

CDHBC Proposed Bylaw Changes Summary

The purpose of the proposed amendments is to substantially update and revise CDHBC's non-registration bylaws to better align with current best practices for regulatory bylaws under the Health Professions Act (HPA). CDHBC's bylaws have not been substantially updated since the College was created in 1995. Therefore, many sections of the current bylaws are out of date, and/or are not in accordance with amendments that have been made to the HPA. Please reference the redline version of the proposed draft bylaws for all the proposed amendments.

This is the first phase of a two-phased approach to updating the CDHBC regulation and bylaws. The goal of phase two is to work with the Ministry of Health to update the regulations, making the transition from reserved acts to the restricted activities model. In addition, phase two will contemplate changes to the registration provisions of the bylaws to update those provisions and support any changes made to the regulation.

Below is a summary of the key proposed changes written in plain language. For all the proposed changes, as well as the specific details, please reference the draft bylaw document.

Definitions

1. Definitions

The definitions have been updated to better align with current best practices, and to add definitions pertaining to other bylaw amendments. In particular, the definition of 'deliver' has been amended to confirm the College's ability to send communications to registrants by email.

Part I: Board of the College

2. Board Composition

The board composition remains the same; however, since the Minister of Health has the sole authority to determine the number of public representatives appointed to the board (between one-third and one-half of the total board membership), the reference in the bylaws to a specific number of appointed members has been removed.

3. Electoral District

Changes in this section clarify the language related to electoral districts, and clarify that registrants are assigned to the electoral district of their mailing address in the College register for the purpose of board elections. These changes do not affect current practice.

3.1 Eligibility for Election

This section has been added to clarify a registrant's eligibility to be nominated for an elected board position. The key provisions under this section stipulate that, for a registrant to be eligible for election, they may not currently be an employee of the College or a board member of a professional association such as CDHA or BCDHA. Furthermore, there must be no less than an 11 month period between the time they ceased to be an employee of the College or a board member of a dental hygiene professional association and their election date of March 1st to the CDHBC board. The changes also provide that the nominee cannot be a candidate for a professional association board at the same time that they are a candidate for the CDHBC board.

3.2 Eligibility to Vote in Elections

This section has been added to provide clarity regarding a registrant's eligibility to vote in elections. These changes do not affect current practice.

4. Notice of Election

Changes in this section clarify the process related to the notice of election, and confirm that the accidental omission to deliver notice of an election to any person does not invalidate the election result, consistent with best practices for College bylaws under the HPA. These changes do not affect current practice.

5. Nomination Procedure

Changes in this section clarify the process related to the nomination procedure. The language clarifies current practice that a candidate cannot nominate himself or herself for election (either as the principal nominator or as one of the 5 supporting nominators). These changes do not affect current practice.

6. Election Procedures

Changes in this section provide greater clarity in relation to election procedures, and give the Registrar the authority to establish procedures to facilitate electronic voting, provided that the anonymity of voters is assured.

7. Terms of Office

The modifications in this section will standardize all board members' terms of office to 2-year terms, subject to a limit of three consecutive terms under section 3.1(8). The amendments, when fully implemented, will also ensure that only three positions are elected each year, with the two Lower Mainland positions elected in alternating years, to enhance succession and continuity on the board. There are two transitional provisions within this section that will be eliminated after the new rotation is fully implemented.

8. Vacancy

The changes in this section clarify the process for filling vacancies on the board. Any person appointed by the board to fill a vacancy will serve the remainder of the term they have been appointed to fill. This ensures that the rotation described in section 7 is maintained. This change also allows the board, in exceptional circumstances, to appoint a registrant who may not otherwise satisfy the criteria for nominations as listed in section 3.1 with respect to past employment by the College, past participation on professional association boards, or the three consecutive term limit (for example, where no willing candidate would otherwise be available to fill a vacancy for a particular electoral district).

9. Remuneration of Board Members

Changes in this section clarify the remuneration that may be provided to board members. These changes do not affect current practice.

10. Removal of Board Member

Changes in this section bring the bylaws into line with related amendments to the HPA, and further clarify the circumstances for removal of elected board members.

11. Board Chair and Vice-Chair

Changes in this section clarify the process for electing the board chair and vice-chair, and their respective roles. These changes do not affect current practice.

12. Board Meetings

Changes in this section clarify the procedures related to board meetings. In particular, the amendments expand the list of circumstances allowing the board to exclude anyone who is not a board member from a board meeting (or meet in-camera), to align with current best practices.

12.1. Resolutions in Writing

This is a new section that clarifies the board's authority to pass resolutions through written and/or electronic votes. These changes do not affect current practice.

