

Standing Committee on  
Social Development



---

# Report on Bill 80: *Dental Hygienists Profession Statutes Amendment Act*

19<sup>th</sup> Northwest Territories Legislative Assembly

Deputy Chair: Ms. Katrina Nokleby

**MEMBERS OF THE STANDING COMMITTEE ON  
SOCIAL DEVELOPMENT**

---

Caitlin Cleveland  
MLA Kam Lake  
Chair

Katrina Nokleby  
MLA Great Slave  
Deputy Chair

Ron Bonnetrouge  
MLA Deh Cho

Lesla Semmler  
MLA Inuvik Twin Lakes

Jane Weyallon  
Armstrong  
MLA Monfwi

Richard Edjericon  
MLA Tu Nedhé–Wiilideh

Alternates

Rocky Simpson  
MLA Hay River South

Rylund Johnson  
MLA Yellowknife North

Frieda Martselos  
MLA Thebacha

September 27, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Social Development is pleased to provide its report on *Bill 80: Dental Hygienists Profession Statutes Amendment Act* and commends it to the House.



Ms. Katrina Nokleby, Deputy Chair  
Standing Committee on Social Development

**STANDING COMMITTEE ON SOCIAL DEVELOPMENT**  
**REPORT ON BILL 8o: *DENTAL HYGIENISTS PROFESSION***  
***STATUTES AMENDMENT ACT***

**TABLE OF CONTENTS**

INTRODUCTION ..... 1

COMMITTEE WELCOMES IMPROVEMENTS TO ORAL HEALTHCARE ..... 1

    1. AMENDING BILL 8o’s TIMELINES ..... 2

COMMITTEE CONSIDERED PUBLIC INPUT ..... 3

COMMITTEE RECOMMENDS URGENCY IN ORAL PREVENTIVE CARE..... 3

CONCLUSION ..... 4

APPENDIX 1 - MOTIONS

APPENDIX 2 - SUBMISSIONS

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT REPORT

### **BILL 80: *DENTAL HYGIENISTS PROFESSION STATUTES AMENDMENT ACT***

#### INTRODUCTION

Bill 80: *Dental Hygienists Profession Statutes Amendment Act* (Bill 80) received second reading on March 30, 2023, and was referred to the Standing Committee on Social Development (Committee) for review.

Bill 80 is a private member's bill, sponsored by the Member for Kam Lake, to amend the *Health and Social Services Professions Act* and the *Dental Auxiliaries Act*. This Bill proposes to provide dental hygienists with the option to work independently of a dentist. Specifically, Bill 80:

- Will require the Minister of Health and Social Services to recommend to the Commissioner regulations under the *Health and Social Services Professions Act*, on or before March 31, 2024;
- Designate the profession of dental hygienists as a profession, effective April 1, 2024;
- Transfer the regulation of dental hygienists from the *Dental Auxiliaries Act* to the *Health and Social Services Professions Act*, effective April 1, 2024; and
- Replace gender specific language in the *Dental Auxiliaries Act* with gender neutral language.

This report outlines key events leading up to the introduction of Bill 80; describes Committee's engagement with the public; and summarizes stakeholders' positions and Committee's decisions on key issues.

#### COMMITTEE WELCOMES IMPROVEMENTS TO ORAL HEALTHCARE

The purpose of Bill 80 is to permit dental hygienists to work independently of a dentist. Currently, under the *Dental Auxiliaries Act*, all dental hygienists working in the NWT must be supervised by a dentist. Section 6 of the *Dental Auxiliaries Act* reads:

**6.** No dental hygienist shall practice dental hygiene except under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the services are being provided.

On May 12, 2023, Committee held a public hearing on Bill 80. Committee heard comments focused on the important role of oral health in preventative healthcare, and its significance within the overall health of individuals. Members expressed concern with the

current state of oral healthcare delivery across the NWT, especially in small communities and regional centres. Members also voiced concern about the lack of equitable access to preventative oral healthcare across the NWT. Committee agreed unanimously with the intent of Bill 80 and all Members agreed to support it.

