



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.02

ANCILLARY DENTAL WORKERS ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

ANCILLARY DENTAL WORKERS ACT

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CHAPTER 9.02
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CHAPTER 9.02

ANCILLARY DENTAL WORKERS ACT

AN ACT TO PROVIDE FOR THE CREATION OF CLASSES OF ANCILLARY DENTAL WORKERS, AND TO IMPOSE RESTRICTIONS ON THE EMPLOYMENT OF SUCH WORKERS.

Short title.

1. This Act may be cited as the Ancillary Dental Workers Act.

Interpretation.

2. In this Act—

“Board” means the Medical Board constituted under the provisions of the Medical Act;

“dental technician” means a person who under the direction of a registered dentist, and after such dentist has examined a patient and has prescribed or given orders as to treatment makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with a human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof;

“dental auxiliary” means a person who under the direction of a registered dentist and in the course of the provision of national health services extracts teeth under local anaesthesia, undertakes simple dental fillings, cleans, polishes and scales teeth, applies prescribed solutions to prevent disease, and gives advice relating to such work and to oral hygiene;

“Minister” means the Minister responsible for the subject of health;

“Register” means the register established under this Act.

Power to create classes of ancillary dental workers.

3. (1) Subject to the provisions of the next following section, the Minister, after consultation with the Board, may make regulations, not inconsistent with the provisions of this Act, for the establishment of dental technicians, dental auxiliaries and any other class of ancillary dental workers to undertake dental work of kinds prescribed by the regulations, being dental work amounting to the practice of dentistry (as defined in section 29 of the Medical Act, Cap. 9.15).

- (2) Regulations made under this section may, in particular, make provision as respects any class of ancillary dental worker so established—

- (a) for providing for the admission of a member of that class to do dental work in the State, and for the establishment of a register for that class;
- (b) for prescribing the qualifications for becoming a member of that class and the proofs to be furnished as to education and good character;
- (c) for prescribing the dental work which a member of that class may undertake and the conditions, if any, under which he or she may undertake such work.

- (3) Regulations made under this section may authorise members of a class of ancillary dental workers established by the regulations to use a title indicating their membership, and a person who wilfully uses that title when he or she is not

authorised under the regulations to use that title shall, on summary conviction, be liable to a fine not exceeding five hundred and fifty dollars.

(Amended by Act 9 of 1986)

(4) If a member of a class of ancillary dental workers uses any title or description reasonably calculated to suggest that he or she possesses any status or qualification connected with dentistry other than a status or qualification which he or she in fact possesses and which is indicated by particulars entered in the register of the class in respect of him or her, he or she shall be liable, on summary conviction, to a fine not exceeding five hundred and fifty dollars:

Provided that where the regulations do not provide for a register of the class in which particulars of status and qualifications may be entered, this subsection shall have effect as if the words “and which is indicated by particulars entered in the register of the class in respect of him or her” were omitted.

(Amended by Act 9 of 1986)

(5) Where a register is established for a class of ancillary dental workers, regulations made under this section may, in particular, provide for—

- (a) prescribing a fee to be charged when a person’s name is entered in the register;
- (b) prescribing a fee to be charged in respect of the retention of a person’s name in the register in any year subsequent to the year in which that person’s name was first registered; and
- (c) authorising the person in charge of the register to erase from the register the name of a person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed under the last foregoing paragraph.

(6) Section 31 of the Medical Act shall not operate to prevent a person doing anything which he or she is permitted to do by regulations made under this section and the prohibition contained in that section on a person holding himself or herself out as practising or being prepared to practise dentistry shall not apply to a person for the time being permitted by regulations made under this section to practise dentistry of any particular kind.

Restrictions on employment of ancillary dental workers.

4. (1) Regulations made under section 3 shall not permit an ancillary dental worker of any class to undertake the fitting, insertion or fixing of dentures or artificial teeth.

(2) Regulations made under section 3 shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker in the course of the provision of national health services is carried out under the direction of a registered dentist, and it shall be the duty of the Minister to secure, either by provision in the said regulations or otherwise, that, so long as he or she thinks it advisable such work is only carried out in a manner indicated by a registered dentist.

(3) Regulations made under section 3 shall be so framed as to secure that dental work amounting to the practice of dentistry carried out by an ancillary dental worker otherwise than in the course of providing national health services is carried out under the direct personal supervision of a registered dentist.

(4) References in this section and in any other provision of this Act to the provision of national health services shall be construed as references to the provision—

- (a) of services at health centres;
- (b) of services for mothers and young children at maternal and child health clinics;
- (c) of medical inspection and treatment of pupils at Government Schools.

Savings.

5. (1) Nothing in this Act or the regulations shall be deemed to prohibit—

- (a) a medical practitioner or a dentist registered under the Medical Act;
- (b) a hospital dispensary or medical clinic acting upon the prescription or order of a registered medical practitioner or dentist,

from performing work or services ordinarily performed by a dental technician or dental auxiliary or any other class of ancillary dental workers.

(2) Nothing in this Act or the regulations shall be deemed to prohibit a person who is not a dental technician and who is a full time employee of a dentist from performing work or services ordinarily performed by a dental technician or dental auxiliary or any other class of ancillary dental workers under the direct supervision of a registered dentist.

Power to Chief Medical Officer to permit minor dental work.

6. (1) In addition to the foregoing provisions of this Act, the Chief Medical Officer, after consultation with the Board, may, by authority in writing, permit the performance of any minor dental work of a kind specified in such authority, in any part or parts of the State by any person whom he or she considers to be competent to perform such work, subject to such conditions as the Chief Medical Officer may think fit.

(2) Any conditions on the granting of any authority under subsection (1) shall be endorsed thereon, and any person who contravenes the same commits an offence and, on summary conviction, shall be liable to a fine of three hundred dollars or to imprisonment for a term of three months.

(Amended by Act 9 of 1986)

(3) An authority granted under this section may be withdrawn at any time.

Offences.

7. A person who, not being registered as an ancillary dental worker under this Act carries on business or holds himself or herself out as an ancillary dental worker, or who advertises or uses or affixes any prefix or suffix to his or her name signifying that he or she is carrying on business as an ancillary dental worker, or that he or she is qualified to carry on business as an ancillary dental worker commits an offence and, on summary conviction, shall be liable to a fine of seven hundred and fifty dollars or to imprisonment for a period of six months or to both such fine and imprisonment.

(Amended by Act 9 of 1986)

Proof of registration.

8. In all cases where proof of registration under this Act is required to be made, the production of a certificate under the hand of the Medical Registrar shall be

sufficient evidence of the registration or non-registration of the person or persons named therein *in lieu* of the production of the original register, and any such certificate purporting to be signed by a person in his or her capacity of Medical Registrar shall be *prima facie* evidence of his or her signature.