13. Committees

Changes in this section clarify the provisions relating to the appointment and composition of CDHBC's committees. These changes do not affect current practice.

16. Discipline Committee

The change in this section clarifies that an individual cannot be a member of the Inquiry Committee and Discipline Committee at the same time.

18. Committee Panels

The Quality Assurance Committee is being added to this section, allowing it to meet in 3-person panels (as with CDHBC's other committees).

19. Meetings of a Committee or Panel

Changes in this section clarify the procedures related to committee meetings. These changes do not affect current practice.

20. Remuneration of Committee Members

Changes in this section clarify the remuneration that may be provided to committee members. These changes do not affect current practice.

Part II: College Administration

21.1 Registrar

This new section clarifies the role of the Registrar, consistent with current best practices.

22. Deputy Registrar

The change in this section simplifies the description of the Deputy Registrar's role, and avoids duplication with related provisions of the HPA.

24/25. Banking/Payments and Commitments

Sections 24 and 25 are being updated to better align with current best practices related to banking, payments and commitments. These changes do not affect current practice.

25.1 Collection of Funds as Agent

The HPA allows Colleges to make bylaws allowing a portion of the annual fees payable by registrants to the College to be allocated to a professional association, and to be collected by the College on behalf of the association. This is a regular practice in some other Colleges. This new section will allow CDHBC to consider entering into an agreement to collect annual fees on behalf of a dental hygiene professional association. It should be noted that there have been no commitments or decisions for action on this item, but the addition of this section will make it possible for CDHBC to consider a fee collection agreement in the future.

26/27. Borrowing Powers/Investments

Changes in these two sections update the bylaws to reflect current best practices.

29. Legal Counsel

Changes in this section clarify the Registrar's authority to retain legal counsel to advise CDHBC.

30-33. General Meetings

Changes in sections 30, 31, 32 and 33 clarify the procedures for general meetings, notice of general meetings, resolutions proposed by registrants and proceedings at general meetings.

Part III: College Records

34. Administration of the Freedom of Information and Protection of Privacy Act

Changes in this section clarify the Registrar's power to authorize the Deputy Registrar or another CDHBC staff member or agent to act on the Registrar's behalf under the Freedom of Information and Protection of Privacy Act.

34.1/34.2. Fees for Information Requests/Protection of Personal Information

These sections have been added to ensure CDHBC is compliant with the Freedom of Information and Protection of Privacy Act.

35. Disclosure of Annual Report

This change clarifies the process by which the Annual Report is provided. The Annual Report will be available free of charge on the website and a fee will be charged should a paper copy be requested.

36. Disclosure of Registration Status

The changes to this section update the bylaws to align with current best practices for responding to public inquiries about a registrant's registration status, and to ensure consistency with related provisions of the HPA.

Part IV: Registration

38. Classes of Registrants

This is a housekeeping change to remove reference to a former class of registration that was previously removed from the bylaws.

50. Fees

Section 50(2) is being deleted as fees charged related to a Freedom of Information request will be covered under section 34.1.

53. Liability Insurance

The section related to liability insurance is being moved to section 68.1

Part V: Inspections, Inquiries and Discipline

53. Disposition of Complaints by Registrar

This new section confirms the Registrar's authority to dispose of complaints without referring them to the Inquiry Committee for investigation, in the circumstances permitted under the HPA.

55-59.1. Inquiry and Discipline

The changes to sections 55 through 59.1 reflect current best practices for College bylaws relating to the Inquiry and Discipline processes. The amended sections will be compliant with best practices and will avoid duplication of provisions in the HPA.

59.2 Fines

This section increases the maximum fine that the Discipline Committee may order a member to pay to \$50,000. (The current maximum fine is \$25,000.)

59.3 Costs

This new section will allow the College to establish a tariff of costs related to the inquiry and discipline processes. This updates the bylaws to reflect current best practices, and serves to bring them into line with amendments to the HPA.

Part VI: Dental Hygiene Corporations

60.1 Authority of the Registrar

This new section confirms the Registrar's authority to act for the board in relation to the issuance of dental hygiene corporation permits.

61-68. Dental Hygiene Corporation Permits

The changes in sections 61 through 68 reflect current best practices for College bylaws relating to health profession corporation permits. They also clarify the requirements for dental hygiene corporation names.

Part VIII: Practice Standards and Part IX: Code of Ethics

68.1 Liability Insurance

This new section replaces section 53 of the existing bylaws, and clarifies the wording of CDHBC's liability insurance requirement. This change does not affect current practice.

70-71. Practice Standards and Code of Ethics

The changes in sections 70 and 71 clarify the professional obligation of registrants to comply with standards of practice and standards of professional ethics established by the board.