

DENTAL TECHNICIANS AND DENTAL PROSTHETISTS AMENDMENT BILL 1997

EXPLANATORY NOTES

GENERAL OUTLINE

Policy Objectives of the Bill

The policy objective of the Bill is to protect public health and safety by ensuring that partial dentures are not fitted into an unhealthy mouth. This is to be achieved by—

- repealing a sunset provision contained in section 34(2) of the *Dental Technicians and Dental Prosthetists Act 1991* which relates to the provision of partial dentures by dental prosthetists
- prohibiting dental prosthetists from supplying and fitting partial dentures unless a dentist or a medical practitioner has certified that the patient's oral health is satisfactory
- creating a mechanism whereby dental prosthetists who have successfully completed appropriate formal training in oral pathology are exempted from the oral health certification requirement

Section 34(2) of the Act currently prohibits dental prosthetists from supplying and fitting partial dentures unless a dentist or a medical practitioner has certified that the patient's oral health is satisfactory (an 'oral health certificate'). Under the Act, this prohibition only applies for a period of five years from the commencement of the section, ie to 9 October 1997.

The Bill amends section 34(2) to continue the application of the oral health certification requirement for any registered dental prosthetist who has

not successfully undertaken appropriate formal training in oral pathology. Dental prosthetists who have successfully completed an approved course in dental prosthetics (with an appropriate oral pathology component), or an approved course in oral pathology, will be exempt from the oral health certification requirement. Approved courses will be prescribed by regulation.

The amendment recognises that appropriate formal training is essential to ensure the competency of dental prosthetists to identify whether a patient's mouth is healthy and to take appropriate action where necessary.

The amendment contained in the Bill provides for minimal regulation to the extent necessary to ensure public health and safety and will encourage the development of the profession in the direction which will ultimately make oral health certificates obsolete.

Estimated Cost for Government Implementation

It is intended that a Ministerial advisory committee comprising key stakeholders will be established to provide advice to the Minister for Health on appropriate dental prosthetics and oral pathology courses. The costs of administrative support for the Ministerial advisory committee are to be met from the Queensland Health budget.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

Consultation on this issue occurred as part of consultation on the *Draft Policy Paper on the Review of Medical and Health Practitioner Registration Acts*. The following stakeholders provided submissions on this issue—

Association of Dental Prosthetists (Qld)

Dental Technicians Association (Qld)

Australian Dental Prosthetists and Dental Technicians Society
Dental Technicians and Dental Prosthetists Board of Queensland
Australian Dental Association (Qld)

NOTES ON PROVISIONS

Clause 1 sets out the short title of the Act.

Clause 2 identifies the Act as amending the *Dental Technicians and Dental Prosthetists Act 1991*.

Clause 3 amends Section 3(1) by inserting the definitions “approved dental prosthetics course” and “approved oral pathology course” as being courses declared under a regulation to be approved.

Clause 4 amends Section 21 by:

- omitting Section 21(2) which clarifies reference to “prescribed particulars” in Section 21(1); and
- inserting a new provision which extends the scope of “prescribed particulars” in respect of the Register of Dental Prosthetists to include the matters referred to in the new Section 31A, ie details of the successful completion by a registrant of an approved dental prosthetics course or an approved oral pathology course.

Clause 5 inserts a new section 31A which requires the Board, on application by a registered dental prosthetist who has successfully completed an approved course in dental prosthetics or oral pathology, to enter such information in the Register of Dental Prosthetists.

Clause 6 amends Section 34 by:

- omitting the existing Section 34(2); and
- inserting a new provision which prohibits dental prosthetists from supplying and fitting partial dentures unless:
 - (i) a dentist or medical practitioner has certified that the patient’s

oral health is satisfactory, or

- (ii) the dental prosthetist who performs the work has successfully completed an approved dental prosthetics course or approved oral pathology course, as detailed in the Register of Dental Prosthetists. Such details are entered either as a person's qualifications for initial registration or on application under section 31A.

Clause 7 amends Section 59 by:

- omitting Section 59 which is a redundant provision; and
- inserting a new provision which:
 - (i) enables the Governor in Council to make regulations under Act, and
 - (ii) permits a regulation to declare an existing or formerly available course to be an approved course in dental prosthetics or oral pathology. A regulation may also declare that a course is an approved dental prosthetics course or an approved oral pathology course for a stated period, eg. a course in dental prosthetics offered by a particular institution during the period 1982 - 1987.