

COOK ISLAND
DENTAL ACT 1970-71
ANALYSIS

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1970-71, No. 22

An-Act to control the Practice of dentistry

(24 February 1971)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Dental Act 1970-71.

2. Interpretation - In this Act unless the context otherwise requires,-

"Department of Health" means the Department of Health of the Cook Islands Public Service:

"Practice of dentistry" includes -

(a) The performance of any operation and the treatment of any diseases, deficiencies, or lesions, on or of the human teeth or jaws and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws;

(b) The giving of any anaesthetic in connection with any operation on the human teeth or jaws;

(c) The mechanical construction or the renewal of artificial dentures or restorative dental appliances;

(d) The performance of any operation on or the giving of any treatment, advice or attendance to any person as preparatory to, or for the purpose of, or for or in connection with, the fitting, insertion, fixing, constructing, repairing or renewing of artificial denture, or restorative dental appliances;

(e) The performance of any such operation and the giving of any such treatment advice, or attendance as is usually performed or given by dentists - and the expression "to practise", in relation to dentistry, has a corresponding meaning.

3. Principal Dental Officer - (1) There shall be appointed under the provisions of the Public Service Act 1969 a Principal Dental Officer of the Dental Division of the Department of Health who, subject to the control of the head of that Department and the Minister responsible for that Department, shall be charged with the administration of the Dental Division of that Department.

(2) The Principal Dental Officer shall have the qualification prescribed in paragraph (a) or (b) of section 5 this Act.

4. Appointment of dental officers and other employees - There may from time to time be appointed as members of the Dental Division of the Department of Health dental officers and such other employees as may be necessary.

5. Qualifications of dental officers - No person shall be qualified for appointment as a dental officer or to practise dentistry in the Cook Islands unless-

(a) He is duly registered to practise dentistry in accordance with the Acts regulating the practice of dentistry in New Zealand, or any other country that is a member of the Commonwealth or in the Republic of Ireland; or

(b) He is a holder of the Diploma of Dental Surgery (D.S.D.) of the Fiji School Medicine; or

(c) He is a person who by reason of training and experience has in the opinion of the Principal Dental Officer attained in standard sufficient for such appointment:

Provided that the persons qualified for appointment as dental officers or to practise dentistry pursuant to paragraph (c) of this subsection shall be subject to the general control of the Principal Dental Officer.

6. Practice of dentistry - (1) Everyone commits an offence and shall be liable to a fine not exceeding fifty dollars who, not being qualified or entitled to practice dentistry as provided in section 5 of this Act, practises dentistry or any branch of dentistry.

(2) Notwithstanding anything in subsection (1) of this section-

(a) A medical officer or dresser of the Department of Health may perform any emergency dental operation in any case where the services of a dental officer are unobtainable;

(b) A dental officer in the School Dental Service of the Department of Health may perform dental work for pre-school children and school children in accordance with conditions approved by the Principal Dental Officer and under his direction;

(c) With the approval of the Principal Dental Officer, dental technicians of the Department of Health may perform clinical and mechanical construction or renewal or artificial plastic dentures, and the mechanical construction or renewal or restorative dental appliances;

(d) With the approval of the Principal Dental Officer, dental hygienists of the Department of Health trained at the Fiji School of Medicine and assistant dental hygienists of the Department of Health trained in Raratonga before the commencement of the Public Service Act 1969, may perform the extraction of teeth, the application of local anaesthetic, the excavation and dressing of teeth, the prophylaxis of teeth and polishing of restorations, the placement and removal of sutures, and instruction in oral hygiene;

(e) With the approval of the Principal Dental Officer and under the direction of a dental officer of the Department of Health, dental assistances of the Department of Health may perform minor dental operations such as the prophylaxis of teeth and polishing of restorations;

(f) Any person may perform an emergency extraction of a tooth where no person as authorised by this Act is available to perform the extraction.

7. Charges for dental services - (1) Dental services to pre-school and school children by the Department of Health shall be gratuitous.

(2) There shall be payable for all other dental services provided by the Department of Health such fees and charges as may be prescribed from time to time by the Minister in charge of the Department of Health.

(3) All fees paid pursuant to subsection (2) of this section shall form part of the Cook Islands Government Account.

8. Liability of Crown - (1) Where damage is suffered by any person as a result of any wilful or negligent act or omission of the Principal Dental Officer, or any dental officer, or any dental officer or other person duly authorised to practice any branch of dentistry, and who is a member of the Public Service and is acting in the course of his or her employment, an action in respect of the damage shall lie against the Crown by or on behalf of the person suffering the damage, and in any such case the Crown shall be liable in the same manner and to the same extent as if the damage had been caused by an act or omission of a servant of the Crown acting in the course of

his or her employment.

(2) Nothing in this section shall be deemed to affect any right of action against the person guilty of the act or omission complained of.

9. Regulations cease to have effect - The regulations made by Order in Council on the 11th day of June 1917 with respect to the practice of medicine and surgery and dentistry in the Cook Islands (Gazette, 21 June 1917, p.2448) shall cease to have effect as part of the law of the Cook Islands.

This Act is administered in the Health Department