

For Discussion
on 14 March 2005

LegCo Panel on Health Services
Amendments to the Dentists Registration Ordinance

Introduction

This Paper seeks to brief members on the proposed amendments to the Dentists Registration Ordinance (DRO) (Cap. 156). The Administration plans to introduce the relevant legislative amendments into the Legislative Council in the 2004-2005 LegCo session.

Present Regime

2. The DRO provides for a legislative framework for the registration of dental practitioners in Hong Kong as well as the administration and governing of their professional practice and conduct. Section 4 of the Ordinance provides for the establishment of the Hong Kong Dental Council (HKDC), which is statutorily charged to register dental practitioners, conduct licensing examination, exercise disciplinary regulation over dental practitioners in Hong Kong, and other matters pertaining to the regulation of the profession.

3. The existing DRO sets out the framework within which the HKDC carries out its statutory functions. Under this regulatory regime, the dental profession has been providing the public with quality dental care and treatment. Professional ethics of dental practitioners is also governed by the Code of Practice developed by the HKDC under the Ordinance. While the current regulatory regime has been working well, the Administration, in conjunction with the HKDC, has kept the DRO under review and with a view to enhancing the regime.

Granting of Specialist Title - Present Arrangement

4. Since its establishment in 1959, the HKDC has been granting specialist titles to registered dentists. Applications were considered on a case by case basis until the 1980s when the HKDC set out basic registration criteria, which required applicants to have post-graduate dental qualifications followed by two years' supervised training. In 2001, the HKDC decided that only dentists who have been awarded a Fellowship in dental surgery by the Hong Kong Academy of Medicine (HKAM) or of equivalent status and have complied with the continuing education requirement set by the HKAM may be accredited as specialists and be authorized to use a specialist title. The names of dentists granted with a specialist title are included in a non-statutory specialist list which is made available in the HKDC's homepage in the internet for general information. The specialist title may also appear on the relevant dentist's signboards, visiting cards and stationery, etc. for identification purpose.

5. There are at present 107 registered dentists being accredited with specialist titles by the HKDC¹. They belong to seven specialties in dentistry, namely Orthodontics, Oral & Maxillofacial Surgery, Periodontology, Endodontics, Paediatric Dentistry, Prosthodontics and Family Dentistry. Registered dentist who is found to have made use of a specialist title without HKDC authorization will be subject to disciplinary proceedings, as provided for in the Code of Professional Discipline.

Inadequacy of Current Arrangement

6. The existing arrangements for the HKDC to consider applications for using specialist titles upon recommendation from the HKAM, and require those applicants without HKAM fellowship to seek recommendation from the HKAM to certify that their qualifications are of equivalent status to HKAM fellowship, are not set out in the Ordinance. Hence, the current administrative arrangement lacks legal backing and fails to provide clarity and certainty on the requirements and procedures for specialist registration. Enshrining the Specialist registration system in the law will provide a firm legal basis for the accreditation arrangements. Furthermore, unauthorized use of specialist titles by registered dentists, according to the Code of Professional Discipline, is now only a professional misconduct which at most will lead only to removal from the practitioner register. Since such unauthorized use is analogous to misleading the public, may result in serious health consequences and calls into question the integrity of the dentist, more stringent sanction, as in the case of medical practitioners, is warranted.

The new specialist registration system

7. The proposed amendments will incorporate major features and procedures of the specialist registration system into the Ordinance, these include the manner in which applications for specialist registration shall be made, the manner in which the applications would be handled, the criteria for approving an application and the appeal mechanism.

8. We propose to set up a statutory Education and Accreditation Committee (EAC) for handling matters relating to specialist registration. It shall comprise HKDC members (we envisage that there will be three members, one of whom shall be the EAC Chairman) and one registered dentist each from the University of Hong Kong, the HKAM, the Hong Kong Dental Association and the Department of Health.

9. The EAC will determine the specialty to be included for registration, vet applications for specialist registration and make recommendations to the HKDC as to whether the applications should be approved or not. It will also review and recommend to the HKDC the standard and structure of undergraduate education and training in dentistry required for a person to become a registered dentist.

¹ 99 of them are Fellows of HKAM.