While the Department of Health and Social Services (the Department) did not present at the public hearing, Committee did meet with the Minister to discuss the Department's concerns with the Bill. Committee also exchanged correspondence with the Minister to try reaching consensus on an agreeable timeline for when the proposed changes within Bill 80 will take effect.

The Minister stated that the estimated timeline for the Department to complete the work within Bill 80 would take up to four years to complete. The Department also sent draft motions to amend Bill 80 with the dates of July 31, 2027, and August 1, 2027, as the dates of enactment for professional designation of dental hygienists, as well as the date for the creation of dental hygienist regulations, respectively.

However, Committee did not agree with the proposed amendments from the Department and advanced motions with a more aggressive timeline to implement the regulatory work.

### **AMENDING BILL 80's TIMELINES**

Committee held a clause-by-clause review with the Member for Kam Lake on August 10, 2023. Committee engaged with the Member for Kam Lake on a compromised date of enactment on the Bill's proposed timelines. Committee then passed two motions to amend the Bill's timelines for when dental hygienists become a designated profession, and the date by which the Department shall establish dental hygienist regulations.

Originally, clauses 1 and 2 of Bill 80 read:

1. (1) The Health and Social Services Professions Act is amended by this section.
- (2) Section 5 is repealed and the following is substituted:
  5. (1) The Commissioner in Executive Council may, by order, designate professions to which this Act applies.
  - (2) The profession of dental hygienists is designated as a profession to which this Act applies, effective April 1, 2024.

Additionally, the original wording for Clause 3 read:

- (3) The following is added after section 67:
  - 67.1. (1) The Minister shall, on or before March 31, 2024, recommend to the Commissioner regulations under section 67 to regulate the practice of dental hygienists.
  - (2) Before recommending regulations under subsection (1), the Minister shall consult with
    - (a) Indigenous governments;
    - (b) the Canadian Dental Hygienists Association; and
    - (c) dental hygienists actively practicing in the Northwest Territories.

Committee proposed two motions to amend the timelines (included in Appendix 1). These amendments will extend the timelines proposed in the Bill to December 1, 2025, and November 30, 2025, respectively giving the Department more time to enact the proposed legislative changes. Committee believes these amendments, which will come into force approximately halfway through the 20<sup>th</sup> Assembly, will be a sufficient timeline for the Department.

On August 10, 2023, at the clause-by-clause reading of Bill 80, the Member for Kam Lake, sponsoring Member of the Bill concurred with these amendments.

## **COMMITTEE CONSIDERED PUBLIC INPUT**

Committee sought public feedback on Bill 80 with a public notice and targeted engagement letters. Committee received written submissions from:

- Ms. Nadja Lennie;
- Ms. Ashley Morine; and
- Hon. Julie Green, Minister of Health and Social Services.

All written submissions are included in Appendix 2 to this report.

Moreover, during the public hearing on Bill 80, Committee heard remarks from the Member for Kam Lake, along with Mr. Todd Orvitz, CAO of the Inuvialuit Regional Corporation, and Ms. Nadja Lennie, owner of Fireside Denture Clinic. Committee thanks Mr. Orvitz and Ms. Lennie for their engagement. Their participation helped inform Committee discussions on key issues for future consideration.

## **COMMITTEE RECOMMENDS URGENCY IN ORAL PREVENTIVE CARE**

Committee strongly agrees with the Member for Kam Lake's concerns about the lacking areas of oral healthcare delivery within the NWT. Committee supports the intent of Bill 80 and acknowledges that the Department has stated its support of the Bill's intent as well. Committee considers oral healthcare as an urgent matter that must be addressed by the Department sooner, rather than later. While the amended Bill sets fall 2025 as the deadline for a new designation and regulations for dental hygienists, the Department should aim to complete this work even sooner.

