[Français](http://www.ontario.ca/fr/lois/loi/91d22)

Dental Hygiene Act, 1991

S.O. 1991, CHAPTER 22

**Consolidation Period:** From June 3, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 25, Sched. 25, s. 9](http://www.ontario.ca/laws/statute/S21025" \l "sched25s9).

Legislative History: 1998, c. 18, Sched. G, s. 27; [2007, c. 10, Sched. B, s. 4](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s1); [2009, c. 26, s. 4](http://www.ontario.ca/laws/statute/S09026" \l "s4s1); [2021, c. 25, Sched. 25, s. 9](http://www.ontario.ca/laws/statute/S21025" \l "sched25s9).

Definitions

**1** In this Act,

“College” means the College of Dental Hygienists of Ontario; (“Ordre”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the Regulated Health Professions Act, 1991; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of dental hygiene; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 22, s. 1.

Health Professions Procedural Code

**2** (1)  The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 22, s. 2 (1).

Terms in Code

(2)  In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Dental Hygienists of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of dental hygiene; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 22, s. 2 (2).

Definitions in Code

(3)  Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 22, s. 2 (3).

Scope of practice

**3** The practice of dental hygiene is the assessment of teeth and adjacent tissues and treatment by preventive and therapeutic means and the provision of restorative and orthodontic procedures and services. 1991, c. 22, s. 3.

Authorized acts

**4** In the course of engaging in the practice of dental hygiene, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Scaling teeth and root planing including curetting surrounding tissue.

2. Orthodontic and restorative procedures.

3. Prescribing, dispensing, compounding or selling a drug designated in the regulations. 1991, c. 22, s. 4; 2009, c. 26, s. 4 (1).

**Section Amendments with date in force (d/m/y)**

[2009, c. 26, s. 4 (1)](http://www.ontario.ca/laws/statute/S09026" \l "s4s1) - 15/12/2009

Additional requirements for authorized acts

**5** (1)  A member shall perform a procedure under the authority of paragraph 1 of section 4 in accordance with any requirements prescribed in the regulations, and may perform such a procedure,

(a) on the member’s own initiative, if none of the contraindications prescribed in the regulations to performing the procedure are present, and if the member ceases the procedure if any of the prescribed contraindications to continuing the procedure are present; or

(b) if the procedure is ordered by a member of the Royal College of Dental Surgeons of Ontario. 2007, c. 10, Sched. B, s. 4 (1).

Same

(2)  A member shall not perform a procedure under the authority of paragraph 2 of section 4 unless the procedure is ordered by a member of the Royal College of Dental Surgeons of Ontario. 2007, c. 10, Sched. B, s. 4 (1).

Additional requirements for authorized acts

(2.1)  A member is not authorized to perform an act set out in paragraph 3 of section 4 unless the member performs the act in accordance with the regulations. 2009, c. 26, s. 4 (2).

Grounds for misconduct

(3)  In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1), (2) or (2.1). 2007, c. 10, Sched. B, s. 4 (1); 2009, c. 26, s. 4 (3).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 4 (1)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s1) - 01/09/2007

[2009, c. 26, s. 4 (2, 3)](http://www.ontario.ca/laws/statute/S09026" \l "s4s2) - 15/12/2009

College established

**6** The College is established under the name College of Dental Hygienists of Ontario in English and Ordre des hygiénistes dentaires de l’Ontario in French. 1991, c. 22, s. 6.

Council

**7** (1)  The Council shall be composed of,

(a) at least nine and no more than 12 persons who are members elected in accordance with the by-laws;

(b) at least eight and no more than eleven persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the Regulated Health Professions Act, 1991, or

(iii) members of a Council as defined in the Regulated Health Professions Act, 1991; and

(c) two persons selected, in accordance with a by-law made under section 12.1, from among members who are faculty members of an educational institution in Ontario that is authorized to grant diplomas or degrees in dental hygiene. 1991, c. 22, s. 7 (1); 1998, c. 18, Sched. G, s. 27 (1, 2).

