



BERMUDA

DENTAL HYGIENISTS REGULATIONS 1950

SR&O 37 / 1950

*[made under section 28 of the Dental Practitioners Act 1950 and brought into operation on 11 December 1950]*

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Citation

- 1 These Regulations may be cited as the Dental Hygienists Regulations 1950.

Interpretation

- 2 In these Regulations—

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“the Act” means the Dental Practitioners Act 1950 [*title 30 item 4*];

“the Board” means the Bermuda Dental Board;

“dental hygienist” has the meaning assigned to it by section 22(2) of the Act;

“the register” means the register of dental hygienists maintained by the Registrar under regulation 4.

*[Regulation 2 amended by 2020 : 47 s.133 effective 11 December 2020]*

### Unqualified persons; offences

3 (1) A person who is not a dental hygienist shall not take or use any name, title or description (whether by initials or otherwise) stating or implying that he is a dental hygienist.

(2) A person, whether or not a dental hygienist, shall not take or use, or affix to or use in connection with any premises, any name, title or description (whether by initials or otherwise) reasonably calculated to suggest that he possesses any professional status or qualification as a dental hygienist other than a professional status or qualification which he in fact possesses, and which, in the case of a dental hygienist, is indicated by particulars entered in pursuance of regulation 7 in the dental hygienists' register in respect of him.

(3) Any person who contravenes any of the foregoing provisions of this regulation commits an offence against these Regulations and is liable on summary conviction to the penalty set forth in section 2(3) of the Dental Practitioners Act 1950.

*[Regulation 3 paragraph (3) amended by 2020 : 47 s.133 effective 11 December 2020]*

### Register of dental hygienists

4 (1) The Board shall cause to be kept and maintained by the Registrar a register of dental hygienists (hereinafter in these Regulations referred to as “the register”) in such form as they may from time to time determine, containing the names of those persons who are entitled to be registered under these Regulations.

(2) The Board shall cause to be published in the Gazette, as soon as may be after the first day of January in each year, a list of the names entered in the register on that day; and a copy of the Gazette containing the most recent list so published shall be, prima facie, evidence in all courts that the persons whose names are entered therein are dental hygienists; and the absence of the name of any person from such list shall be, prima facie, evidence that that person is not a dental hygienist:

Provided that—

(a) in the case of any person whose name does not appear in any such list, a certificate purporting to be signed by the Chairman of the Board of the entry of the name of such person in the register and of the date of such entry shall be, prima facie, evidence—

(i) that he is a dental hygienist; and

(ii) of the date upon which he became a dental hygienist;

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- (b) in the case of any person whose name does not appear in any such list, a certificate as aforesaid of the striking off or removal of the name of that person from the register, or of his suspension from practice under the Act, and of the date of the striking off, removal or suspension shall be, prima facie, evidence—
  - (i) that he is not a dental hygienist or has been suspended from practice; and
  - (ii) of the date upon which he ceased by virtue of the striking off or removal to be a dental hygienist, or as the case may be, was suspended from practice.
- (3) The Board—
  - (a) shall cause to be entered in the register the name of any person—
    - (i) who passes an examination held in pursuance of regulation 6; or
    - (ii) whose name, having been struck off or removed from the register, is ordered to be restored to the register in pursuance of section 17 of the Act;
  - (b) shall cause to be made in the register such alterations and additions relating to the particulars of dental hygienists (including any particulars of any dental process permitted to be carried out under regulation 13) as may from time to time become necessary;
  - (c) shall cause to be removed from the register the name of any dental hygienist—
    - (i) who has died; or
    - (ii) who has, under section 15 of the Act, applied to have his name removed from the register;
  - (d) shall cause to be struck off the register the name of any dental hygienist whose name is ordered by the Board to be struck off the register under section 14 of the Act;
  - (da) shall cause to be struck off the register the name of any dental hygienist whose name is ordered by the Minister to be struck off the register under section 27 of the Act;
  - (e) shall cause to be entered in the register, as may from time to time become necessary, a note of the commencement or termination of the suspension from practice of a dental hygienist under section 17 of the Act; and
  - (f) may, without prejudice to any other provision of these Regulations, cause such notices—
    - (i) to be published in the Gazette; or
    - (ii) to be circulated for the information of registered dental practitioners,

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as appears to the Board expedient in the circumstances.

(4) The Board may, without prejudice to any other provision of these Regulations, cause the Registrar—

- (a) to publish in the Gazette; or
- (b) to circulate for the information of registered dental practitioners,

such notices as appear to the Board expedient in the circumstances.

