

## CHAPTER 4

### Part 2

#### **Dentists who perform dental technology work required to register and requirements for registration of dentist to perform dental technology work**

##### **64. Dentists who perform dental technology work required to register**

No dentist shall be entitled to –

(a) supply or undertake to supply or make any artificial denture or other dental appliance to or for any person;

(b) be concerned with the design, making or creation of dental and oral prostheses;

(c) repair, alter, work upon, or undertake to make, repair, alter or work upon, any artificial denture, dental and oral prostheses or other dental appliance,

unless he or she has been registered in terms of this Act to perform the work in subparagraph (a), (b) and (c) of section 69 and such dentist's dental technology laboratory has been registered under Chapter 6 of this Act.

##### **65. Requirements for registration of dentist to perform dental technology work**

(1) A dentist shall be entitled to perform the work in subparagraph (a), (b) and (c) of section 69: Provided that such dentist shall satisfy the Council that–

(a) he or she possesses professional knowledge and ability of a standard not lower than that prescribed in respect of a dental technologist in the Republic; and

(b) he or she is conversant with the laws of the Republic regarding the dental technology profession as determined by the Council from time to time.

(2) For the purposes of subparagraph (a) and (b) of subsection (1) such dentist shall be required to sit for such practical and written examinations set by the Council in order to prove such dentist's professional knowledge and ability in respect to the practice of dental technology.

(3) The Council shall appoint the examiners to conduct and take the examinations under subsection (2) at a time and place as determined by the Council from time to time.

(4) The Council may issue such notices which it considers necessary or expedient in respect of the taking of any examination under subsection (2).

(5) The examinations required to be taken under subsection (2) must comply with the registered statements of desired education and training outcomes and their associated assessment criteria as determined under the South African Qualifications Act, 1995 (Act 58 of 1995).

(6) If the Council is satisfied that such dentist complies with the requirements of this Act, it shall register such dentist in terms of section 65 against payment of an annual fee as prescribed from time to time.

**69. Acts which may be performed only by members of the dental technology profession**

(1) No person other than a registered member of the dental technology profession shall-

(a) supply or undertake to supply or make any artificial denture or other dental appliance to or for any person;

(b) be concerned with the design, making or creation of dental and oral prostheses;

(c) repair, alter, work upon, or undertake to make, repair, alter or work upon, any artificial denture, dental and oral prostheses or other dental appliance,

unless the denture or appliance, or the impression, model or other direction for making, repairing or altering of or the working upon the denture or appliance, has been or is to be delivered to him or her by a dentist or clinical dental technologist and the denture or appliance is to be returned or delivered, as the case may be, by him or her to the dentist or clinical dental technologist.

(2) The provision of paragraph (c) of subsection (1) is not applicable in respect of any repair, alteration or work performed on such artificial denture, dental and oral prostheses or other dental appliance and such repair, alteration or work performed: Provided that such work does not involve the taking of any impression.

(3) No person other than a member of the dental technology profession shall-

(a) pretend or hold himself or herself out to be entitled or prepared to supply, make, repair, alter or work upon any artificial denture, dental and oral prostheses or other dental appliance otherwise than in accordance with the provisions of subsection (1); or

(b) solicit or accept, for execution by any person in contravention of subsection (1), any order for the supply, making, repair or alteration of or the working upon any artificial denture, dental and oral prostheses or other dental appliance.

(4) No person who is not registered under section 57 shall hold himself or herself out to be a member of the dental technology profession or use

any name, title, description or symbol indicating or calculated to lead persons to infer that he or she is registered under section 57 of this Act.

(5) (a) No person registered as a dental technician under section 57 shall for his or her own account practise in the category of registered dental technician or shall be a member of a partnership which partners must practise in the category of registered dental technician or dental technologist or shall be a member of a juristic person which carries on a business in which is performed any act specially pertaining to the dental technician or dental technology profession, unless he or she has, after having been registered as contemplated in section 57 performed the work of a dental technician or supervised a dental laboratory and has acquired a qualification as determined by the Council by rule from time to time.

(b) The provisions of paragraph (a) shall not apply to any person who at the commencement of the Dental Technicians Act, 1979 (Act 19 of 1979) so practised that profession or was then such member or then had the right to practise that profession or to be such a member.

(6) The provisions of subsection (1) shall not imply that any person who solicits, or allows any person to solicit on his or her behalf, any service or order referred to in that subsection, or accepts any such order so solicited, is not guilty of misconduct, or that an inquiry under Chapter 10 of this Act may not be instituted against any such person.

