Dental Hygienists of Ontario (the "College") as follows:

SECTION 1. DEFINITIONS AND PRINCIPLES OF INTERPRETATION

1.1 Definitions

In this bylaw, unless otherwise defined or required by the context:

"Act" means the *Regulated Health Professions Act, 1991* (Ontario) and the schedules thereto, including, without limitation, the Health Professions Procedural Code set out as Schedule 2 to such *Act* and the *Dental Hygiene Act, 1991* (Ontario);

"Client" means the contemporary healthcare consumer (wellness and choice), rather than patient (illness);

"Code" means the Health Professions Procedural Code in Schedule 2 of the *Act*;

"Council" means the Council of the College as constituted in accordance with the requirements of the *Act* and whose members are either, elected, selected or appointed in accordance with the *Act*;

"Council member" means a member of Council duly elected, selected or appointed;

"Registrant" means a member of the College as noted as member in the *Act*;

"Registrar" means the registrar of the College and includes a person appointed as acting registrar by the Council.

1.2 Extended Meanings

Words importing the singular number only are intended to include the plural and vice versa. Words importing a gender are intended to include the other and neuter genders. Words importing persons are intended to include corporations and other unincorporated entities as well as natural persons.

1.3 Meaning of Words Used in Act

All words and terms appearing in this bylaw, which are defined in the *Act*, are intended to have the same meaning in this bylaw unless the context otherwise specifies or requires.

SECTION 2. REGISTRATION AND CODE OF ETHICS

2.1 Code of Ethics

There shall be a Code of Ethics for registrants which shall be the Code of Ethics adopted from time to time by the Council. This Code of Ethics is to be designed to ensure the dignity and integrity of registrants and to define the obligations and professional duties to be observed by each registrant. It will be the duty of each registrant to adhere to the provisions of the Code of Ethics and also to the underlying spirit and precepts thereof. The current Code of Ethics is attached as Schedule I and forms part of this bylaw.

2.2 Information Available to Registrants

Council shall have a privacy policy to guide the College's collection, use and disclosure of personal information. This information will be posted on the College's website.

SECTION 3. THE COUNCIL AND ITS OFFICERS

3.1 Election of Council

3.1.1 The following electoral districts are established for the purpose of the election of members to the Council:

1. Electoral district 1, the southwestern district, composed of the counties of Bruce, Grey, Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth.
2. Electoral district 2, the central western (north) district, composed of the counties of Wellington, Simcoe, Dufferin and the regional municipalities of Halton and Peel.
3. Electoral district 3, the central western (south) district, composed of the county of Brant and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo.
4. Electoral district 4, the central district, composed of the regional municipalities of York and Metropolitan Toronto.
5. Electoral district 5, the central eastern district, composed of the counties of Frontenac, Peterborough, Hastings, Lanark, Lennox and Addington, Prince Edward, Victoria, Haliburton, Northumberland, and the regional municipality of Durham.
6. Electoral district 6, the eastern district, composed of the counties of Dundas, Glengarry, Leeds and Grenville, Prescott and Russell, Renfrew and Stormont and The Regional Municipality of Ottawa-Carleton.
7. Electoral district 7, the northeastern district, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Muskoka, Nipissing, Parry Sound, Sudbury and Timiskaming.
8. Electoral district 8, the northwestern district, composed of the territorial districts of Rainy River, Thunder Bay and Kenora.

3.1.2 The number of registrants to be elected in each of the electoral districts 1, 3, 5, 6, 7 and 8 is one and the number of registrants to be elected in electoral districts 2 and 4 is two.

3.1.3 The electoral district in which a registrant is eligible to vote is the district in which, thirty days prior to the election, the registrant principally practises or, if the registrant is not engaged in the practice of dental hygiene, the registrant principally resides.

3.1.2. – Amended as of January 1, 2012.

- 3.1.4** (1) Elections for each electoral district shall be held in November in the year before the year in which the term of office of that electoral district's member or members expires.
- (2) The election shall be held on the third Wednesday in November, unless Council sets a different election date.
- 3.1.5** (1) The term of office of a member elected to the Council in an election is three years to a maximum of nine consecutive years.
- (2) The term of office commences at the first regular meeting of the Council in the calendar year following the election of the Council member.
- (3) The serving elected members of the Council continue in office until the commencement of their successors' terms of office.

3.2 Eligibility for Election

- 3.2.1** A registrant is eligible for election to the Council in an electoral district if, continuously for the 30 days preceding the election:
- (a) the registrant principally practises or, if the registrant is not engaged in the practice of dental hygiene, principally resides in the electoral district for which he or she is nominated;
 - (b) the registrant is not in default of payment of any fees required by this bylaw;
 - (c) the registrant is not the subject of any disciplinary or incapacity proceeding;
 - (d) a period of three years has elapsed since the registrant complied with all aspects of an order of the Discipline Committee or Fitness to Practise Committee;
 - (e) the registrant's certificate of registration is not subject to a term, condition or limitation imposed by the Discipline Committee or Fitness to Practise Committee;
 - (f) a period of one year has elapsed since the registrant has been an officer, director or employee of any association or organization representing the interests of dental hygienists; and
 - (g) the registrant is not an employee of the College.
- 3.2.2** A registrant who has served on the Council for nine consecutive years is not eligible again for election or selection until at least one three year term has passed since the registrant last served on the Council.

3.3 Nominations and Voting

- 3.3.1** The Registrar shall supervise the nomination of candidates.
- 3.3.2** The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty the Registrar may, subject to the bylaw,
- (a) appoint returning officers and scrutineers;
 - (b) establish a deadline for the receiving of ballots;
 - (c) establish procedures for the opening and counting of ballots;
 - (d) provide for the notification of all candidates and registrants of the results of the election; and
 - (e) provide for the destruction of ballots following an election and any recounts.
- 3.3.3** Where there is an interruption of mail service during a nomination or election, the Registrar may extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.
- 3.3.4** No later than fourteen days before the date of an election, the Registrar shall send to every registrant eligible to vote in an electoral district in which an election is to take place a list of the candidates in the electoral district, a ballot and an explanation of the voting procedure.
- 3.3.5** Voting for candidates for election to the Council shall be by secret ballot using the ballot forms supplied by the Registrar.
- 3.3.6** No later than sixty days before the date of an election, the Registrar shall notify every registrant who is eligible to vote of the date, time and place of the election and the nomination procedure.
- 3.3.7**
- (1) The nomination of a candidate for election as a member of the Council shall be in writing and shall be given to the Registrar at least thirty days before the date of the election.
 - (2) The nomination shall be signed by the candidate and by at least five registrants who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
 - (3) A candidate may withdraw his or her nomination for election to the Council by advising the Registrar in writing not less than twenty-four days before the election.

- 3.3.8** If the number of candidates nominated for an electoral district is less than or equal to the number of registrants to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.
- 3.3.9** (1) A registrant may cast as many votes on a ballot in an election of registrants to the Council as there are registrants to be elected in that election to the Council from the electoral district in which the registrant is eligible to vote.
- (2) A registrant shall not cast more than one vote for any one candidate.
- 3.3.10** If there is a tie in an election of registrant to the Council, the Registrar shall break the tie by lot.
- 3.3.11** (1) A candidate may require a recount by giving a written request to the Registrar no more than fifteen days after the date of the election and paying the fee required by this bylaw in section 16.5.
- (2) The Registrar shall hold the recount no more than fifteen days after receiving the request.

3.4 Election Irregularities

If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of the Council, the Council shall hold an inquiry and decide whether the election of the member is valid and, if the election is found to be invalid, the Council shall direct another election to be held.

