香港牙醫管理委員會
THE DENTAL COUNCIL
OF
HONG KONG

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30 December 2013

Letter to Registered Dentists

The purpose of this letter is to update you on a few issues pertaining to the practice of dentistry in Hong Kong.

Continuing Professional Development ("CPD") Programme for Practising Dentists

The current CPD cycle commencing from 1 January 2011 will end on 31 December 2013. A participant who has acquired 45 CPD points or above within the cycle will be awarded a CPD Certificate, and will be allowed to use the title "CPD-certified (1.1.2011 – 31.12.2013)" in English and "持續專業發展達標認證 (1.1.2011 – 31.12.2013)" in Chinese on his/her visiting cards and letterheads.

The CPD Programme has been running since 2002. In view of the fact that dentists in many countries are required to undergo "mandatory continuous learning" in order to maintain their professional status, the Council considers that it is necessary to explore the feasibility of mandatory CPD for registered dentists in Hong Kong. In this regard, the Continuing Professional Development and Accreditation Committee of the Council ("CAC") is conducting a comprehensive review on the CPD Programme in order to formulate a strategic plan for the long-term development of the CPD Programme.

While the review is in progress, as an interim measure, the next CPD cycle commencing from 1 January 2014 will remain voluntary and the duration would be shortened to one year. The policies and guidelines will remain the same for the new CPD cycle except the following changes –

(a) the duration of the CPD cycle is for one year (i.e. from 1 January 2014 to 31 December 2014);

(b) the CPD points requirement for the new cycle is 15 CPD points; and

(c) there will not be any "essential CPD points requirement".

Details on the new CPD cycle are published on the website of the Council (www.dchk.org.hk).

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Permitted Scope of Work of Dental Hygienists

The Council has recently received a number of enquiries / complaints regarding the demarcation of work between a registered dentist and an enrolled dental hygienist. In the circumstances, we take the opportunity to remind registered dentists about the permitted scope of work of a dental hygienist.

The scope of work of enrolled dental hygienists is prescribed in regulation 6 of the Ancillary Dental Workers (Dental Hygienists) Regulations ("Regulations"). An enrolled dental hygienist can only undertake the following dental work –

(a) the cleaning and polishing of teeth;

(b) the scaling of teeth (i.e. the removal of tartar deposits, accretions and stains from those parts of the surface of the teeth which are exposed or which are directly beneath the free margins of the gums, including the application of medicaments thereto);

(c) the application to the teeth of solutions of sodium or stannous fluoride or such other similar prophylactic solutions as the Council may from time to time determine;

(d) the exposure of x-ray films intra-orally or extra-orally for the investigation of lesions or suspected lesions of the mouth, jaws, teeth and associated structures; and

(e) the giving of advice on matters relating to dental hygiene.

On the other hand, a dental hygienist cannot undertake any form of dental work unless –

(a) he is enrolled with the Council and his name is entered on the roll of dental hygienists maintained by the Registrar of Dentists;

(b) he is employed by a registered dentist or by any organization or establishment that has employed at least one registered dentist;

(c) any patient upon whom he undertakes dental work has first been examined by a registered dentist who has then prescribed the treatment to be carried out by the dental hygienist;

(d) such dental work is carried out –

  (i) in accordance with the directions of a registered dentist who is available in the premises at all times when such dental work is being carried out; and

  (ii) in such premises and under such conditions as are suitable for such work.

If a dental hygienist performs any dental work beyond the permitted scope or not in compliance with the prescribed conditions, he commits the offence of illegal practice of dentistry under section 3 of the Dentists Registration Ordinance ("DRO"), which is punishable with imprisonment up to 7 years.

Renewal of Annual Practising Certificates

The current practising certificates will expire on 31 December 2013. Every registered dentist who intends to continue practise dentistry in Hong Kong in 2014 should apply for renewal of practising certificate without delay. The application form and payment advice have already been issued to each registered dentist under separate cover. It is the professional duty of every registered dentist to renew the practising certificate in order to practise dentistry. ***NO*** reminder will be issued on this subject.

Your attention is drawn to section 11A of the DRO, which stipulates that a person "***shall not** practise as a dentist in Hong Kong*" ("不得在香港執業為牙醫") unless he holds a valid practising certificate. This is a mandatory requirement, which makes it unlawful for a dentist to practise dentistry when he is not holding a valid practising certificate. Besides, section 15 of the DRO provides that the Council may order the removal from the General Register of any person who fails to renew his practising certificate within six months. In accordance with this section, the Council will, ***without further notice***, remove from the General Register a dentist who continues to practise without renewing his practising certificate before 1 July 2014. Upon removal from the General Register, he ceases to be a registered dentist and thus has no right to practise dentistry. If he continues to practise dentistry after removal from the General Register, he commits the offence of illegal practice of dentistry which is punishable with imprisonment up to 7 years.

Although a dentist removed from the General Register can apply for restoration to the General Register, he has no entitlement to automatic restoration. The Council will consider each application on a case-by-case basis. The Council may allow or refuse the application, and may impose conditions on any person restored.

Dental Companies

Dental companies are governed by section 12 of the DRO. It came to the Council's notice recently that the statutory requirements in respect of dental companies may not be fully understood by some registered dentists. The Council decided to provide the following guidance to registered dentists, so as to ensure that they can comply with the law –

(a) A dental company can provide only dental and ancillary services. Such ancillary services must be directly relevant to dentistry. No other business can be carried out.

(b) A majority (i.e. over 50%) of the ***directors*** must be registered dentists.

(c) Dental work is performed only by registered dentists.

(d) Each dental company is required to make an annual return to the Registrar of Dentists in the prescribed form (i.e. Form 5 in the First Schedule of the Dentists (Regulation and Disciplinary Procedure) Regulations) ***not later than 7th January of the year***. The form can be downloaded from the website of the Department of Health: http://www.dh.gov.hk/english/useful/useful_forms/files/dc111.pdf. The return must provide the full name and business and residential addresses of every director (including shadow directors) and manager of the company and every person who perform dental operation in connection with the business of the company. The duly completed form should be sent to the Dental Council Secretariat at 4/F, Hong Kong Academy of Medicine Jockey Club Building, 99 Wong Chuk Hang Road, Aberdeen, Hong Kong.

(e) Contravention of the above requirements is a criminal offence under section 12(2) of the DRO. Every director and every manager of a contravening dental company is also guilty of the same offence.

(f) Section 12(4) of the DRO provides an exemption from the above requirements. However, such exemption is applicable only if the body corporate is a hospital or a dental school, and approval for the purposes of section 12 of the DRO has been given by the Chief Executive in Council.

The Council also wishes to emphasize that all registered dentists are required to comply with the law. A registered dentist who performs dental work in a dental company which contravenes the statutory requirements may also be liable for the criminal offence (as an accessory party of aider or abettor) under section 12(2) of the DRO. Any contravention of the law may constitute unprofessional conduct and the registered dentists concerned may be liable to be disciplined by the Council.

As every body corporate carrying on the business of dentistry is required to submit the Form 5 referred to in item (d) above within the period of 1st to 7th January 2014, it will be in the interest of each registered dentist who performs dental work in a dental company to ensure that the company has duly submitted the Form 5 to the Registrar of Dentists.

Yours faithfully,

(Joseph W H SIU)
Secretary, Dental Council of Hong Kong

c.c. Chairman and Members, Dental Council
Legal Adviser, Dental Council
President, College of Dental Surgeons of Hong Kong
Chairman, Dental Committee of the Government Doctors' Association
Dean, Faculty of Dentistry, the University of Hong Kong
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