In addition, during the public hearing on Bill 80 the CEO of the Inuvialuit Regional Corporation (IRC) stated that their organization had recently established a Memorandum of Understanding with the Northwest Territories Health and Social Services Authority (NTHSSA) enabling IRC to employ their own practicing dental hygienist under the direction and control of the NTHSSA's contracted oversight dentist. Committee believes

this type of arrangement is a great interim option to increase access to oral preventive care while the department works on designating dental hygienists a profession and creating accompanying regulations. Committee would like to see similar types of agreements as that between the IRC and the NTHSSA be established with other communities and organizations that deliver health services. Therefore, Committee recommends the following:

**Recommendation 1:** The Standing Committee on Social Development recommends that the Department of Health and Social Services increase efforts to improve oral preventative care in communities. This work should include:

- Providing interim options for dental hygienists to work independently of a dentist prior to fall 2025; and
- Ensuring Indigenous Governments and other organizations that deliver health services are aware of other options to provide oral preventive healthcare.

## CONCLUSION

On August 10, 2023, Committee held a clause-by-clause review. Committee passed a motion to report Bill 80, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole.

This concludes the Standing Committee on Social Development's review of Bill 80: *Dental Hygienists Profession Statutes Amendment Act*. Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19<sup>th</sup> Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and requests that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20<sup>th</sup> Assembly.



## **APPENDIX 1: MOTIONS**

MOTION

DENTAL HYGIENISTS  
PROFESSION STATUTES  
AMENDMENT ACT

**That subclause 3(2) of Bill 80 be amended by striking out "April 1, 2024" and substituting "December 1, 2025".**

MOTION

LOI MODIFIANT CERTAINES LOIS  
RELATIVES À LA PROFESSION  
D'HYGIÉNISTE DENTAIRE

**Il est proposé que le paragraphe 3(2) du projet de loi 80 soit modifié par suppression de «le 1<sup>er</sup> avril 2024» et par substitution de «le 1<sup>er</sup> décembre 2025».**

MOTION

DENTAL HYGIENISTS  
PROFESSION STATUTES  
AMENDMENT ACT

**That Bill 80 be amended**

- (a) in subclause 1(2), by striking out "April 1, 2024" in proposed subsection 5(2) and substituting "December 1, 2025"; and**
- (b) in subclause 1(3), by striking out "March 31, 2024" in proposed subsection 67.1(1) and substituting "November 30, 2025".**

MOTION

LOI MODIFIANT CERTAINES LOIS  
RELATIVES À LA PROFESSION  
D'HYGIÉNISTE DENTAIRE

**Il est proposé que le projet de loi 80 soit modifié par suppression :**

- a) au paragraphe 1(2), de «le 1<sup>er</sup> avril 2024» au paragraphe 5(2) proposé et par substitution de «le 1<sup>er</sup> décembre 2025»;**
- b) au paragraphe 1(3), de «le 31 mars 2024» au paragraphe 67.1(1) proposé et par substitution de «le 30 novembre 2025».**

## **APPENDIX 2: SUBMISSIONS**

**From:** [Nadja Lennie](#)  
**To:** [Amy Lizotte](#)  
**Subject:** Notes  
**Date:** May 26, 2023 4:45:18 PM

---

**EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's **name and email address** and know the content is safe.

May 26, 2023

Dear committee members. Further to my comments made at the public hearing, I would like to add some additional information for your consideration.

- Currently hygienists are regulated by the GNWT. There has never been an issue with the current act. However, section 6 of the act is providing a barrier to expand oral health care services in the north.
- Under section 6 of the dental auxiliaries act states “6. No dental hygienist shall practice dental hygiene except under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the services are being provided.”
- Currently hygienists in the NWT work for dentists. Dentists assume professional liability. I believe that we should have the choice to remain under the liability of a dentist or acquire our own professional liability insurance through the Canadian dental hygiene association. This would allow those who choose to be employed by the government, indigenous organizations or to be self employed.
- I do not think a professional association is necessary. The Canadian dental hygiene association is an excellent source of information for everyone in the profession.
  