3.5 Academic (Selected) Council Members

- 3.5.1** Two academic appointments to the Council shall be selected from among the dental hygiene members of the faculties of all accredited institutions as outlined in clause 7(1)(c) of the *Dental Hygiene Act, 1991* (Ontario).
- 3.5.2** A registrant is eligible for selection as an academic appointment to the Council if, on the date of the selection,
- (a) the registrant has a full-time faculty appointment, minimum 20 hours per week for the academic year with an accredited educational institution in Ontario that is authorized to grant diplomas or degrees in dental hygiene;
 - (b) the registrant is not in default of payment of any fees required by this bylaw;
 - (c) the registrant is not the subject of any disciplinary or incapacity proceeding;
 - (d) a period of three years has elapsed since the registrant complied with all aspects of an order of the Discipline Committee or Fitness to Practise Committee;

- (e) the registrant's certificate of registration is not subject to a term, condition or limitation imposed by the Discipline Committee or Fitness to Practise Committee;
- (f) a period of one year has elapsed since the registrant has been an officer, director or employee of any association or organization representing the interests of dental hygienists; and
- (g) the registrant is not an employee of the College.

3.5.3 A selected member shall be selected from among the eligible candidates nominated by the dental hygiene members of the faculties of all accredited institutions as outlined in clause 7(1)(c) of the *Dental Hygiene Act, 1991* (Ontario) as per Schedule IV.

3.5.4 The term of office for a selected appointment shall be three years to a maximum of nine consecutive years.

3.6 Disqualification of Council Members

3.6.1 The Council shall disqualify an elected or selected member from sitting on the Council if the registrant,

- (a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
- (b) is found by a panel of the Fitness to Practise Committee to be an incapacitated registrant;
- (c) fails, without cause, to attend two consecutive regular meetings of the Council;
- (d) fails, without cause, to attend two consecutive regular meetings of a committee or subcommittee for which he or she is a member;
- (e) fails, without cause, to attend a hearing or review of a panel for which he or she has been selected;
- (f) in the case of an elected member, ceases to qualify for election in the electoral district for which the member was elected;
- (f.1) in the case of a selected member, ceases to be a faculty member of an accredited institution as outlined in clause 7(1)(c) of the *Dental Hygiene Act, 1991* (Ontario);
- (g) breaches section 36 of the *Act*;
- (h) ceases to be a registrant;

- (i) has breached the conflict of interest provisions of this bylaw;
- (j) fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been elected or appointed; or
- (k) becomes an employee of the College.

3.6.2 An elected or selected member who is disqualified from sitting on the Council ceases to be a member of the Council.

3.7 Vacancies

3.7.1 The seat of a Council member shall be deemed to be vacant upon the death, resignation or disqualification of the Council member.

3.7.2 (1) If the seat of an elected Council member becomes vacant not more than twelve months before the expiry of the member's term of office, the Council may,

(a) leave the seat vacant;

(b) appoint as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district; or

(c) direct the Registrar to hold an election in accordance with this bylaw for that electoral district.

(2) If the seat of an elected Council member becomes vacant more than twelve months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election, so much as it is possible, in accordance with this bylaw for that electoral district.

(3) The term of a member appointed under subsection 3.7.2(1)(b) or elected in an election under subsection 3.7.2(1)(c) or subsection 3.7.2(2) shall continue until the former Council member's term of office would have expired.

3.7.3 (1) If the seat of a selected Council member becomes vacant not more than six months before the expiry of the member's term of office, the Council may leave the seat vacant or request that a member be selected in accordance with section 3.5.

(2) If the seat of a selected Council member becomes vacant more than six months before the expiry of the member's term of office, the Council shall request that a member be selected in accordance with section 3.5.

3.8 Election of President

At the first regular meeting of the Council each year the election of the President shall then be conducted by the Registrar as outlined in Schedule II, which forms part of the bylaw.

3.9 Election of Vice-President

Once the President has been elected as contemplated in section 3.8 above, the President will assume the chair unless the President asks the Registrar to continue with the procedure. The election of the Vice-President shall then be conducted in the same manner as is stipulated in section 3.8.

3.10 Election of Executive Committee Members

Upon completing the election of the Vice-President, the election of the members of the Executive Committee shall then be conducted in the same manner as is stipulated in section 3.8.

3.11 Duties of the President

The President shall, when present, preside at all meetings of the Council and, if any are held, all meetings of the registrants except as described in section 4.9. The President shall also be charged with overseeing the affairs of the College and the responsibility of carrying out the policies and working towards the objectives of the Council and the College. The President shall be an ex-officio member of, and shall have the right to vote on, all committees of the College with the exception that the President shall not, in the capacity of an ex-officio member, be appointed to any statutory hearing or review panel or participate in the decision thereof. During the absence or inability of the President, her or his duties and powers may be exercised by the Vice-President and, if necessary, such other Council members as the Council may from time to time appoint for such purpose.

3.12 Duties of the Vice-President

The duties of the Vice-President shall be to perform all duties of the President in the President's absence, inability or refusal to act and such other powers and duties as are included from time to time as the terms of her or his engagement call for or as the Council otherwise requires, except as described in section 4.9.

3.13 Term of President and Vice-President

The term of office for the President and Vice-President shall, in each case be one year in accordance with the *Dental Hygiene Act, 1991* (Ontario) and may be renewed annually for an aggregate term of three years.

3.14 Removal of President or Vice-President

The President or Vice-President may be removed from office by resolution adopted by not less than two-thirds of the Council members then present and voting.

3.15 Vacancy of Offices

If the office of President becomes vacant before the normal expiry of the term of office, then the Vice-President shall assume the office of President for the remainder of the term. If the office of Vice-President becomes vacant, then an election for Vice-President shall occur at the next regular meeting of Council.

3.16 Disqualification of Public Members of Council

In the event that a public member of Council:

- fails, without cause, to attend two consecutive regular meetings of the Council;
- fails, without cause, to attend two consecutive regular meetings of a committee or subcommittee of which she or he is a member;
- fails, without cause, to attend a hearing or review of a panel for which she or he has been selected;
- breaches section 36 of the *Act*;
- has breached the conflict of interest provisions of this bylaw;
- ceases to be a resident of Ontario; or
- fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has given,

then the Council may initiate disqualification proceedings.

3.17 Disqualification Proceedings

In the event that a member of Council or its committees contravenes the duties of a Council or committee member and a written complaint has been filed with the Registrar, the President shall bring the complaint to the Executive Committee. If the Executive Committee believes that the complaint warrants formal action, it shall call a meeting of the Council to determine whether there has been a breach of duties and, if so, the appropriate sanction. The appropriate sanction can include one or more of the following:

- (1) censure of the member,
- (2) removal of the person from any committee he or she serves,
- (3) removal of an elected member of the Council from the Council or a report requesting removal of the public member concerned from the Council to the Public Appointments Secretariat.

A decision finding that there has been a breach of duties and a decision to impose a particular sanction must be approved by a two-thirds affirmative vote of the Council members present and voting. The member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she will be given thirty days to respond to the allegation.

SECTION 4. MEETINGS OF THE COUNCIL

4.1 Location of Meetings

Meetings of the Council may be held at the Council's offices or at any other place in Ontario as may be fixed by the Registrar or as the Council may determine.

4.2 Number of Meetings

The first regular meeting of the Council following the November elections of the College shall be held in the first quarter of the calendar year. The Council shall hold in each calendar year at least three Council meetings, called by the President. Notice of the time and place of Council meetings shall be given by the Registrar.

For greater certainty, nothing in this bylaw shall be interpreted as derogating from the provision of the *Act* which require that meetings of the Council are to be open meetings unless the nature of the meeting is such that it is in compliance with the *Act* that such meeting not be an open public meeting.

4.3 Additional Meetings

In addition to the Council meetings contemplated in section 4.2 above, the President or the Council may determine to hold additional meetings.

4.4 Special Meetings

In addition, ten members of the Council can requisition a meeting by filing it with the Registrar in which case the Registrar shall schedule the meeting as soon as is feasible. The requisition shall set out the business that is to be transacted at the meeting.

4.5 Business to be Transacted at Meetings

The Council may only consider or transact:

(a) at any Council meeting

- (i) matters brought forward by the Executive Committee for deliberation or ratification;
- (ii) recommendations and reports by committees;
- (iii) matters of which notice was given to the Registrar by a Council member at the preceding Council meeting or where written notice has been given twenty-one days in advance of the Council meeting; or
- (iv) such other matters, not included in the agenda for the Council meeting, as a majority of Council members in attendance determine to be of sufficiently urgent nature.