(5) A notice under paragraph (4) is not a statutory instrument and shall not be subject to the Statutory Instruments Act 1977.

*[Regulation 4 amended by 2009 : 35 s. 32 effective 15 July 2009; Regulation 4 amended by 2020 : 47 s.133 effective 11 December 2020]*

### Application for licensing and registration as dental hygienist

5 (1) A person who applies to be licensed and registered under these Regulations (hereinafter in these Regulations referred to as “an applicant for registration” or as “an applicant”) shall make application to the Board in Form A in the Schedule and shall forward with the application—

- (a) the original of any diploma or certificate of graduation granted by a university, college, school or other authority to the applicant in respect of his satisfactory completion of a course of training in the practice of a dental hygienist, or a copy of any such diploma or certificate certified as a true copy by or on behalf of the university, college, school or other authority by which the original diploma or certificate was granted; and
- (b) a certificate or testimonial as to the character of the applicant given within the period of three months last preceding the date of the application by a person of standing and responsibility well acquainted with the applicant.

(2) Where, as a result of their consideration of the application, and after making such enquiries, if any, as appear to them desirable in the circumstances, it appears to the Board that the applicant for registration is a duly eligible applicant, the Board shall, in pursuance of regulation 6, appoint an examining committee to examine the applicant in order to determine his competence to practise as a dental hygienist.

(3) Where an applicant for registration does not appear to the Board to be a duly eligible applicant, they shall cause the Registrar to inform the applicant of their decision and of the reasons therefor.

(4) A person aggrieved by any decision of the Board under this regulation may appeal to the Supreme Court in the manner provided in section 25 of the Act.

(5) In this regulation “duly eligible applicant” means an applicant for registration who is a person of good character, who has not been examined under these Regulations

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within the period of the last preceding one month, and who has satisfactorily undergone a course of training in the practice of a dental hygienist approved by the Board.

*[Regulation 5 amended by 2009:35 s.32 effective 15 July 2009; para. (5) amended by BR 43 / 2016 reg. 2 effective 13 May 2016; Regulation 5 paragraph (3) amended by 2020 : 47 s.133 effective 11 December 2020]*

### Qualifying examination

6 (1) Where—

- (a) any applicant for registration appears to the Board to be eligible for examination by virtue of regulation 5; or
- (b) any appeal under section 25 of the Act by an applicant for registration against any decision of the Board under regulation 5 is allowed by the Supreme Court,

the Board shall, as soon as may be, appoint an examining committee, who shall themselves conduct an examination of the applicant (hereinafter in these Regulations referred to as a “qualifying examination”).

(2) An examining committee appointed under this regulation shall consist of—

- (a) two registered dental practitioners; and
- (b) one registered dental hygienist.

(3) A qualifying examination shall be set and conducted in such manner as to ensure, as far as possible, that any person passing the examination is possessed of the competence, knowledge and skill requisite for efficient practice as a dental hygienist in Bermuda.

(4) An examining committee appointed in pursuance of these Regulations shall, having due regard to paragraph (3), have power—

- (a) to determine the nature and scope of a qualifying examination; and
- (b) to regulate the conduct of a qualifying examination; and
- (c) to determine whether or not an applicant for registration who takes a qualifying examination shall be considered to have passed or failed in that examination.

(5) No appeal shall lie to the Supreme Court under these Regulations against any determination of an examining committee arising out of the exercise by them of any power in pursuance of paragraph (4).

*[Regulation 6 amended by 2009:35 s.32 effective 15 July 2009; paragraph (2)(b) deleted and substituted by BR 54 / 2013 reg. 2 effective 20 June 2013]*

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### Examination result; registration and licence

7 An examining committee shall, as soon as may be after conducting a qualifying examination, inform the Board whether the applicant for registration has passed or failed in the examination; and the Board (through the Registrar)—

- (a) where the applicant has passed the examination—
  - (i) shall inform the applicant accordingly; and
  - (ii) shall cause the applicant's name and professional qualifications to be entered in the register; and
  - (iii) shall cause a licence to practice as a dental hygienist in Form B in the Schedule to be completed and signed by the Chairman of the Board and forwarded to the applicant; or
- (b) where the applicant has failed in the examination, shall inform the applicant accordingly.