- The purpose is to encourage more hygienists to work in the north and to provide more oral health care for our people. There absolutely is a public health emergency going on right now and it no longer can be ignored.
  
- If hygienists move under the health professions act, the regulations do not need to become more stringent and fees should not be raised. The information in the current act could be utilized but the regulations associated with professional liability should be changed. The goal is to encourage more people to enter the profession and stay in the north.

Considering professional liability is the simplest way to create this change.

As a Denturist, I am making dentures for children as young as 12 years old. These patients have come from communities with very limited access to oral health care. It’s time we focus on prevention and create some positive change.

Nadja Lennie,

Registered Denturist and Dental Hygienist.  
Owner & Operator of Fireside Denture Clinic.

Nadja

**From:** [Ashley Morine](#)  
**To:** [Lesa Semmler](#)  
**Cc:** [Amy Lizotte](#); [Taylor Maxwell](#)  
**Subject:** Re: Bill 80  
**Date:** June 6, 2023 10:57:28 PM

---

**EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender's name and email address and know the content is safe.

Hello,

Writing on the submission of bill 80- private members bill.

I was a practicing dental hygienist in the Northwest Territories from 2017-2019.

Working primarily in Inuvik.

Often times, with understaffing, our clinic would be without a dentist. Meaning, I could not treat patients.

This led to a backlog of patients requiring periodontal care, and also led to me seeking work elsewhere as I struggled with the on and off again pay.

This would absolutely contribute to lack of RDH's in the territory.

Upon leaving the clinical profession, I accepted a position with the Inuvialuit Regional Corporation, leading the children's oral health initiative.

Sadly, the initiative was slow to start because we did not have a dentist available or willing to "supervise" the hygienists we wished to employ (we had plenty of interest) in underserved areas of the ISR.

Dental hygienists are self initiated in many other regions in Canada. Sadly, not in the territory that requires our profession to work autonomously the most. We are university and college educated, registered health professionals capable of recognizing and treating periodontal disease and preventing caries. Please allow self initiation.

Thank you,  
Ashley Morine

On 31 May 2023, at 12:42 am, Lesa Semmler <[Lesa\\_Semmler@ntassembly.ca](mailto:Lesa_Semmler@ntassembly.ca)> wrote:

Hi Ashley

Here is the Bill 80 attached I have cc'ed both of our committee staff that you can email your submission on the bill

If you need more information either of the staff can forward further information to you.

Thank you

Mársı | kinanāskomitin | Thank you | Merci | Hǫı' | Quana | Qujannamiik | Quyanainni | Máhsı | Máhsı |  
Ması

Lesla Semmler

*Member of the Legislative Assembly for Inuvik Twin Lakes*

Northwest Territories Legislative Assembly | Assemblée législative des Territoires du Nord-Ouest

PO Box 3130

Inuvik NT | X0E0T0

Phone | Tél : 867-678-2429

[www.NTassembly.ca](http://www.NTassembly.ca)

[www.NTassembly.ca/FR](http://www.NTassembly.ca/FR)

<bill\_80\_-\_public\_version.pdf>





June 14, 2023

KATRINA NOKLEBY  
ACTING CHAIRPERSON  
STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Follow-up from Meeting with Committee Regarding Bill 80**

I am writing in follow-up to our May 26, 2023 meeting to discuss the Private Member's Bill, Bill 80: *Dental Hygienists Profession Statutes Amendment Act*. I would like to thank Committee for taking the time to discuss the Bill and for their willingness to work together to determine how best to support the advancement of a modernized regulatory framework for dental hygienists in the Northwest Territories (NWT).

I want to reiterate that I support the goal of the bill to improve oral health prevention efforts across the territory. To achieve the goal that I share with the Bill's sponsor, MLA Cleveland, I am prepared to commit to have the dental hygienists profession move through the legislated process in the *Health and Social Services Professions Act* (HSSPA) as the next group to be regulated after midwives and pharmacists, for which regulatory work is currently underway. The regulation would follow the process defined in section 3 of the HSSPA. The department expects to have this work completed no later than the end of the 20th Legislative Assembly (August 2027).