4.6 Agenda

The President shall establish, or cause to be established, the agenda for each Council. The agenda for each Council meeting shall include a reasonable period during which any person may raise for discussion topics relevant to the affairs of the College, whether or not otherwise part of the business to be transacted at the Council meeting.

4.7 Quorum and Voting

A majority of Council members as is designated in the *Act* as the minimum number of Council members shall constitute a quorum for the transaction of business. Unless otherwise provided, questions arising at any meeting of the Council shall be decided by a majority of votes of those present and voting. In case of an equality of votes, the chair of the meeting shall not have a second or casting vote in addition to her or his original vote.

Every vote at a Council meeting shall be by a show of hands or as the chair of the meeting shall otherwise determine (including with respect to the manner in which any Council members participating electronically may signal their assent or dissent in respect of any matter), provided that any Council member may request a roll call vote unless the Council members have determined to vote by secret ballot.

In the event of a roll call vote, the Registrar shall request each Council member in turn to record her or his vote and such vote shall be recorded in the minutes of the meeting relating to the motion or resolution under consideration.

Except where otherwise provided in this bylaw or in the *Act*, every matter which comes before the Council, if not decided by consensus shall be decided by a majority of the votes cast at the meeting.

4.8 Chair

For the purposes of the conduct of its meetings, unless an alternate chair has been appointed as set out in section 4.9, the President shall preside at all meetings. The Vice-President shall preside at all meetings where the President is absent and in the absence of both the President and the Vice-President, the meeting shall be chaired by another Council member chosen by a majority of the Council members present and voting at such meeting.

If the chair chooses to step down, an alternate chair will be chosen from one of the Council members.

4.9 Alternate Chair

For the purposes of the conduct of its meetings, the Council may appoint a non-voting chair who is not a registrant of the College or a member of Council to preside at all meetings. Such a chair shall function solely as an arbiter of procedure in accordance with the procedures adopted in this bylaw. Before assuming her or his duties, the appointed chair shall undertake to maintain confidentiality in accordance with the *Act*.

4.10 Evidence of Meeting Proceedings

At any meeting, unless a poll is demanded, a declaration by the chair of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against a matter.

The proceedings of the Council shall be recorded in such form as the Council may, from time to time, require and the written record of meetings of the Council, subject to any corrections made at a subsequent meeting, when duly approved at such meeting of the Council and signed by the presiding chair and the person purporting to be the recording officer of such meeting, shall be prima facie proof of the accuracy of the contents of such record.

4.11 Adjournments

Whether or not a quorum is present, the chair of a meeting may, with the consent of the Council members present, adjourn the meeting. Notice of the time and place for the holding of the adjourned meeting shall be given to the Council members and to the public. Any business which might have been brought before and dealt with at the original meeting may be brought before and dealt with at any adjourned meeting.

4.12 Deputations to Council Meetings by External Groups

The President may effect arrangements to designate and schedule for deputation, and the Council or any committee may effect arrangements with the President to designate and schedule for deputation one or more topics relevant to the affairs of the College at a meeting of the Council. No such deputation shall be permitted unless and until approved by the Executive Committee and, unless the Executive Committee permits a shorter advance notice requirement, all requests for permission to present at any Council meeting by any person who is not a Council member shall be provided to the Registrar not less than thirty days prior to the originally scheduled date for a meeting.

Unless the chair otherwise determines, each deputation shall be permitted a maximum of two speakers who, together, shall be allowed a maximum of ten minutes for each permitted matter; provided that the chair may grant additional time if she or he considers such additional time appropriate for the deputation and/or permit additional speakers.

The chair, for the exclusive purpose of achieving clarification, may accept questions from Council members arising from the matters upon which the presenter has spoken and the presenter(s) may respond to such questions. Neither the presenter nor the Council members shall engage in debate or in either direct or indirect exchanges with each other or with other persons present except for the purpose of posing or responding to the questions asked as contemplated in the preceding sentence. Unless determined to be of such a nature as to warrant or require action to be taken on the matter in respect of which the deputation is made on an immediate basis, no action shall be taken at the Council meeting at which the deputation is made.

4.13 Other Meeting Procedures

With respect to procedural matters relating to the conduct of a Council meeting and not otherwise provided for in this bylaw, all questions arising as to any such procedure shall be determined having regard to the procedures adopted by Council.

4.14 Meetings Held by Electronic Communication

Meetings may be held by electronic means in cases where there is simultaneous and instantaneous communication.

4.15 Written Resolution

A resolution signed by all members of the Council is as valid and effective as if passed at a meeting of the Council held for the purpose.

SECTION 5. COMMITTEES

5.1 Executive Delegation

Except as provided by the *Act*, the Executive Committee may exercise all the powers and duties of the Council with respect to any matter that, in the opinion of the Executive Committee, requires attention between meetings of the Council.

5.2 Appointment of Council Members to Committees

The Executive Committee shall be constituted as a nominating committee and will present to Council a slate of candidates to all committee appointments. Following the presentation of the report of the nominating committee, Council members may propose additional suggestions for alternate committee assignment.

5.3 Term of Appointment

Except as otherwise provided in the bylaw, appointments to a committee other than Discipline or Fitness to Practise shall be for a one year term and may be renewed annually for a maximum term of service of three consecutive years. Under special circumstances the term may be extended.

5.4 Adding and Removing Members

Council may add or remove members to a committee where needed for the efficient operation of the committee. However, where a committee member is being removed for cause, the procedures in the bylaw on disqualification apply.

5.5 Vacancy

Where a vacancy occurs in respect of the membership by a Council member on a statutory committee the Executive Committee may, and if necessary for a committee to achieve its quorum or if necessary to give effect to the provisions of the *Act*, shall appoint Council members to fill any vacancies. Every Council member of a committee so appointed shall continue to be a member of such committee until confirmed or replaced, provided that any such appointment shall not extend beyond the then remaining term of the Council member being replaced. Where a vacancy has occurred on any committee, the Council shall, at its next following meeting, fill such vacancy from among the remaining Council members or, if appropriate, confirm the replacement Council member who was installed as a replacement by the Executive Committee as contemplated above.

5.6 Appointment of Non-Council Members to Committees

Subject to the *Act* the Council may appoint to committees of the College such registrants who are not Council members.

1. The term of office of a committee member appointed under section 5.6 is three years.
2. A registrant is eligible for appointment to a committee if, on the date of the appointment,
 - (a) the registrant is engaged in the practice of dental hygiene in Ontario or, if the registrant is not engaged in the practice of dental hygiene, the registrant is resident in Ontario;
 - (b) the registrant is not in default of payment of any fees required by this bylaw;
 - (c) the registrant is not the subject of any disciplinary or incapacity proceeding;
 - (d) a period of three years has elapsed since the registrant complied with all aspects of an order of the Discipline Committee or Fitness to Practise Committee;
 - (e) the registrant's certificate of registration is not subject to a term, condition or limitation imposed by the Discipline Committee or Fitness to Practise Committee;
 - (f) a period of one year has elapsed since the registrant has been an officer, director or employee of any association or organization representing the interests of dental hygienists;
 - (g) the registrant has not been suspended for non-payment of fees; and
 - (h) the registrant is not an employee of the College.
3. (1) The Council shall terminate the appointment of and disqualify a member appointed to a committee from sitting on the committee if the member,
 - (a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
 - (b) is found by a panel of the Fitness to Practise Committee to be an incapacitated registrant;
 - (c) fails, without cause, to attend two consecutive regular meetings of the committee or of a subcommittee of which he or she is a member;
 - (c.1) fails, without cause, to attend a hearing or review of a panel for which he or she has been selected;
 - (d) breaches section 36 of the *Act*;

- (e) no longer practises dental hygiene in Ontario and is no longer a resident of Ontario;
 - (f) ceases to be a registrant;
 - (g) breaches the conflict of interest provisions of this bylaw as stated in section 19;
 - (h) becomes an employee of the College; or
 - (i) fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been elected or appointed.
- (2) A member who is disqualified under subsection (1) from sitting on a committee ceases to be a member of the committee.
4. (1) If the seat of an appointed committee member becomes vacant before the expiry of the member's term of office, the Council may,
- (a) leave the seat vacant; or
 - (b) appoint a replacement member to the committee.
- (2) The term of a member appointed under subsection 4(1)(b) shall be from the day of the appointment until the former committee member's term would have expired.