*[Regulation 7 amended by 2020 : 47 s.133 effective 11 December 2020]*

8 *[Repealed by 2009:35 s.32 effective 15 July 2009]*

9 *[Repealed by 2009:35 s.32 effective 15 July 2009]*

10 *[Repealed by 2009:35 s.32 effective 15 July 2009]*

11 *[Repealed by 2009:35 s.32 effective 15 July 2009]*

12 *[Repealed by 2009:35 s.32 effective 15 July 2009]*

### What a dental hygienist may do

13 (1) Without prejudice to anything in the Act or in regulation 14, a dental hygienist shall, as respects his practice as a dental hygienist be permitted to carry out the following preliminary or ancillary processes of dental or oral hygiene or minor treatment in connection with dentistry, that is to say—

- (a) the examination of teeth and gums for the purpose of informing the registered dental practitioner by whom he is employed of their apparent condition;
- (b) the removal of tartar, deposits, accretions and stains from those part of the surfaces of the teeth which are exposed or which are directly beneath the free margins of the gums;
- (c) the treatment of the oral conditions known as Vincent's Angina or Trench Mouth in such manner and to such extent as may from time to time be required or allowed by the registered dental practitioner by whom he is employed;

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- (d) the taking of preliminary measures for the relief of pain or discomfort occurring in the teeth or gums;
  - (e) the taking and developing of X-ray exposures of the teeth and jaws;
  - (f) the assistance generally of the registered dental practitioner by whom he is employed when the dental practitioner is practising dentistry upon a patient;
  - (g) the sterilization and preparation of instruments.
- (2) A dental hygienist is not permitted—
- (a) to extract teeth;
  - (b) to use any instruments in the mouth other than those necessary for carrying out the treatments or processes specified in paragraph (1) ;
  - (c) to administer any drugs, medications or applications other than those required or permitted by the registered dental practitioner by whom he is employed.

### Permission to carry out additional processes

14 Notwithstanding anything in paragraph 13(1), but without prejudice to anything in paragraph 13(2), where the Board are unanimously satisfied that a dental hygienist is qualified to carry out any preliminary or ancillary process of dental or oral hygiene or minor treatment (being a process other than a process specified in paragraph 13(1)) the Board may endorse on the licence issued to the dental hygienist under regulation 7 a note of the process in question, and shall cause the appropriate particulars to be entered in respect of the dental hygienist in the register; and any dental hygienist whose licence has been so endorsed may perform the dental process described in the endorsement.

### Service of documents

15 An application, notice or other document which is required or authorised under these Regulations to be made or given to, or served on, any person may be made, given or served—

- (a) by delivering it to that person; or
- (b) in the case of the Board, by leaving it or sending it in a prepaid letter addressed to the Chairman of the Board at the Department of Health; or
- (c) in the case of any other person, by leaving it or by sending it in a prepaid letter addressed to him, at his usual or last known residence.

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SCHEDULE

FORMS

FORM A

APPLICATION TO BE LICENSED AND REGISTERED AS A DENTAL HYGIENIST

A - Application

I hereby make application to be licensed and to have my name entered in the register of dental hygienists maintained by the Bermuda Dental Board under the Dental Hygienists Regulations 1950, and I do hereby declare that, to the best of my information and belief, the particulars hereunder are true.

Dated this [blank] day of [blank] 19 [blank]

[blank]

Signature of applicant

B - Particulars to be furnished by Applicant

- 1 Surname
- 2 Full Christian names
- 3 Address
- 4 Age
- 5 Nationality
- 6 Professional diplomas or other qualifications (with dates of grant)
- 7 Appointments (hospital, teaching, governmental, military, etc.) at present held
- 8 Particulars (if any) of any suspension from practice or other disciplinary action taken by any medical or dental authority

FORM B

LICENCE TO PRACTISE AS A DENTAL HYGIENIST

The Bermuda Dental Board hereby licences [blank] of [blank] to practise as a dental hygienist subject to, and in accordance with, the Dental Practitioners Act, 1950 and the Dental Hygienists Regulations 1950.

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Dated this *[blank]* day of *[blank]* 19 *[blank]*.

*[blank]*  
Chairman  
Bermuda Dental Board

Endorsements (if any) of additional processes permitted to be carried out.

1        *[blank]*

2        *[blank]*

Dated this *[blank]* day of *[blank]* 19 *[blank]*.

*[blank]*  
Chairman  
Bermuda Dental Board

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*[Amended by:*

1970 : 390

1972 : 3

2009 : 35

BR 54 / 2013

BR 43 / 2016

2020 : 47]