Who can vote in elections

(2)  Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 22, s. 7 (2); 1998, c. 18, Sched. G, s. 27 (3).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 27 (1-3) - 01/02/1999

President and Vice-President

**8** The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council’s members. 1991, c. 22, s. 8.

Restricted titles

**9** (1)  No person other than a member shall use the title “dental hygienist”, a variation or abbreviation or an equivalent in another language. 1991, c. 22, s. 9 (1).

Representations of qualification, etc.

(2)  No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dental hygienist or in a specialty of dental hygiene. 1991, c. 22, s. 9 (2).

Definition

(3)  In this section,

“abbreviation” includes an abbreviation of a variation. 1991, c. 22, s. 9 (3).

**10** Repealed: 2021, c. 25, Sched. 25, s. 9.

**Section Amendments with date in force (d/m/y)**

[2021, c. 25, Sched. 25, s. 9](http://www.ontario.ca/laws/statute/S21025" \l "sched25s9) - 03/06/2021

Offence

**11** Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence. 2007, c. 10, Sched. B, s. 4 (2).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 4 (2)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s2) - 04/06/2007

Regulations

**12** (1)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) specifying drugs that a member may use in the course of engaging in the practice of dental hygiene;

(b) prescribing requirements for performing scaling teeth and root planing, including curetting surrounding tissue, which requirements may include the educational and experiential qualifications that must be obtained in order for a member to undertake those procedures on the member’s own initiative;

(c) prescribing contraindications to a member performing or continuing to perform on the member’s own initiative the procedures of scaling teeth and root planing, including curetting surrounding tissue;

(d) designating drugs that a member may prescribe, dispense, compound or sell in the course of engaging in the practice of dental hygiene;

(e) regulating and governing the prescribing, dispensing, compounding, using and selling of drugs by members in the course of engaging in the practice of dental hygiene and ancillary matters, including, without limiting the generality of the foregoing,

(i) governing the purposes for which, or the circumstances under which, drugs may be prescribed, dispensed, compounded, used or sold,

(ii) setting requirements respecting the prescribing, dispensing, compounding, using and selling of drugs,

(iii) governing and regulating the storage, handling, display, identification, labelling and disposal of drugs,

(iv) setting prohibitions,

(v) requiring members to keep records respecting the prescribing, dispensing, compounding, using and selling of drugs and providing for the contents of those records,

(vi) requiring members to provide the College or the Minister with reports respecting the prescribing, dispensing, compounding, using and selling of drugs and providing for the contents of those reports. 2007, c. 10, Sched. B, s. 4 (4); 2009, c. 26, s. 4 (4).

Individual drugs or categories

(2)  A regulation made under clause (1) (a) or (d) may specify or designate individual drugs or categories of drugs. 2009, c. 26, s. 4 (5).

Incorporation by reference

(3)  A regulation made under clause (1) (a) or (d) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or a list of categories of drugs. 2009, c. 26, s. 4 (5).

Rolling incorporation

(4)  If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation. 2009, c. 26, s. 4 (5).

Must be made by expert committee

(5)  A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of theRegulated Health Professions Act, 1991and no other body. 2009, c. 26, s. 4 (5).

Availability

(6)  A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College’s website or available through a hyperlink at the College’s website. 2009, c. 26, s. 4 (5).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 27 (4) - 01/02/1999

[2007, c. 10, Sched. B, s. 4 (3)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s3) - 04/06/2007; [2007, c. 10, Sched. B, s. 4 (4)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s4) - 01/09/2007

[2009, c. 26, s. 4 (4, 5)](http://www.ontario.ca/laws/statute/S09026" \l "s4s4) - 15/12/2009

By-laws

**12.1**  The Council may make by-laws respecting the qualifications, selection and terms of office of Council members who are selected. 1998, c. 18, Sched. G, s. 27 (4).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 27 (4) - 01/02/1999

Transitional

**13** A person who, on the day before this Act comes into force, was registered as a dental hygienist under the regulation entitled “Dental Hygienists” made under the Health Disciplines Act shall be deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. 1991, c. 22, s. 13.

**14., 15** Repealed: 2007, c. 10, Sched. B, s. 4 (5).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 4 (5)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs4s5) - 04/06/2007

**16** Omitted (provides for coming into force of provisions of this Act). 1991, c. 22, s. 16.

**17** Omitted (enacts short title of this Act). 1991, c. 22, s. 17.

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