5.7 Nominating Committee

The Executive Committee shall be constituted as a nominating committee and will present to Council a slate of non-Council member candidates to all committee appointments. Following the presentation of the report of the nominating committee, Council members may propose additional nominees. Should an election be required for any position, the voting procedures provided for in this bylaw with respect to the election of the President and Vice-President will apply, with such modifications as are necessary to reflect the nature of such elections.

5.8 Appointment of Committee Chair

At the first meeting of a committee after the first regular Council meeting in each year, the members of the committee shall appoint a chair from among their number, provided that the chair of each statutory committee is a Council member.

5.9 Limitations on Powers

Where Council delegates to any committee any power or authority not specifically provided to that committee under the *Act* or the bylaw of the College, the exercise of such power or authority by such committee is subject always to any different decision by the Council.

5.10 Non-Statutory Committees

- (a) The Council may, from time to time, create non-statutory or ad hoc committees, and where such committees are created, shall appoint the members of each committee in accordance with Schedule III that forms part of this bylaw.
- (b) Upon the appointment of any non-statutory or ad hoc committees, the Council shall provide for its jurisdiction, provided that the exercise of any powers by any such committee, unless expressly delegated by Council or specifically provided for by the bylaw of the College, shall be subject to any different decision by the Council.
- (c) In appointing persons to a non-statutory or ad hoc committee, the Council may appoint persons who are neither Council members nor registrants of the College, unless the *Act* or the bylaw of the College provide otherwise.
- (d) In the event of a vacancy on any non-statutory or ad hoc committee, the provisions relating to filling a vacancy on a statutory committee shall apply, with such variations as are necessary or desirable to reflect the circumstances.

The terms of reference for non-statutory or ad hoc committees are attached to this bylaw as Schedule III and which forms part of the bylaw.

5.11 Procedures for Meetings of Committees

- (a) Subject to the *Act* and unless otherwise required by law, each committee shall meet from time to time at the direction of the Council or the Executive Committee or at the direction of the chair or a majority of the members of such committee on a date and time designated. Meetings, other than hearings, may be held by electronic means where there is simultaneous and instantaneous communication.
- (b) Subject to the *Act* and unless otherwise required by law, no formal notice is required for a meeting of a committee but a College staff person involved in the committee's activities shall make reasonable efforts to notify all of the committee members informally of every meeting and to arrange the meeting date and time for the convenience of the committee members.
- (c) Three members (one of which is a public member) of any committee shall constitute a quorum unless another provision in the *Act* provides otherwise.

- (d) Every question that comes before a committee shall be decided by a majority of the votes cast at the committee meeting and if there is an equality of votes on a question, the question shall be deemed to have been defeated.
- (e) Except for hearings held pursuant to the *Act*, the presiding officer shall record the proceedings of every committee meeting or cause them to be recorded and the written records, when duly approved at a subsequent meeting of the committee subject to any corrections made at such subsequent meeting and signed and dated by the persons purporting to be the presiding and recording officers for such meeting, shall be prima facie proof of the accuracy of the contents of every such record.

5.12 Committee Reports

The written record of every committee meeting shall be deposited with the Registrar promptly after it has been signed by the chair and recording officers of such meeting.

5.13 Composition of Statutory Committees

1. The Executive Committee shall be composed of:

- (a) three members of the Council who are registrants of the College; and
- (b) two members of the Council appointed to the Council by the Lieutenant Governor's Order-in-Council.

1.1 The President of Council shall be a member of and shall chair the Executive Committee.

1.2 The Vice-President of the Council shall be a member of the Executive Committee.

2. The Registration Committee shall be composed of:

- (a) three members of the Council who are registrants of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor's Order-in-Council; and
- (c) one registrant of the College who is not a member of Council.

3. The Inquiries, Complaints and Reports Committee shall be composed of:

- (a) four members of the Council who are registrants of the College;
- (b) four members of the Council appointed to the Council by the Lieutenant Governor's Order-in-Council; and

(c) two registrants of the College who are not members of the Council.

4. The Discipline Committee shall be composed of:

(a) every member of the Council; and

(b) two registrants of the College who are not members of Council.

5. The Fitness to Practise Committee shall be composed of every member of the Council.

6. The Quality Assurance Committee shall be composed of:

(a) three members of the Council who are registrants of the College;

(b) two members of the Council appointed to the Council by the Lieutenant Governor's Order-in-Council; and

(c) two registrants of the College who are not members of the Council.

7. The Patient Relations Committee shall be composed of:

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

(b) three members of the Council appointed to the Council by the Lieutenant Governor's Order-in-Council; and

(c) one registrant of the College who is not a member of Council.

8. A committee is properly constituted, even with a vacancy, so long as a quorum of the committee can be formed.

5.14 Composition of Panels

Panels shall be chosen by the chair of the committee. [This is noted in each committee section of the *Act*]

SECTION 6. APPOINTMENT OF REGISTRAR AND OTHER REPRESENTATIVES

6.1 Registrar

The Registrar will be the Chief Administrative Officer of the College and shall have such duties as are conferred by the *Act*. The Registrar may serve as secretary of the Council. The Registrar shall give or cause to be given notice for all meetings of the Council when directed to do so. The Registrar shall be the custodian of the seal of the College and of all books, papers, records, correspondence, contracts, funds and securities and other documents belonging to the College, except such documents as are in special custody at the direction of the Council.

6.2 Deputy Registrar

If a Deputy Registrar is appointed by the Registrar, she or he shall be the acting Registrar and have all of the powers and duties of the Registrar should the Registrar be unable to act due to absence from the College or being unavailable or the position of the Registrar becoming vacant. Should the Deputy Registrar be unavailable, the Registrar may designate an alternate.

6.3 Inspectors, Investigators, Evaluators and Assessors

The Registrar may from time to time appoint persons to act in the capacity of inspector, investigator, evaluator or assessor on behalf of the College. Persons so appointed shall perform such duties as may be determined by the Registrar or committee of the College, as the case may be, in accordance with the powers granted in connection therewith under the *Act*.

Each inspector, investigator, evaluator or assessor appointed shall make a written report to the Registrar or the appropriate committee of every inquiry made.

6.4 Inspections

The Registrar may appoint inspectors to gather information required by the *Act*, the regulations and the bylaw.

6.5 Other Representation

The College may appoint or select a representative to serve on any body.

SECTION 7. REMUNERATION AND PROTECTION OF MEMBERS OF COUNCIL AND COMMITTEES AND OTHERS

7.1 Remuneration of Elected Council and Committee Members and Others

Any remuneration of elected Council members and committee members and others shall be as resolved from time to time by the Council.

7.2 Indemnity of Council Members and Others

Every Council member, every other member of a committee of the College (including any inspector, investigator, evaluator or assessor appointed from time to time by the College) and every employee of the College who, in respect of his or her duties has undertaken or is to undertake any liability on behalf of the College, and the heirs, executors, administrators and personal legal representatives shall be indemnified and saved harmless out of the funds of the College from and against all costs, charges and expenses whatsoever that such person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against her or him in or about the execution or intended execution of the duties of her or his office or employment or in respect of any other liabilities, save and except such costs, charges or expenses as are occasioned by her or his own wilful neglect or default.

7.3 Liability Insurance of Registrants

All registrants holding a general/speciality certificate of registration shall maintain professional liability insurance coverage with a minimum of \$1,000,000 coverage for each occurrence and with a deductible of no more than \$10,000.

