

HEALTH**HE301****DENTAL ACT 1939****DENTAL BOARD AMENDMENT RULES (NO. 2) 1995**

Made by the Dental Board of Western Australia and approved by the Governor in Executive Council.

Citation

1. These rules may be cited as the *Dental Board Amendment Rules (No. 2) 1995*.

Principal rules

2. In these rules the *Dental Board Rules 1973** are referred to as the principal rules.

[* *Published in Gazette of 25 January 1974 at pp. 194-202. For amendments to 8 December 1995 see 1994 Index to Legislation of Western Australia, Table 4, pp. 56-7 and Gazette of 4 November 1995.*]

Rule 22 repealed and rules 22 to 22F substituted

3. Rule 22 of the principal rules is repealed and the following rules are substituted —

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Restrictions on advertising and soliciting

22. (1) A dentist shall not —

- (a) advertise, or cause or permit to be advertised, the dentist's practice, other than in accordance with these rules;
- (b) pay, or agree to pay, a remuneration of any kind for the direct or indirect introduction of patients or for the services of any person acting as an intermediary for the procuring of patients; or
- (c) solicit patients or dental work, whether personally, by means of canvassers, by the distribution of cards, or otherwise.

(2) A dentist shall not —

- (a) be a party to any form of advertisement or display relating to the dentist's practice that does not conform with these rules; or
- (b) practise from a place where the plates, notices or signs do not conform with these rules.

(3) Where a dentist practises under a firm name authorized by a permit granted by the Board, the dentist may only advertise under the authorized firm name or the dentist's proper or usual name.

Advertising — publications

22A. (1) Subject to this rule and rule 22B, a dentist may advertise the dentist's practice in any book, pamphlet, brochure, newspaper, magazine, periodical, journal, gazette, directory, or other printed material.

(2) A dentist shall not advertise under subrule (1) more than 12 times in any calendar year.

(3) Where 2 or more dentists practice at the same location, an advertisement advertising the practice of one or more of them (or if they practice as a firm, advertising the firm) is taken to be an advertisement advertising the practice of each of them.

(4) An advertisement under subrule (1) is not to include information other than —

- (a) the name, and the qualifications that appear in the register, of each dentist in the practice;
 - (b) the firm name authorized by the Board (if any);
 - (c) the addresses and telephone numbers of the practice;
 - (d) the availability of services at the practice, being —
 - (i) hours of business;
 - (ii) languages spoken; and
 - (iii) information as to the provision of emergency treatment;
- and
- (e) where applicable, an announcement of the commencement or resumption of practice.

(5) An advertisement under subrule (1), other than an advertisement to which rule 22B (6) (b) applies, is to be no larger than one sixteenth of the page on which it appears.

Advertising — directories

22B. (1) An entry in a general alphabetical directory which does not classify its entries by subject matter may be placed under —

- (a) the name of the dentist;
- (b) the firm name (if any); or
- (c) both names.

(2) An entry in a directory which classifies its entries by subject matter may be placed —

- (a) under the heading “Dentists”, or the appropriate specialty heading, under —
 - (i) the name of the dentist;
 - (ii) the firm name (if any); or
 - (iii) both names; and
- (b) if the directory also provides a listing of entries classified by location, in that listing under either —
 - (i) the name of the dentist, in which case the entry may include the firm name of the dentist’s practice (if any); or
 - (ii) the firm name (if any), in which case the entry may include the names of the dentists who comprise, or work for, that firm,

but not both.

(3) A dentist may only place one entry in the listing referred to in subrule (2) (b) for each place where the dentist practises.

(4) Where 2 or more dentists practise at the same location, an entry in a listing referred to in subrule (2) (b) advertising the practice of one or more of them (or if they practice as a firm, advertising the firm) is taken to be an advertisement advertising the practice of each of them.

(5) An entry referred to in subrule (1) is to be in ordinary 6 point type or bold 6 point type.

(6) An entry referred to in subrule (2) is to be no larger than —

- (a) if the page on which it appears is A5 size or larger, one sixteenth of that page; or
- (b) if the page on which it appears is smaller than A5 size, one eighth of that page.

Communication with profession and patients

22C. Rules 22 and 22A do not apply to written communications by a dentist with members of the dental profession and *bona fide* patients on matters relating to the practise of dentistry.

Publication of information

22D. A dentist shall not engage in the publishing of information in relation to the dentist's practice that —

- (a) is false in a material particular;
- (b) is misleading or deceptive or is likely to mislead or deceive;
- (c) is vulgar or sensational;
- (d) claims or implies the superiority of the dentist over other dentists; or
- (e) contains testimonials or endorsements concerning the dentist.

Exemptions

22E. If the Board is satisfied that the application of rule 22, 22A or 22B to a dentist's practice would not be appropriate, the Board may exempt the dentist from the application of all or part of that rule, either unconditionally or subject to any conditions the Board thinks fit.

Dental therapists — practice

22F. (1) A dental therapist has no right of private practice and shall not be a party to any advertisement or exhibit any plates, notice boards, signs, or letterheads in connection with the practise of dentistry.

(2) A dental therapist shall not give a general anaesthetic, and shall not carry out any procedure while a general anaesthetic is being given unless assisting a dentist in a dental procedure.

(3) A dental therapist must not commence treatment of a patient unless a dentist has examined the patient and issued a written instruction to the dental therapist detailing the actual treatment to be undertaken by the dental therapist.

(4) If a dental therapist commences treatment of a patient, the dentist shall re-examine the patient within 6 months to ensure that the treatment has been carried out.

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Rule 23 amended

4. Rule 23 of the principal rules is amended —

- (a) in subrule (1) by inserting after “oral surgeon,” the following —
“ oral and maxillofacial surgeon, ”;
- (b) in subrule (4) by deleting “oral surgery” and substituting the following —
“ oral and maxillofacial surgery ”; and
- (c) by inserting after subrule (4) the following subrule —
“
(5) A certificate authorizing a dentist to refer to himself as an oral surgeon that was granted by the Board under subrule (1) before the coming into operation of the *Dental Board Amendment Rules (No. 2) 1995* shall be taken to authorize the dentist to refer to himself as an oral and maxillofacial surgeon.

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Rules 27, 28 and 29 repealed and rule 27 substituted

5. Rules 27, 28 and 29 of the principal rules are repealed and the following rule is substituted —

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Restrictions on plates, notices and signs

27. (1) A dentist may exhibit at the dentist’s practice —
- (a) up to 2 plates, notices or signs each no greater in area than one square metre with letters and figures not exceeding 30 centimetres in height; and
 - (b) up to 4 plates, notices and signs each no greater in area than 2 000 square centimetres with letters and figures not exceeding 10 centimetres in height.
- (2) Only one of the signs referred to in subrule (1) (a) may be positioned on any one surface of the place of practice.
- (3) A plate, notice or sign exhibited under subrule (1) is not to include information other than —
- (a) the name, and the qualifications that appear in the register, of each dentist in the practice;
 - (b) the firm name authorised by the Board (if any);
 - (c) the address and telephone numbers of the practice; and
 - (d) the availability of services at the practice, being —
 - (i) hours of business;

- (ii) languages spoken; and
 - (iii) information as to the provision of emergency treatment.
- (4) A plate, notice or sign may be illuminated only by fixed lighting. ”.

The Common Seal of the Dental Board of Western Australia was affixed hereto in the presence of—

W. CLARK, Registrar.
L. A. WALDON, President.

Approved by His Excellency the Governor in Executive Council on 13 February 1996.

J. PRITCHARD, Clerk of the Council.