To address concerns around the urgency of improving access to preventative oral health care, I want to clarify that under the current legislation there is no requirement for a dental hygienist to be physically located with a dentist to provide their scope of practice. Dental hygienists can provide service through virtual oversight of a dentist.

I hope the above satisfies the underlying concerns which prompted the introduction of Bill 80 and proposed an acceptable alternative to the progression of the Bill.

For Committee's reference, below is additional information on the current regulatory environment for dental hygienists under the *Dental Auxiliaries Act* (DAA) and health and social services professions more generally, as well as the processes required and associated minimum timelines for moving the regulation of dental hygienists under the HSSPA, and what the Department of Health and Social Services (Department) can commit to in order to advance work to bring dental hygienists under the HSSPA, without adjustments to the Act proposed in Bill 80.

.../2

## Current Regulatory Environment

### **Dental Hygienists:**

Dental hygienists are currently regulated by the Department under the DAA along with dental therapists. Dental hygienists currently do not have an association or organization that represents the profession in the NWT like most other regulated health and social services professions do, such as dentists, midwives, pharmacists, and psychologists. Dental hygienists are one of the smaller groups of regulated professionals, with 34 registered to practice in the NWT as of May 29, 2023, of whom approximately 11 reside in the NWT.

The DAA is significantly outdated, having come into force prior to 1988 and it has had only minor amendments since. Of note, it does not provide a scope of practice or standards of practice to guide the practice of dental hygienists. Instead, section 6 of the DAA requires that dental hygienists “practice under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the services are being provided.” If this requirement is to be removed, a clear scope and comprehensive standards of practice would need to be developed to guide the practice of dental hygienists.

As noted in our meeting, “under the direction and control of a dentist” is not defined. Recognizing this is an outdated requirement, the Department has taken a broader interpretation; rather than interpreting this to mean that a dentist must be physically present with a dental hygienist for the dental hygienist to provide services, it is interpreted to mean that the dental hygienist must report to, and liaise with, a dentist, for the services they provide, which can occur remotely. This allows the dental hygienist to seek advice from the dentist about potential treatment options where the course of treatment may not be clear, and/or refer a patient to the dentist for further treatment when required.

Interpreting the s.6 requirement with this lens does provide greater flexibilities for Indigenous governments, communities, or organizations to provide dental hygienist services in communities where a contract with a supervising dentist can be obtained. This arrangement currently exists with the dental hygienists working in the health and social services system. More recently, the arrangement has been extended to the Inuvialuit Regional Corporation which has employed a dental hygienist who is practicing, through a Memorandum of Understanding with the Northwest Territories Health and Social Services Authority (NTHSSA), under the direction and control of the NTHSSA’s contracted oversight dentist.

## **Professional Regulation:**

### **i. Self-Regulation vs. Government Regulation**

Dental hygienists are not a self-regulating profession. Self-regulation is a privilege that is granted by the government to a professional body, usually a professional college or association, that has the resources and specialized knowledge required to govern itself. This is done by granting the professional body with specific authorities through legislation. Currently, the only health or social services profession that is self-regulated in the NWT is the nursing profession, which is regulated by the Registered Nurses Association of the Northwest Territories and Nunavut through the *Nursing Profession Act*.

The remaining regulated health and social services professions in the NWT are regulated by the Department. The Office of Professional Licensing is the regulatory body within the Department that is responsible for licensure and handling issues related to professional misconduct. More information about the Office of Professional Licensing can be found here: <https://www.hss.gov.nt.ca/en/services/professional-licensing>

### **ii. HSSPA vs. Stand-Alone Legislation**

Health and social services professions are currently regulated in the NWT either through a stand-alone statute, or under the umbrella HSSPA. The goal is to work towards moving all health and social services professions under the HSSPA, with the exception of nurses who are self-regulating. There are currently 13 different legislative frameworks that regulate 15 different health and social services professions, the bulk of which are significantly outdated.