(1) A registrant shall carry professional liability insurance with the following characteristics:

1. The minimum coverage per occurrence shall be \$1,000,000
2. The deductible shall be no more than \$10,000
3. The insurer must be licensed with the Financial Services Commission of Ontario
4. The registrant must be personally named on an insurance certificate.

(2) Where the insurance is of the claims-made type, the member shall, before terminating that insurance coverage, obtain enduring (tail) insurance to provide coverage for at least five years after the termination of the insurance. Enduring (tail) insurance is not required where the member otherwise has ongoing insurance coverage for claims made during the period of time covered by the claims-made insurance.

7.3 Amended May 27, 2011

SECTION 8. BANKING AND INVESTMENTS

8.1 Banking

The Council shall appoint a Canadian chartered bank (which shall be a Schedule 1 or Schedule 2 bank under the *Bank Act* (Canada)) for the use of the College. All money received shall be deposited in the account or accounts maintained by the College at such bank, without deduction for any purpose whatsoever. The College shall have a petty cash fund for expenditure items where payment by individual cheque is not practical, any such payment not to exceed \$200 and such petty cash fund to be operated on an "as needed" basis. Except for payments out of the petty cash fund as herein before contemplated, all payments by the College shall be made by cheque drawn on the College's bank account as contemplated above.

The Registrar may endorse any negotiable instrument for collection on account of the College through the College's bank or for deposit to the credit of the College with the College's bank. The College's rubber stamp may be used for such endorsement.

8.2 Fidelity/Bonding

A fidelity bond shall be secured to cover each person whose duties involve handling of funds or property of the College or the pledging of the credit of the College.

8.3 Investment

Subject to the next paragraph, the Council may, by resolution, invest or re-invest the funds of the College that are not immediately required for the purposes of the College in any security in which a trustee may properly invest trust money under section 27 of the *Trustee Act* (Ontario), as such *Act* may be amended, restated or replaced from time to time and, in order to implement such investment or re-investment, may authorize by resolution an officer or officers of the College to carry out such decisions.

The funds of the College to be invested as referred to above in this section may be invested only in securities issued or guaranteed by:

- (a) the Government of Canada,
- (b) the government of a province of Canada, or
- (c) a Schedule 1 Canadian chartered bank.

8.4 Custody of Securities

All securities owned by the College from time to time shall be lodged, in the name of the College, with a Canadian chartered bank or a Canadian trust company, or in a safety deposit box, or held in accounts with such brokerage houses as may be authorized by the Council. Any such securities and other documents shall be placed in, or removed from, the College's safety deposit box only by two of the following: - Registrar or Deputy Registrar and President or Vice-President.

SECTION 9. BORROWING

9.1 Borrowing and Giving of Security

The Council may, from time to time, by resolution with support of two-thirds of the Council:

- (a) borrow money upon the credit of the College;
- (b) limit or increase the amount or amounts to be borrowed;
- (c) issue, sell or pledge for such sums and such prices as may be deemed expedient, securities of the College; and
- (d) grant a security interest (including, without limitation, a charge, mortgage 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.

Notwithstanding the delegation of executive authority to the Executive Committee pursuant to section 5.1, the Executive Committee shall not exercise the powers or duties of the Council under this bylaw or section 8.3 or take any similar action. In any resolution by the Council with respect to the matters contemplated in this bylaw or section 8.3, the Council may authorize an officer or officers of the College to carry out the actions contemplated by such resolution.

SECTION 10. AUDITORS

10.1 Fiscal Year

The fiscal year of the College shall be the calendar year.

10.2 Auditors

The Council shall in each fiscal year, appoint one or more auditors who are duly licensed under the *Public Accounting Act, 2004* (Ontario) to hold office for such fiscal year and, if an appointment is not so made, the auditor then in office shall continue until a successor is appointed. The Council shall fill any temporary vacancy in the office of auditor but, while such vacancy continues, the surviving or continuing auditor, if any, shall continue as auditor.

10.3 Notice to Auditors

The Registrar shall give notice of every appointment and re-appointment of an auditor to the auditor in writing promptly after the appointment or re-appointment is made, together with a copy of this bylaw.

10.4 Examinations by Auditor

The auditor so appointed or re-appointed shall make such examinations as will enable them to report to the Council as required by law and under this bylaw. Without limiting the generality of the foregoing, the auditor shall report to the Executive Committee of the College at its last meeting before the Council meeting at which the financial statements of the College are to be submitted. The auditor of the College shall report in writing to the Council meeting at which the financial statements of the College are to be submitted and shall state in the report whether, in their opinion, the financial statements present fairly the financial position of the College and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.

10.5 Access

The College's auditors shall be given a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and shall be entitled to require from the Council members and other officers and employees of the College such information as in their opinion, giving due weight to the principle of privacy of personal information, is necessary to enable them to report as required by law and under this bylaw.

10.6 Attendance at Meetings

The College's auditors shall be entitled to attend any meeting of the Council and to be heard at any such meeting at which their representative is in attendance on any part of the business of the meeting that concerns the auditors or the financial statements of the College. The Registrar shall send a notice of every meeting of the Council to the College's auditors in sufficient time so as to allow the College's auditors to arrange for representation at such meeting.

10.7 Limitation of Executive Committee Authority

For greater certainty, notwithstanding the delegation of executive authority to the Executive Committee pursuant to section 5.1, the Executive Committee shall not exercise the powers or duties of the Council under section 10.

SECTION 11. SEAL

11.1 Seal

The seal depicted on the right is the seal of the College.

11.2 Custody of Seal

The seal shall be kept in the custody of the Registrar on behalf of the College.

11.3 Logo and Name Mark

The logo and name mark depicted on the College web site shall be the logo and name mark of the College as depicted below.



SECTION 12. EXECUTION OF DOCUMENTS, ETC.

12.1 Bank Signing Authorities

The College shall have at least two persons authorized by the Council to sign contracts, documents, cheques or other instruments in writing pertaining to the College's banking business that require signatures. Those members of Administration authorized to sign for the College are the Registrar, Deputy Registrar, Associate Registrar and Director Administration.

12.2 Execution of Other Documents

All other contracts, documents or instruments in writing requiring the signature of the College may be signed by the President or Vice-President, together with the Registrar, and all contracts, documents or instruments in writing so signed shall be binding upon the College without any further authorization or formality. The Council is also authorized, from time to time, to appoint any officer or officers or any other person or persons on behalf of the College either to sign contracts, documents or instruments in writing generally or to sign specific contracts, documents or instruments in writing.

12.3 Definition of Contracts, etc.

The term "contracts, documents or instruments in writing" as used in this section is intended to include deeds, mortgages, hypothecs, charges, conveyances, transfers and assignments of property, real or personal, movable or immovable, powers of attorney, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, bonds, debentures or other securities and all paper writings.

12.4 Summonses

Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of the College or any committee of the College.

12.5 Affixation of Seal

The seal of the College shall, when required, be affixed to contracts, documents or instruments in writing, signed as aforesaid, or by any officer or officers, person or persons appointed as aforesaid by resolution of the Council.

SECTION 13. ENACTMENT, AMENDMENT AND REPEAL OF BYLAWS

13.1 Enactment, Amendment and Repeal

A bylaw of the College may be made, amended and repealed by a vote of at least two-thirds of the Council members then serving and present at any Council meeting.

13.2 Notice of Proposal

Where obligated by the *Act*, proposed bylaws shall be circulated to every registrant at least sixty days before Council approves them.

13.3 Numbering and Maintenance

Every bylaw and every amendment and repeal thereof shall be numbered according to the order in which it was passed, certified by the President or Vice-President and by the Registrar and sealed and maintained in a book in its numerical order.

SECTION 14. INFORMATION REQUIRED BY THE COLLEGE

14.1 Timing of Annual Renewal

The Registrar shall, at least forty-five (45) days before the deadline for annual renewal of the current certificate of registration, send to every registrant, at the address to which the registrant wishes correspondence from the College to be sent shown in the register, a notice respecting the required payment of annual fees, the filing of statistical information, and the requirements to be satisfied to meet the terms, conditions and limitations of the certificate in question.

