

## **GENERAL INFORMATION**

Section 42. (4) of the Bylaws grant the Board the discretionary authority to exempt a registrant from the requirements of the supervision ratio set out in the Bylaws in certain instances. The Board may grant an exemption if they determine that:

1. extraordinary circumstances justify varying the ratio, and
2. no significant risk to the public would result from granting the variance.

The Board is aware of the difficulties that may be encountered by laboratories that lose dental technician employees or face an increased demand for dental technology services. The Board is also aware of the increasing shortage of qualified dental technicians in the Province to meet that need.

***The Board fully expects however that a dental technician or laboratory manager will have made every reasonable effort to find a qualified dental technician to meet their needs before applying for an exemption. Evidence of advertisements or other steps taken to search for and hire an RDT to fill the needed position may be required prior to considering a request for an exemption.***

The exemption policy set out below takes into consideration the education and skills of many non-RDT registrants and current conditions in the professional community. The policy is subject to change if conditions vary.

Upon approval of an application in the form required, the College will grant an exemption to allow one dental technician to supervise up to eight (8) others (assistants or students) if there is evidence that at least two of the eight others have the **training and/or experience** as defined below.

### ***Training***

- Licensure or registration as a Dental Technician in another regulated jurisdiction/ country
- Formal education from a post-secondary dental technician program
- Formal training through a government approved apprenticeship program

### ***Experience***

- Experience providing intermediate to advanced laboratory services in the technical area required by the current position

## **UNDER WHAT CIRCUMSTANCES CAN I APPLY FOR AN EXEMPTION?**

The bylaws permit the Board to exempt a registrant from the ratio requirement in

1. extraordinary circumstances, and
2. where there is no significant risk to the public.

### **Extraordinary Circumstances**

The Board takes the position that extraordinary circumstances include but are not limited to the following:

Circumstances that affect a supervising dental technician's ability to work:

- accident/death
- resignation/dismissal
- medical leave
- pregnancy/maternity leave
- significant family events
- absence for education related to the practice of dental technology

Circumstances affecting the laboratory business:

- significant increase in work load

Circumstances affecting the owner/manager's ability to obtain or retain an employee when required due to:

- shortage of dental technicians (shortage in required skill area)
- absence of applicants or suitable applicants for the position
- geographic location

### **No Significant Risk To The Public**

The Board considers that there would be no significant risk of harm to the public if:

- the supervising dental technician(s) is/are in good standing; ensures the adequate supervision as required by the Bylaws; gives his or her written undertaking regarding terms and conditions related to the exemption.

- the registrant(s) to whom the services are delegated has/have the skills and training set out above.

## **HOW DO I APPLY FOR AN EXEMPTION?**

***If possible, applicants should always contact the Registrar if they require an exemption BEFORE they are in breach of the supervision ratio. Applicants should contact the Registrar immediately if they suddenly lose RDT employees.***

The Board will require evidence that an applicant qualifies for the exemption. The applicant will be asked to explain why the exemption is needed and will ask the applicant to provide the following:

**Information and/or documentation (if applicable) explaining what extraordinary circumstances exist that are the basis for the exemption, e.g.,**

- the location/duration of specific training or education being undertaken by the supervising RDT
- the medical documentation providing details of accident, illness or disability
- circumstances regarding the dismissal/ resignation of a supervising dental technician (the College may contact the former employee)

**Documentation indicating the experience and training of the assistants currently employed in the laboratory; for example:**

- copies of graduating certificates
- copies of apprenticeship contracts
- evidence of employment in a laboratory (T4s, employers' letter)
- evidence regarding skills (employers' letter).

If applicants qualify for an exemption, the Registrar will provide the applicant with a certificate of exemption setting out the terms, conditions and duration of the exemption. The **Certificate of Exemption** should be displayed or readily available for production on request at the applicant's place of business.

## **HOW LONG CAN I HAVE AN EXEMPTION?**

Exemptions will be given for the period required, but will generally be for one year. Registrants who may need to extend their current exemption must ensure that they have re-applied, in the form required, and provide supporting information, documentation and/or undertakings **at least one month** before their current exemption expires.

## **WHAT IF A LABORATORY LOSES ITS ONLY DENTAL TECHNICIAN?**

**Laboratory owners/operators who are not RDTs are reminded that:**

- Only RDTs can provide the services of a dental technician or delegate the provision of those services to other registrants.
- Section 13 (2)(b)] of the *Health Professions Act* states that only a registrant entitled to perform the services can recover a fee or remuneration in any court for dental technician services.
- Laboratory employees/owners who are not RDTs cannot continue providing services if there is no RDT in the laboratory (unless a specific exemption has been provided as set out below).
- If non-RDTs continue to provide services set out in the scope of practice they are committing an offence under the *Offence Act* and may be referred to Crown Counsel.

The College recognizes that in some instances a laboratory will lose the only RDT employed in a laboratory. The College will consider providing a short-term, emergency exemption in some circumstances to these laboratories if:

- the loss of the RDT was clearly beyond their control or the RDT was dismissed for cause;
- another RDT will undertake to supervise and sign off on work delivered from that laboratory;
- the supervising RDT can be reasonably seen to have adequate access for proper supervision and/or if the supervising RDT has adequate control/accountability for the quality of the delivered prosthesis

- the supervising RDT has the current skills to supervise the type of service that will be provided by the laboratory they are supervising.

The College notes that there are essentially three environments to consider with respect to this type of application:

1. Two distinct laboratories that are physically and economically separated.
2. Satellite laboratories in BC with a managing laboratory located in BC. These laboratories are economically/administratively connected and physically separated.
3. Two distinct laboratories sharing space.

An applicant seeking this type of exemption will be required to provide evidence to support their application and verify the conditions set out above, and will be required to provide undertakings as appropriate to the situation to ensure that the supervising dental technician is responsible and that there is no significant risk to the public during the term of the exemption.

A waiver provided in these circumstances will normally be provided for a maximum of four (4) months.

## **CAN THE COLLEGE REVOKE AN EXEMPTION?**

The Board may revoke any exemption provided at any time if there is reasonable evidence that:

- appropriate supervision is not being provided
- an undertaking is being breached
- the information provided to support the exemption was not accurate or was misleading
- circumstances have changed significantly

## **WHAT ARE THE CONSEQUENCES OF A BREACH OF THE TERMS OF EXEMPTION**

Applicants who have intentionally provided inaccurate or misleading information, or who have breached any undertaking given, may be considered by the College to be conducting themselves in an unprofessional manner and subject to investigation for professional misconduct.



# **COLLEGE OF DENTAL TECHNICIANS OF BRITISH COLUMBIA**

Section 42(4) of the Dental Technician's Bylaws allow the Board to exempt a registrant from the supervision ratio set out in s. 42(1), (2), and (3), in extraordinary circumstances, and where no significant risk to the public would result.

# **EXEMPTION FROM THE SUPERVISION RATIO**

February 2018