(7) No person shall employ any other person to perform the work of a member of any category of registration under section 57 unless such other person is registered in terms of section 57.

(8) The prohibition in subsection (1) shall not apply in respect of-

(a) a dentist when such dentist supplies or undertakes the work as contemplated in paragraph (a), (b) or (c) of subsection (1) for patients of such dentists' own practice: Provided that:

(i) such dentist is registered under section 65; and

(ii) such dentist's dental technology laboratory is registered under Chapter 6 of this Act;

(b) a student dental technician or a student dental technologist, if the act in question is performed for purposes of his or her training in dental technology;

(c) a person registered in terms of section 59, provided he or she observes the restrictions in respect of such registration; and

(d) a dental laboratory assistant in the employment of a dental laboratory who performs any act in accordance with such dental laboratory assistant's scope of practice.

(9) The prohibition in subparagraphs (i) and (ii) of paragraph (a) of subsection (8) shall apply from a date determined by the Minister by notice in the *Gazette*.

## **78. Registration of dental laboratories**

- (1) The provisions of this Chapter shall apply to—
  - (a) the State;
  - (b) any provincial government;
  - (c) a university having a dental faculty or educational institution;
  - (d) an approved institution at which students are educated and trained in dental technology;
  - (e) a dentist, dental technologist or clinical dental technologist registered under this Act,
- (2) No person shall operate or conduct a dental laboratory unless such dental laboratory has been registered in terms of this Chapter.
- (3) A dentist registered under the Health Professions Act, 1974 (Act 56 of 1974) may not perform the services as contemplated in paragraph (a), (b) or (c) of subsection (1) of section 68 for other dentists.
- (4) Any person who desires that a dental laboratory be registered in terms of subsection (2) shall apply to the Council for such registration in the form as determined by rule.
- (5) On completion of the registration as contemplated in subsection (1), the Registrar must issue a registration certificate in respect such dental laboratory in the form as determined by rule.
- (6) The certificate contemplated in subsection (5) must contain the particulars entered in the register in respect of such dental laboratory and any other matter that may be determined by rule.

## **79. Persons who may be owners of dental laboratories or who may conduct or supervise dental laboratories**

- (1) No person other than:
  - (a) the State;
  - (b) any provincial government;
  - (c) a university having a dental faculty or educational institution;
  - (d) an approved institution at which students are educated and trained in dental technology;
  - (e) a dentist, dental technologist or clinical dental technologist registered under this Act,shall be the owner of a dental technology laboratory.
- (2) No person other than a dentist, dental technologist or clinical dental technologist registered under this Act shall supervise or conduct a dental technology laboratory.
- (3) From a date determined by the Minister by notice in the Gazette, no person who has not acquired the required registration shall supervise any dental laboratory unless he or she supervised a dental laboratory on

or before the date so specified or had the right to exercise such supervision.

(4) No person shall be employed in a dental technology laboratory otherwise than under the continuous personal supervision of a person referred to in subsection (2) or, from the date determined in terms of subsection (3), otherwise than under the continuous personal supervision of the holder of referred to in that subsection, or of a person who supervised a dental technology laboratory on or before that date or had the right to exercise such supervision.

(5) The provisions of subsection (2) and (3) shall not apply to any person who at the commencement of the Dental Technicians Act, 1979 (Act 19 of 1979) so practised that profession or was then such member or then had the right to practise that profession or to be such a member.

**127 Carrying on business of dental technology as sole practitioner, in partnership or by a juristic person**

(1) The performance of any act in subparagraph (a), (b) and (c) of section 69 may be carried on by any member of the dental technology profession as –

- (a) a sole proprietor;
- (b) in partnership; or
- (c) in a juristic person being an incorporated company: Provided that such sole proprietor, members of such partnership or the directors and shareholders of such juristic person shall be a registered dental technologist or a registered clinical dental technologist as the case may be.

(2) The performance of any act in subparagraph (a), (b) and (c) of section 69 may be carried on by a dentist registered under section 65 of this Act as –

- (a) a sole proprietor;
- (b) in partnership; or
- (c) in a juristic person being an incorporated company: Provided that all such partners, directors and shareholders of such juristic person shall be a dentist registered under section 65 of this Act.

(3) No dentist registered under section 65 and any member of the dental technology profession may carry on any business in association, partnership or otherwise in order to perform any act under subparagraph (a), (b) and (c) of section 69.