14.2 Providing Information to the College

If requested, the registrant shall immediately provide the College with the following information, in the form requested by the College:

- (i) Information required to be maintained in the register in accordance with subsection 23(2) of the Code and section 15.6;
- (ii) The address, telephone number, facsimile number and e-mail address of the registrant's primary residence in Ontario and, if the registrant does not reside in Ontario, the address and telephone number, facsimile number or e-mail address if available of the registrant's primary residence;
- (iii) The registrant's business addresses and business telephone numbers;
- (iv) Proof of professional liability insurance;
- (v) The registrant's areas of practice and categories of clients seen;
- (vi) Information regarding the registrant's employment including:
 - (a) the registrant's title and position,
 - (b) a description of the registrant's role, duties, and responsibilities, and
 - (c) the registrant's employment category and status.
- (vii) If there have been any changes to the registrant's name since the date of the registrant's initial application for registration, the former names of the registrant;
- (viii) Any nicknames or abbreviations that the registrant uses in any place of practice;
- (ix) Information about the registrant's registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the registrant's registration or license number and the date the registrant first became registered;

- (x) The name of the educational institution where the registrant obtained any certificates, diplomas or degrees in dental hygiene, the type of certificates, diplomas or degrees obtained and the date each was issued;
- (xi) Information about any finding of professional misconduct or incompetence or similar finding that has been made against the registrant by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:
 - a) the finding,
 - b) the name of the governing body that made the finding,
 - c) a brief summary of the facts on which the finding was based,
 - d) the penalty and any other orders made relative to the finding,
 - e) the date the finding was made, and
 - f) information regarding any appeals of the finding.
- (xii) Information about any finding of incapacity or similar finding that has been made against the registrant by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:
 - a) the finding,
 - b) the name of the governing body that made the finding,
 - c) the date the finding was made,
 - d) a summary of any order made, and
 - e) information regarding any appeals of the finding.
- (xiii) Information about the registrant's participation in the Quality Assurance program;
- (xiv) Information for the purpose of compiling statistical data;
- (xv) Information about any finding by a court made after June 3, 2009 that the registrant is guilty of any of the following:
 - a) an offence under the *Criminal Code of Canada*;
 - b) an offence related to prescribing, compounding, dispensing, selling or administering drugs;
 - c) an offence that occurred while the registrant was practising or that was related to the practice of the registrant (other than a municipal bylaw infraction or an offence under the *Highway Traffic Act*);
 - d) an offence in which the registrant was impaired or intoxicated; or
 - e) any other offence relevant to the registrant's suitability to practise the profession.
- (xvi) Information about any finding by a court made after June 3, 2009 of professional negligence or malpractice against the registrant; and

(xvii) Information required by the Minister of Health and Long-Term Care.

14.3 Notification of Changes of Information

The registrant shall notify the College, in writing, of any changes to the following information within fourteen days of the effective date of the change:

- (i) the registrant's name,
- (ii) the address and telephone number of the registrant's primary residence in Ontario and, if the registrant does not reside in Ontario, the address and telephone number of the registrant's primary residence, and
- (iii) the registrant's business addresses or business telephone numbers.

SECTION 15. THE REGISTER

15.1 Name in the Register

Unless section 15.2 applied, a registrant's name in the register shall be the full name indicated on the documents used to support the registrant's initial registration with the College.

15.2 Change of Name

The Registrar may enter a name other than the name referred to in section 15.1, in the register if the Registrar:

- (i) has received a written request from the registrant;
- (ii) is satisfied that the registrant has legally changed his or her name; and
- (iii) is satisfied that the name change is not for any improper purpose.

15.3 Business Address

A registrant's business address in the register shall be the address of the location in Ontario where the registrant is employed or self-employed as a dental hygienist. In the event that the registrant is employed or self-employed as a dental hygienist in more than one location in Ontario, the registrant's business address shall be the location where the registrant currently works the most hours. In the event that the registrant is not employed or self-employed in Ontario as a dental hygienist, the Registrar shall enter as the registrant's business address the location designated by the registrant or any other location for the registrant known by the College.

15.4 Business Telephone Number

A registrant's business telephone number in the register shall be the telephone number of the location in Ontario where the registrant is employed or self-employed as a dental hygienist. In the event that the registrant is employed or self-employed as a dental hygienist in more than one location in Ontario, the registrant's business telephone number shall be the telephone number of the location where the registrant currently works the most hours. In the event that the registrant is not employed or self-employed in Ontario as a dental hygienist, the register shall not contain a business telephone number for the registrant.

15.5 Maintaining Register

The Registrar shall maintain a register in accordance with section 23 of the Code.

15.6 Other Information in the Register

In addition to the information set out in subsection 23(2) of the Code, the register shall contain the following publicly available information with respect to each registrant:

- (i) The registrant's business addresses and business telephone numbers;
- (ii) The registrant's registration number;
- (iii) The dates on which each class of registration and specialist status that the registrant holds was obtained and, if applicable, the dates on which each terminated;
- (iv) If the registrant ceased to be a registrant, a notation specifying the reason for the termination of registration and the date upon which the registrant ceased to be a registrant;
- (v) 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 has not been finally resolved, until the matter has been resolved:
 - (a) a notation of that fact, including the date of the referral,
 - (b) a summary of each specified allegation, and
 - (c) any hearing dates, including dates for the continuation of the hearing.
- (vi) A notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practise Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved;
- (vii) Any information jointly agreed to be placed on the register by the College and the registrant;
- (viii) Where the registrant's certificate of registration is subject to an interim order, a notation of that fact, the nature of the order and the date that the order took effect;
- (ix) Where the registrant's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (x) Where the College is aware that a finding of professional misconduct or incompetence or similar finding has been made against the registrant by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal:
 - a) a notation of the finding,

- b) the name of the governing body that made the finding,
 - c) a brief summary of the facts on which the finding was based,
 - d) the penalty and any other orders made relative to the finding,
 - e) the date the finding was made, and
 - f) information regarding any appeals of the finding.

- (xi) Where the College is aware that a finding of incapacity or similar finding has been made against the registrant by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal:
 - a) a notation of the finding,
 - b) the name of the governing body that made the finding,
 - c) the date the finding was made,
 - d) a summary of any order made, and
 - e) information regarding any appeals of the finding.

- (xii) Where a decision of the Discipline Committee has been published by the College with the registrant's name or former name included:
 - a) a notation of that fact, and
 - b) identification of the specific publication of the College which contains the information.

- (xiii) Where, during or as a result of a proceeding under section 25 of the Code a registrant has resigned, a notation of that fact;

- (xiv) In addition to the name of every health profession corporation of which the registrant is a shareholder, the business address, business telephone number, business e-mail address, if there is one, and any operating names of the health profession corporation;

- (xv) Any of the information in respect of a former registrant that was on the register just before the registration terminated, for a period of at least two years after the termination of registration, except for any information related to discipline proceedings in Ontario, in which case it shall be entered on the register for a period of fifty years after the termination of registration.

15.7 Official Documentation

Upon request, the Registrar shall issue a written document containing such information as requested from the public portion of the register.

SECTION 16. FEES

Application Fees

16.1 A person who submits an application for a certificate of registration of any class, for consideration by the Registrar pursuant to section 15 of the Code, shall pay an application fee of \$75.

Annual Fees

16.2 (1) The annual fee payable by a registrant is:

- (a) \$250 for a registrant who holds a general certificate;
- (b) \$250 for a registrant who holds a specialty certificate; and
- (c) \$50 for a registrant who holds an inactive certificate.
- (d) In the year of graduation, new registrants are granted a one-time registration fee equal to one half of the general certificate of registration fee.

(2) The annual fees are payable by a registrant immediately upon first becoming a registrant and, thereafter, on January 1 of each year.

(3) The penalty for late payment of a fee set out in subsection (1) is \$100.

Change of Class

16.3 A registrant who applies, after January 1 of any year, for a certificate of registration of a different class than the one already held by the registrant, shall pay the difference between the annual fee paid by the registrant on January 1 and the annual fee payable for the certificate for which the registrant applied if the latter fee is greater.

