

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

DENTAL PRACTITIONERS AMENDMENT ACT 2019

TABLE OF CONTENTS

1	Citation
2	Amends section 1
3	Inserts section 6A
4	Amends section 7
5	Inserts section 7AA
6	Amends section 7A
7	Amends section 12B
8	Consequential amendment to Dental Practitioners (Registration) Regulations 1950

WHEREAS it is expedient to amend the Dental Practitioners Act 1950 to make appropriate indemnity insurance an express requirement of registration as a dental practitioner, to better safeguard the health of patients by giving the Board express power to impose on dental practitioners additional registration requirements in respect of specified procedures, and to make a consequential amendment to the Dental Practitioners (Registration) Regulations 1950;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Dental Practitioners Act 1950 (the "principal Act"), may be cited as the Dental Practitioners Amendment Act 2019.

Amends section 1

2 The principal Act is amended in section 1 by inserting the following definitions in their alphabetical places—

“appropriate cover” has the meaning given in section 6A(3);

“indemnity arrangement” has the meaning given in section 6A(2);

“specified procedure” has the meaning given in section 7AA(1).”.

DENTAL PRACTITIONERS AMENDMENT ACT 2019

Inserts section 6A

3 The principal Act is amended by inserting after section 6—

“Indemnity arrangements

6A (1) A registered dental practitioner who is practising dentistry in Bermuda shall have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

(2) For the purposes of this section, an “indemnity arrangement” shall comprise—

- (a) a policy of insurance;
- (b) an arrangement made for the purposes of indemnifying a person;
or
- (c) a combination of the two.

(3) For the purposes of this section, “appropriate cover”, in relation to practice as a dental practitioner, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.”.

Amends section 7

4 (1) Section 7(1) of the principal Act is amended—

- (a) in paragraph (a), by deleting “; and” and substituting a semi-colon; and
- (b) by inserting after paragraph (a)—

“(aa) if he wishes to include a specified procedure in his registration, documents showing that he meets the standards and requirements in respect of the specified procedure;

(ab) documents showing that there is in relation to him, or will be in force by the time he begins to practise in Bermuda, an indemnity arrangement which provides appropriate cover; and”.

(2) Section 7(7) of the principal Act is amended—

- (a) in paragraph (a), by deleting “; and” and substituting a semi-colon; and
- (b) by inserting after paragraph (a)—

“(aa) who, if he wishes to include a specified procedure in his registration, meets the standards and requirements in respect of the specified procedure;

(ab) who the Board is satisfied has in force in relation to him an indemnity arrangement that provides appropriate cover; and”.

DENTAL PRACTITIONERS AMENDMENT ACT 2019

Inserts section 7AA

5 The principal Act is amended by inserting after section 7—

“Registration in respect of specified procedures required

7AA (1) After consultation with registered dental practitioners, the Board may specify a procedure (a “specified procedure”) that, after the day referred to in subsection (2)(b), shall not be carried out by any registered dental practitioner unless the practitioner meets the standards and requirements of the Board in respect of that procedure, if the Board believes that such standards and requirements are necessary to safeguard the health of patients.

(2) In respect of each specified procedure—

- (a) the standards and requirements in respect of the specified procedure; and
- (b) the day after which no registered dental practitioner shall carry out the specified procedure unless registered to do so,

shall be set out in the statement of conduct under section 12B.

(3) No registered dental practitioner shall carry out a specified procedure after the day referred to in subsection (2)(b) unless he is registered to carry out the specified procedure.”.

Amends section 7A

6 Section 7A(2) of the principal Act is amended by inserting after paragraph (a)—

“(aa) in the case of a registered dental practitioner, continues to have in force in relation to him an indemnity arrangement that provides appropriate cover;”.

Amends section 12B

7 Section 12B of the principal Act is amended by inserting after subsection (1)—

“(1A) For the avoidance of doubt, the statement of conduct may contain guides to ethical conduct, standards of practice or scopes of practice.”.

Consequential amendment to Dental Practitioners (Registration) Regulations 1950

8 Regulation 5 of the Dental Practitioners (Registration) Regulations 1950 is amended—

- (a) by deleting the full stop at the end of paragraph (c) and substituting a semi-colon; and
- (b) by inserting after paragraph (c)—

“(d) any specified procedure that the applicant is registered to carry out.”.

DENTAL PRACTITIONERS AMENDMENT BILL 2019

EXPLANATORY MEMORANDUM

This Bill would amend the Dental Practitioners Act 1950 to make appropriate indemnity insurance an express requirement of registration as a dental practitioner. It would also give the Bermuda Dental Board express power to impose on dental practitioners additional registration requirements in respect of specified procedures where it believes that this is necessary to safeguard the health of patients.

Clause 1 is self-explanatory.

Clause 2 inserts definitions of expressions used in the new section 6A (indemnity arrangements) and 7AA (registration in respect of specified procedure).

Clause 3 inserts section 6A in the principal Act, which provides for mandatory malpractice insurance. It defines “indemnity arrangements” and “appropriate cover” and provides that a registered dental practitioner who is practising dentistry in Bermuda shall have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.

Clause 4 amends section 7 to make it clear that documents evidencing indemnity arrangements and, where applicable, suitability to carry out specified procedures must be submitted with an application for registration.

Clause 5 provides that, after consultation with registered dental practitioners, the Board may specify a procedure (a “specified procedure”) that shall not be carried out by any registered dental practitioner after a day that is set by the Board unless the practitioner meets the standards and requirements of the Board in respect of that procedure, if the Board believes that such standards and requirements are necessary to safeguard the health of patients. It also provides for registration in respect of specified procedures.

Clause 6 amends section 7A to make it clear that documents evidencing indemnity arrangements must be submitted with an application for re-registration.

Clause 7 amends section 12B to make it clear that a statement of conduct under that section may contain guides to ethical conduct, standards of practice or scopes of practice.

Clause 8 is a consequential amendment to the Dental Practitioners (Registration) Regulations 1950 to provide for registration of a specified procedure to be entered in the register.