

Ancillary Dental Workers (Dental Hygienists) Regulations

Purpose

This paper seeks members' views on proposals for amending the Ancillary Dental Workers (Dental Hygienists) Regulations and bringing up to date the conditions imposed on an enrolled dental hygienist when he/she undertakes dental work.

Background

2. The Ancillary Dental Workers (Dental Hygienists) Regulations ("the Regulations") are made under the Dentists Registration Ordinance (Cap. 156). The Regulations require that a dental hygienist should be enrolled with the Dental Council. They also specify the scope of dental work a dental hygienist may undertake and impose conditions when such dental work are being undertaken by a dental hygienist.

3. Regulation 6(2)(b) of the Regulations (extract at **Annex**) stipulates that a dental hygienist shall not undertake any form of dental work unless he/she is employed by a registered dentist. The Regulations were enacted in 1969 when there were no institutions providing dental services. At present, dental services are provided by a wide range of institutions, from subvented organizations, private hospitals to dental companies. In accordance with Regulation 6(2)(b), a dental hygienist may not be employed by these institutions. Clearly, this is not the original intention of the Regulations. It appears that Regulation 6(2)(b) has become obsolete and should be amended to bring it up to date.

The Amendment Options

4. There are two amendment options. The first option is to amend Regulation 6(2)(b) by specifying a list of valid employers of dental hygienists, e.g. Hospital Authority and institutions registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165). The second option is to amend Regulation 6(2)(b) by specifying clearly the professional relationship between a registered dentist and a dental hygienist.

5. To take forward the first option, Regulation 6(2)(b) may be revised to read along the following line:

"A dental hygienist shall not undertake any form of dental work unless -

(a)

(b) he is employed by a registered dentist, the Department of Health, the Prince Philip Dental Hospital within the meaning of the Prince Philip Dental Hospital Ordinance (Cap. 1081), the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113), a hospital registered or a maternity home registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) or any other organizations approved for this purpose by the Director of Health.”

6. To take forward the second option, Regulation 6(2)(b) may be revised along the following line:

“A dental hygienist shall not undertake any form of dental work unless -

(a)

(b) he carries out dental work as specified in Regulation 6(1) upon a patient of a registered dentist in the course of assisting the registered dentist in providing treatment to the patient”

7. The first option is an extension of the existing Regulation 6(2)(b). There is no policy change. The proposal lists out the major potential employers of dental hygienists and provides flexibility for the Director of Health to approve other organizations for this purpose.

8. As to the second option, it may be argued that as the employer of a dental hygienist is, strictly speaking, not a public health concern, it should be sufficient, for protecting the health of the public, to specify that a dental hygienist should only be allowed to assist a registered dentist and the registered dentist should assume the ultimate professional responsibility. We are of the view that the second option is more preferable.

Way Forward

9. After obtaining Members’ views on this issue, we shall consult the Dental Council of Hong Kong, the dental profession and dental hygienists and propose amendments to Regulation 6(2)(b) as soon as possible.

ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) REGULATIONS

6. Scope of dental work that may be undertaken by dental hygienist

(1) Subject to this regulation, an enrolled dental hygienist may undertake dental work of the following kinds-

- (a) the cleaning and polishing of teeth;
- (b) the sealing of teeth (that is to say 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 inter-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.

(2) A dental hygienist shall not undertake any form of dental work unless-

- (a) he is enrolled in accordance with regulation 4;
- (b) he is employed by a 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.

(3) An enrolled dental hygienist who undertakes such kinds of dental work as are prescribed in paragraph (1) shall, if he complies at all times with the conditions prescribed in paragraph (2), be deemed not to be practising dentistry for the purposes of the Ordinance.

(4) For the purposes of this regulation, “registered dentist” (註冊牙醫) means a person registered under section 9 of the Ordinance other than a person entitled to registration under section 7(d) of the Registration of Dentists Ordinance 1940 (1 of 1940).