The HSSPA, which came into force in March 2022, is a modern legislative framework for the regulation of health and social services professions in the NWT. It sets out a legislated process to allow professions to be considered for designation as a profession under the umbrella Act, sets out requirements that apply across professions, and provides for regulation making power to set out profession-specific requirements.

There are currently two professions regulated under the HSSPA: the psychology profession and the naturopathic profession. Two additional professions who have expressed interest through their professional association to the Department in being brought under the HSSPA: regulations for the midwifery profession and the pharmacy profession are in development.

There are two processes set out in the HSSPA for a profession to be considered for regulation under the umbrella statute:

**1. Profession initiated:** Section 2 of the HSSPA allows a group or body representing a profession to apply for regulation under the HSSPA.

- The application must be considered by the Minister against criteria set out in section 4. A Committee may be established under paragraph 2(3)(b) to investigate the merits of regulating the profession and prepare a written report with recommendations. Criteria under section 4 are as follows:
  - a) whether the profession is currently regulated by an Act;
  - b) whether the practice of the profession is commonly regulated by law in other jurisdictions;
  - c) whether there are more appropriate means to regulate the members of the profession other than under this Act;
  - d) the nature and degree, if any, of the risk of harm to the health or safety of the public from incompetent, unethical or impaired practice of the profession, having regard to
    - i. the nature of the services normally provided by its practitioners,
    - ii. the techniques and technology, including instruments and devices, used by its practitioners, and
    - iii. the invasiveness and complexity of procedures or methods of treatment used by its practitioners;
  - e) whether the profession is a distinct and identifiable profession with a distinct and identifiable body of knowledge;
  - f) whether a professional association exists for the profession;
  - g) where applicable, whether the group or body applying for designation represents a majority of the profession;
  - h) whether the following currently exist or could be developed for the profession:
    - i. standard entrance qualifications,
    - ii. standards of practice,
    - iii. a Code of Ethics,
    - iv. continuing competency requirements;
  - i) the availability and quality of continuing competency programs;
  - j) whether, and the extent to which, practitioners of the profession are engaged in activities that fall under the Minister's jurisdiction;
  - k) the potential economic impact of regulating the profession, including the expected effect on practitioner availability, education and training programs, access to service, and the quality, price and efficiency of that service;

- l) the effect, if any, that there would be on any agreements on trade and mobility to which Canada or the Northwest Territories is a signatory were the profession to be designated under this Act;
  - m) any other potential benefits, costs or risks associated with regulating or not regulating the profession under this Act.
- The Minister's recommendation, along with the application, must be put forward to Executive Council for approval under subsection 2(4).
  - If approved, work on the development of regulations with the profession can commence.
  - An Advisory Committee with members from the profession would be formed to inform the development of the regulations.
  - The final regulations must be provided to Executive Council to seek approval that the profession be designated under HSSPA, as per subsection 3(1).
  - The Commissioner-in-Executive Council may then, by order, designate the profession as a profession to which the HSSPA applies, as per section 5.

More information on how to apply for regulation under the HSSPA, including the application, can be found here: <https://www.hss.gov.nt.ca/en/services/applying-health-and-social-services-profession-regulation>

**2. Minister initiated:** Section 3 allows the Minister, on their own initiative, to recommend to Executive Council that a profession be designated as one to which the HSSPA applies, if the Minister is of the opinion that it is in the public interest to regulate the profession.

- This decision would be made considering the criteria set out in section 4, listed above. A Committee may be established under subsection 3(3) to investigate the merits of regulating the profession and prepare a written report with recommendations.
- The Minister would advise Executive Council of their decision to proceed with the development of Minister-initiated regulations.
- An Advisory Committee with members from the profession would be formed to inform the development of the regulations.
- The final regulations must be provided to Executive Council to seek approval that the profession be designated under HSSPA, as per subsection 3(1).
- The Commissioner-in-Executive Council may then, by order, designate the profession as a profession to which the HSSPA applies, as per section 5.