(4) A dentist registered under section 65 or a dental technology laboratory operated and conducted by such dentist may only perform the work under subparagraph (a), (b) and (c) of section 69 for patients of such dentist.

(5) The provisions of this section are not applicable to clinical dental technologists registered under Chapter 7.

## CHAPTER 10

### **Right of patients, billing of patients and medical aid schemes and recognition and accreditation of certain persons, associations or organisations**

#### **128. Rights of patients in respect of dental technology work performed by dentists and members of the dental technology profession for such patients**

(1) In order to promote fair, accessible and sustainable marketplace any dentist registered under section 65 who intends to perform any act under subparagraph (a), (b) and (c) of section 69 for a patient of such dentist, shall prior to the performance thereof, inform such patient or any person responsible for the maintenance of such patient, in writing that he or she-

(a) has the right to select any dental technology laboratory of his or her own choice for the performance of such work to be rendered under subparagraph (a), (b) and (c) of section 69;

(b) has the right to be informed of available treatment plans applicable to the particular clinical requirements for such patient;

(c) has the right to be informed in plain and understandable language of the reasons why a particular treatment plan for dental technology services for such patient is recommended;

(d) patient has the right to request written cost estimates for any proposed treatment plan involving the performance of the work under subparagraph (a), (b) and (c) of section 69 from such dentist or any other registered dental laboratory which estimate shall be supplied free of charge;

(e) has the right to be informed of the costs, quality and different choices of any artificial denture, dental and oral prostheses or other dental appliance associated with or required by the proposed treatment plan recommended by such dentist; and

(f) has the right to directly engage the services of a dental technician or dental technologist to perform the work under subsection (2) of section 69 of this Act.

## 129. Billing of patients and medical aid scheme

(1) In the event that the artificial denture, dental and oral prostheses or other dental appliance is made or supplied by a dental technology laboratory selected by a patient, other than a dental technology laboratory operated by the dentist of such patient, the dentist of such patient must furnish such dental technology laboratory with a written treatment plan for such patient together with such impressions required in accordance with such treatment plan.

(2) A dental technology laboratory shall on receipt of a treatment plan and impressions provide the dentist of such patient with a written estimate of the costs for the supply or making of the required artificial denture, dental and oral prostheses or other dental appliance required in terms of the recommended treatment plan.

(3) A dental technology laboratory intending to make or supply any artificial denture, dental and oral prostheses or other dental appliance under subsection (2) may not commence with the making or supplying of any artificial denture, dental and oral prostheses or other dental appliance without a written treatment plan and impressions, as the case may be, and the written acceptance by the patient of the cost estimate issued under subsection (3).

(4) A dental technology laboratory who has made or supplied any artificial denture, dental and oral prostheses or other dental appliance to a dentist of a patient under subsection (2), may claim payment for such artificial denture, dental and oral prostheses or other dental appliance prior to delivery thereof from such patient or any person responsible for the maintenance of such patient against the delivery of a detailed account in accordance with the estimate of costs authorised by the patient: Provided that the dental technology laboratory who has made or supplied such artificial denture, dental and oral prostheses or other dental appliance may claim payment against the delivery of a detailed account from the medical aid scheme of such patient of the costs authorised by such patient or any person responsible for the maintenance of such patient.

(5) No payment may be made to a dentist by a patient or any person responsible for the maintenance of such patient or a medical aid scheme of such patient in respect of any artificial denture, dental and oral prostheses or other dental appliance made or supplied under subsection (2).

(6) Any dentist who claims payment from his or her patient or any person responsible for the maintenance of such patient or the medical aid scheme of such patient for the supply or making of any artificial denture, dental and oral prostheses or other dental appliance must furnish such patient or any person responsible for the maintenance of such patient or

the medical aid scheme of such patient with a detailed account in accordance with the estimate authorised by the patient or any person responsible for the maintenance of such patient or pre-authorised by such patient's medical aid scheme.

(7) No dentist or dental technology laboratory shall, prior or after the rendition of the professional services as contemplated in paragraph (a), (b) and (c) of subsection (1) of section 69 of this Act, make or attempt to make or to recover, or enter into any agreement or associate himself in any way with any other person for the purpose of making or fixing, excessive charges for any article or professional services supplied or to be supplied by him in his capacity as dentist, dental technologist or dental technician.

(8) Any dentist or dental technology laboratory who contravenes any provision of subsection (7) shall be guilty of misconduct and the Council shall take cognizance thereof and deal with such misconduct in terms of the provisions of Chapter 10.