Entry-To-Practise Fees

16.4 (1) The fee to take the clinical competency evaluation for entry to practise is \$500.

(1.1) The fee to take the provincial written assessment for entry to practise is \$150.

(1.2) The fee to take an entry-to-practice radiology evaluation is \$200.

(2) If the Registrar shall receive an appeal of clinical evaluation results, the Registrar shall forward it to the Registration Committee.

(3) A person who files an appeal of clinical evaluation results with the Registrar shall pay a non-refundable fee of \$100.

Fees for Election Recount

- 16.5** (1) A candidate for election to the Council shall pay a fee of \$100 for a recount of the election that the Registrar is required to hold in accordance with section 3.3.11.
- (2) The fee shall be refunded to the candidate if the outcome of the election is changed in his or her favour as a result of the recount.

Additional Fees

- 16.6** A person who makes requests of the Registrar to do that which is required or authorized to do by statute or by regulation of the Registrar shall pay:
- (a) if a fee for doing so is prescribed, the prescribed fee; or
- (b) if a fee is not prescribed and a fee is set by the Registrar, the fee set by the Registrar.

Obligations to Pay

- 16.7** (1) The reinstatement fee for a person applying to the Registrar to lift a suspension or issue a new certificate under this section is \$125.
- (2) The fee for a:
- Replacement wall certificate is \$20
 - Replacement lapel pin is \$10
 - Replacement of the Registrants' Resource data stick is \$15
 - Replacement of a duplicate receipt is \$10
- (3) The obligation to pay the annual registration fee or renewal fee and to submit the annual information return continues, even if the Registrar fails to mail a notice, or the registrant fails to receive such notice.

Assessment Fee

- 16.8** The assessment fee for an applicant from a non-accredited program is equal to the current certificate of registration fees and such fee will be credited back to the applicant upon registration with the College.

Administrative Fee

- 16.9** After the first notice, a registrant shall pay an administrative fee of \$50 for each subsequent notice sent by the Registrar to a registrant for failure of the registrant to provide information or a form to the College or a committee of the College within thirty days of being requested or required to do so. The fee is due within thirty days of the subsequent notice being sent, unless s/he has, in the opinion of the Registrar, a valid explanation for failing to submit the information requested within the 30 day period.

SECTION 17. GRANTS

17.1 Authority to Make Grants

The Council may from time to time authorize the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society. The College reserves the right not to award any grants.

17.2 Criteria for Grant Applications

- All projects must be in concert with the College's Mission Statement.
- All project proposals must be accompanied by a statement of purpose, method of implementation, projected outcomes and method of evaluation.
- The total cost of the project must accompany the proposal along with a statement as to why the applicant is seeking a grant from the College.
- The value to registrants and to the public of Ontario must be clearly defined.
- Project timelines are to be included.
- The applicant shall specify the amount requested and the manner in which they would prefer monies to be dispersed (lump sum or instalments).
- A condition of acceptance is that the College is to be acknowledged should results of the project be published.

17.3 Funding for Grants

The Council may use discretion in the grant amount awarded. This amount is dependent on the financial resources available at the time of the request. A nominal amount will be considered, on an annual basis, for inclusion in the College's budget.

SECTION 18. FUNDING FOR THERAPY AND COUNSELLING

18.1 Requirements Under the Program

The Patient Relations Committee may require therapists and counsellors, who are providing therapy or counselling that is funded through the program, to submit credentials attesting to their competency in providing sexual abuse therapy and counselling. Persons who are receiving such therapy or counselling are to provide, to the Patient Relations Committee, a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training experience. Persons who are receiving therapy or counselling are to provide to the Patient Relations Committee a written statement that therapy or counselling is being provided and that the funds are being devoted only to that purpose.

SECTION 19. DUTIES OF COUNCIL AND COMMITTEE MEMBERS AND CONFLICT OF INTEREST

19.1 Duties of Council and Committee Members

Council and committee members shall act in the best interests of the College and of the public of Ontario. They shall perform their duties in accordance with the *Act*, the regulations thereunder, the bylaw and any policies of the College.

19.2 Conflict of Interest

19.2.1 Council members and committee members shall not carry out their duties when they are in a conflict of interest. A conflict of interest exists where a reasonable person could conclude that the personal interests of the individual or a related person or company could improperly influence the individual's judgment in performing his or her duties as a Council member or committee member.

19.2.2 A member of the Council or a committee of the College may not accept an employment or administrative position with the College, including that of the Registrar, without first resigning his or her position on the Council or committee.

19.3 Declaration of Conflict of Interest by Council Members

Every Council member shall declare, verbally, and where the Council deems it appropriate, in writing, if he or she has an actual or perceived conflict of interest pertaining to his or her duties as a Council member. This declaration will take place at the first Council meeting at which he or she becomes aware of an actual or perceived conflict of interest and at the first Council meeting of each year.

19.4 Declaration of Conflict of Interest by Committee Members

Every committee member shall declare, verbally, and where the Council deems it appropriate, in writing, if he or she has an actual or perceived conflict of interest related to a matter or matters in consideration by that committee. This declaration will take place as soon as the member becomes aware of an actual or perceived conflict of interest.

19.5 Confidentiality

Council and committee members shall be familiar and comply with section 36 of the *Act*.

SECTION 20. PROFESSIONAL INCORPORATION

Professional Corporations

Certificate of Authorization Fee

20.1 The fee for the issuance of a certificate of authorization, including any reinstatement of a certificate of authorization, for a professional corporation is \$750.

Annual Renewal Fee

20.2 The fee for the annual renewal of a certificate of authorization is \$250.

Renewal Date

20.3 The annual renewal date for a certificate of authorization is March 1st of each year.

Failure to Renew

20.4 After the first notice, a professional corporation or a registrant listed in the College's records as a shareholder of a professional corporation shall pay an administrative fee of \$50 for each subsequent notice sent by the Registrar to the corporation or registrant for failure of the corporation to renew its certificate of authorization on time. The fee is due within thirty days of the notice being sent unless s/he has, in the opinion of the Registrar, a valid explanation for failing to submit the information requested within the 30 day period.

Additional Certificate

20.5 The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or one annual renewal of a certificate of authorization is \$50.

Information Required by the College

20.6 Every registrant of the College shall, for every professional corporation of which the registrant is a shareholder, provide in writing the following information on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within thirty days and upon any change in the information within thirty days of the change:

- (a) the name of the professional corporation as registered with the Ministry of Government Services,
- (b) any business names used by the professional corporation,
- (c) the name, as set out in the register, and registration number of each shareholder of the professional corporation,
- (d) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director,

- (e) the principal practice address, telephone number, facsimile number and email address of the professional corporation,
- (f) the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided, and
- (g) a brief description of the professional activities carried out by the professional corporation.

Public Information

20.7 The information specified in section 20.6 is designated as public for the purposes of subsection 23(5) of the Code.

SECTION 21. DECLARED EMERGENCIES

21.1 In the event of the declaration of a state emergency by the Government of Canada or by the government of any province or territory of Canada or for any other reason, the College may waive or extend any deadline under these bylaws or curtail any services of the College for the duration of length of the state of emergency. The College will communicate with registrants where possible.

SECTION 22. COMMENCEMENT

22.1 This bylaw takes effect at 12:01 a.m. on June 4, 2009.

SCHEDULE I

CODE OF ETHICS

COLLEGE OF DENTAL HYGIENISTS OF ONTARIO CODE OF ETHICS

(Adapted from the Canadian Dental Hygienists Association Code of Ethics, 2001)

The mission of the College of Dental Hygienists of Ontario is to regulate the practice of dental hygiene in the interest of the overall health and safety of the public of Ontario.

PRINCIPLE I: BENEFICENCE

- ***Involves caring about and promoting the good of another***

Dental hygienists use their knowledge and skills to assist client's to achieve and maintain optimal oral health and to promote fair and reasonable access to quality care.