10. Under the new specialist registration system, all applications for specialist registration must be recommended by the HKAM as suitable for such. If an applicant is not a Fellow of the HKAM but proves that he is of good character and has been certified by the HKAM that he has achieved a professional standard and continuing education requirements comparable to that of the Fellowship of the HKAM, the HKDC may also include his name into the Specialist Register. Provision will also be made to allow for the rejection of academically qualified applicant by the HKDC under special circumstances, e.g. when the applicant has been subject to previous disciplinary sanctions.

11. At present, HKDC's continuing education requirement in respect of specialists only applies to dentists who are granted specialist title after July 2003. This notwithstanding, of the 107 dental specialists, 99 of them are also HKAM Fellows and as such, they are required to satisfy the continuing professional education requirements prescribed by the College of Dental Surgeons of the HKAM in order to maintain their Fellowship status. In order to ensure that all these specialist can stay abreast with rapid changes in professional knowledge and technology, we propose to amend the DRO so that the continued inclusion of any person's name in the Specialist Register shall in future be contingent upon the fulfillment of continuing education requirement set by the HKAM. This is also in line with arrangements for medical specialists.

12. Appeal procedures against EAC's recommendations in relation to inclusion in or removal from the Specialist Register, to be initiated by applicants within a specified period upon formal notification of such recommendations, will also be provided.

Dentists who are already on the Specialist List

13. For those who are already registered as specialist by HKDC under the current administrative system, we recognize that all of them have fulfilled the specialist registration requirements at the relevant time and it would be reasonable to allow them to come on to the Specialist Register and continue to use the specialists designation after the new legislative amendments are in place. They will be subject to the same continuing education requirement as prescribed by HKAM for all specialists under the new registration regime.

14. Prior to 2001, the HKDC allowed dentists with postgraduate dental qualifications followed by two years' supervised training to use the specialist title on satisfactory completion of the required training. Some of the dentists have yet to complete their training. It is proposed that transitional arrangements will be made for those who are yet to complete their supervised training before enactment/commencement of the statutory Specialist Register be included in the Specialist Register under the pre-amendment criteria, subject to their satisfactory

completion of such training. The continuing education requirement set by the HKAM would also apply to this group.

Sanctions

15. As mentioned in paragraph 6 above, the current sanction against unauthorized use of the specialist title is inadequate. We propose to follow the approach adopted in the Medical Registration Ordinance and make such act a criminal offence. Any person or dentist who pretends, takes or uses any name, title or description implying that he/she is a specialist dentist will commit an offence and is liable on summary conviction to a fine at level 6 (i.e. HK\$100,000) and to imprisonment for 3 years.

Benefits of having a Specialist Register

16. The introduction of a statutory Specialist Register can provide useful information to the public and the dental profession to the effect that a dentist having specialist registration in a specialty means that he/she has satisfactorily completed his training in a given field, so that he would be fully competent to exercise independent judgment and responsibility in practising in that field. The proposed amendments to the DRO will provide the necessary legal backing for the granting of specialist title by the HKDC and for dealing with any person falsely or wilfully pretending as a specialist dentist. The criminal sanction associated with unauthorized use of specialist titles will also be conducive to better protect those seeking specialist dental treatment. In sum, the proposed legislative amendments would help to facilitate development of specialist practice in the dentistry profession and enhance their professional standing.

17. Drafting of the relevant legislative amendments is in progress. We would also seek to incorporate other technical amendments into the Bill.

Consultation

18. We have been working closely with the HKDC on the proposed amendments. Other stakeholders in the dental profession have also been consulted. The Hong Kong Dental Association (HKDA) and the Dental Committee of Government Doctors Association (GDA) have indicated support for the proposed amendments. The HKAM and the College of Dental Surgeons of Hong Kong (CDSHK) also strongly support the introduction of the Specialist Register in the DRO.

19. We have also met with representatives of the dentistry profession in January 2005 to exchange views on the proposed amendments to the DRO. They were generally supportive of the Administration's approach to put forward amendments to the DRO in relation to Specialist Register in 2005 as a focus exercise. As regards other requests to revamp other provisions in the DRO, proposals would need more detailed examination and could be followed up at a later stage separately.

20. Members are invited to note the content of this Paper.

Health, Welfare and Food Bureau
7 March 2005