PRINCIPLE II: AUTONOMY

- ***Pertains to the right to make one's own choices***

By communicating relevant information openly and truthfully, dental hygienists assist client's to make informed choices and to participate actively in achieving and maintaining optimal oral health.

PRINCIPLE III: PRIVACY AND CONFIDENTIALITY

- ***Privacy pertains to a person's right to control the collection, use and disclosure of personal information; the right to access and correct inaccurate information; and the right to expect that the information is kept secure.***
- ***Confidentiality is the duty to hold secret any information acquired in the professional relationship.***

Dental hygienists respect the privacy of clients and hold in confidence the information disclosed to them, subject to certain narrowly defined exceptions.

PRINCIPLE IV: ACCOUNTABILITY

- ***Pertains to the acceptance of responsibility for one's actions and omissions in light of relevant principles, standards, laws, regulations and the potential to self-evaluate and to be evaluated accordingly.***

Dental hygienists practise competently in conformity with relevant principles, standards, laws, and the regulations under the *RHPA, 1991* & *DHA, 1991* and accept responsibility for their behaviour and decisions in the professional context.

PRINCIPLE V: PROFESSIONALISM

- ***Is the commitment to use and advance professional knowledge and skills to serve the client and the public good.***

Dental hygienists express their professional commitment individually in their practice and communally through the CDHO and their participation in the CDHO Quality Assurance Program.

1. ETHICAL DECISION MAKING MODEL

STEP 1	IDENTIFY THE PROBLEM	Identify, in a preliminary way, the nature of the challenge or problem.
STEP 2	GATHER INFORMATION	Become suitably informed and gather relevant information including factual information, sequence of events; applicable policies, laws, and regulations and the views of stakeholders.
STEP 3	CLARIFY THE PROBLEM	Clarify and elaborate the problem based on the additional information obtained. Identify the ethical principles at stake.
STEP 4	IDENTIFY OPTIONS	Identify the various options for action.
STEP 5	ASSESS OPTIONS	Assess the various options.
STEP 6	CHOOSE A COURSE OF ACTION	Decide on and justify/defend a course of action.
STEP 7	IMPLEMENT THE ACTION	Implement one's decision as thoughtfully and sensitively as possible.
STEP 8	EVALUATE OUTCOMES	Assess the consequence of your decision and evaluate the outcomes.

SCHEDULE II

ELECTION OF THE EXECUTIVE COMMITTEE

The elections will be conducted according to the following procedure:

The elections will be supervised by the Registrar/Chief Administrative Officer.

The election of the Executive Committee shall be conducted in accordance with section 3.

In accordance with this bylaw the Executive Committee shall be composed of three persons who are registrants of the College and two persons appointed by Order of the Lieutenant Governor in Council.

Where there is only one nominee for a position, that person shall be elected by acclamation. In the event that there is more than one candidate for the office, the voting will be conducted by ballot, with the result being tabulated and then recorded and reported by the Registrar. Election shall be confirmed by a majority vote (50% +1) of those present and voting. Where no candidate receives a majority vote, the candidate receiving the fewest votes shall be disqualified and the Council shall, by ballot, vote on the remaining candidates until one candidate receives a majority vote.

In the event of a tie, a second ballot will take place. Candidates will have an opportunity to speak briefly. If the results are once again a tie, then the selection will be by draw between the two parties.

The Registrar shall appoint two scrutineers and distribute the ballots.

Nominations may be either by self or from any member of Council.

Election of President:

- the Registrar shall call for nominations
- candidates should be given the opportunity to speak briefly (order to be determined by lot).

Election of Vice-President:

- the President (or Registrar if so requested by the President) shall call for nominations
- candidates should be given the opportunity to speak briefly
- election conducted in the same manner as for President.

Election of Executive Committee members:

- shall be conducted in the same manner as for President and Vice-President
- candidates should be given the opportunity to speak briefly.

In accordance with the bylaw and established policy, the results of each election will be tabulated and reported by the Registrar, with the number of votes accorded each candidate to remain confidential.

The Registrar shall call for a motion to destroy the ballots.

The elected members of the Executive Committee may then speak briefly.

SCHEDULE III

TERMS OF REFERENCE FOR NON-STATUTORY OR AD HOC COMMITTEES

Pursuant to section 5.10, the Council may from time to time, create non-statutory or ad hoc committees. These committees are created for a specific purpose and may be created or disbanded by motion of Council.

Committees are composed of a minimum of three members, a cross-section of professional, public and selected (academic) members of Council, with one member having to be a Council member appointed by the Lieutenant Governor's Order-in-Council.

When required, non-statutory committees may be supported by legal and/or technical consultants, and other resource persons as required.

Non-statutory or ad hoc committees are to provide:

- a written agenda to the Registrar,
- written minutes of all meetings to the Registrar,
- all correspondence through the office of the Registrar, and
- reports to Council for each Council meeting.

SCHEDULE IV

ACADEMIC SELECTIONS

As per clause 7(1)(c) of the *Dental Hygiene Act, 1991* (Ontario) two persons are to be selected for Council from among registrants who are faculty members of an educational institution in Ontario that is authorized to grant diplomas or degrees in dental hygiene. Bylaw No. 4, section 3.5 outlines who is eligible for selection.

The CDHO will conduct an election for the academic Council Members.

Selection system:

1. Each registrant who is teaching in an accredited dental hygiene program in Ontario as a full-time faculty member (minimum 20 hrs/week with at least 10 hours of contact time with students and/or other faculty members) is to notify the College of their eligibility by September 30th of the year preceding the designated term of the appointment. A notice will be sent to the academic institutions and will be posted in *Milestones*.
2. Only those faculty members who notify the College as per (1) will be placed on the list and are eligible for election and may vote in the election.
3. Eligible faculty members who wish to be considered for selection are to forward to the College by October 30th
 - a Statement of Intent (200 word maximum)
 - a current Curriculum Vitae and;
 - a current photograph
4. The College will mail ballots to all eligible academic members as noted on the College list.
5. The College will count the ballots on a day and at a time specified on the ballot envelopes. Late ballots will not be counted.
6. The candidates with the two highest counts shall be elected, or if a by-election, one member for the remainder of the original term.
7. In the event of a tie, the elected members will be determined by lot.
8. The College will notify the selected candidates.

SCHEDULE V

Rules of Order of the Council

1. In this Schedule, "Member" means a Member of the Council.
2. Each agenda topic will be introduced briefly by the person or Committee representative raising it. Members may ask questions of clarification, then the person introducing the matter shall make a motion and another Member must second the motion before it can be debated.
3. When any Member wishes to speak, s/he shall so indicate by raising her or his hand and shall address the presiding officer and confine herself or himself to the matter under discussion.
4. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.
5. Observers at a Council meeting are not allowed to speak to a matter that is under debate.
6. A Member may not speak again on the debate of a matter until every other Member who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Members will not speak to a matter more than twice without the permission of the presiding officer.
7. A Member may speak up to three (3) minutes upon any motion; additional time may be allotted with the permission of Council.
8. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a Committee.
9. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.
10. When it appears to the presiding officer that the debate on a matter has concluded, when Council has passed a motion to vote on the motion or when the time allocated to the debate on the matter has concluded, the presiding officer shall put the motion to a vote.
11. When a matter is being voted on, no Member shall enter or leave the Council room, and no further debate is permitted.
12. No Member is entitled to vote upon any motion in which s/he has a conflict of interest, and the vote of any Member so interested will be disallowed.

13. Any motion decided by the Council shall not be re-introduced during the same meeting except by a two-thirds vote of the Members then present.
14. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, s/he shall rule the motion out of order and give her or his reasons for doing so.
15. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.
16. The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances, unless the Council requires strict adherence.
17. Members are not permitted to discuss a matter with observers while it is being debated.
18. Members shall turn off cell phones during Council meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to Council business (e.g., electronic copies of background documents) and to make personal notes on the issue at hand.
19. Members are to be silent while others are speaking.
20. In all cases not provided for in these rules or by other rules of Council, the current edition of "Robert's Rules of Order" shall be followed so far as they may be applicable.
21. These Rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the by-laws, including audio or video conferencing.