As outlined in both pathways, professions are designated as a profession to which the HSSPA applies via a Designation Order, as required under section 5. Designating professions through an Order allows the Department to avoid amending the HSSPA each time a new profession is being designated.

There is a very important issue for consideration when contemplating Bill 80. In contrast to the current legislated process for designation, Bill 80 directs the HSSPA to be amended to include language specific to the dental hygienist profession, while no other profession is specifically referenced. Specific reference of one profession in the Act in absence of any other referenced profession could result in confusion around which professions are subject to the Act and which are subject to their specific regulation, and if there is a difference in how they are regulated based on how the designation is set out.

#### Additional process requirements and timelines for developing regulations under the HSSPA

While the HSSPA sets out specific processes that must be followed for the development of regulations under the HSSPA, there are additional requirements that all Government of the Northwest Territories' departments are required to follow. Below is a high level summary of resources required, process requirements and minimum timelines associated with developing profession-specific regulations under the HSSPA in accordance with requirements set out in the HSSPA, federal legislation and agreements, the "[GNWT Users Guide to Legislation in the Northwest Territories](#)", *Cabinet Operational Guidelines on Publishing Proposed Regulations* under the "[Executive Council Submission Handbook](#)", and "[GNWT Approach to Consultation with Aboriginal Governments and Organizations](#)"

#### **Resources required:**

- Dedicated time and resources within the Department, including:
  - Policy Analyst to conduct cross-jurisdictional research.
  - Senior Policy Analyst to lead the development of the regulations, including chairing the Advisory Committee.
  - Registrar of Professional licensing to lead in the development of standards of practice and to determine implications for the professional licensing office, including any additional resources or funding that may be required to implement the new regulatory framework. The Registrar would also be a member of the Advisory Committee.
- Identification of up to two individuals representing the profession who can commit the time required to inform the development of the regulations through the Advisory Committee.
- Dedicated time and resources from the Department of Justice to draft the regulations, including:
  - Legislative drafter
  - French legal translator

### **Process Requirements and Timelines (estimate of 2 years):**

The substantive process requirements for developing professional regulations under HSSPA are listed below. Minimum timelines for each step are also included, but it is important to note that these timelines are only achievable where *all* dedicated resources and expertise are available and able to commit their time to advancing work quickly.

- Research: 2-4 months
- Engagement: throughout
- Development of drafting instructions: 2-4 months
- Canadian Free Trade Agreement (CFTA) Chapter 7 Labour Mobility notice: 2 months
- Consultation Assessment (to determine consultation obligations under s.35 of the *Constitution Act*, as per the “GNWT Approach to Consultation with Aboriginal Governments and Organizations”): 2 months
- Drafting of regulations: 3-6 months
- Development of standards of practice, code of ethics, etc.: 3-6 months where there are existing documents that can be easily adapted for the NWT, longer where there is no standard approach
- Public posting of proposed regulations (as per the “Cabinet Operational Guidelines on Publishing Proposed Regulations”): 2 months
  - Proposed regulations to Cabinet via Information Item: 1 month
  - Public posting: 1 month
  
- Finalize regulations: 1-2 months (varies based on extent of feedback received)

### Department of Health and Social Services Commitment for Regulation

Inclusion of currently regulated professions under the HSSPA, as well as additional professions that may wish to be regulated, must be assessed for prioritization based on the level of risk their current framework, or lack thereof, poses to the public, and what health or safety benefits a modernized framework would provide. While this analysis is ongoing, the Department can confirm that dental hygienists had already been identified as one of the top three priority professions to be considered next for regulation under the HSSPA.

While the Department agrees that dental hygienists should be prioritized for inclusion under the HSSPA, it does not support achieving this through Bill 80. If Bill 80 was to be passed as is, it would require the Department to amend the HSSPA to address the incongruity in how professions are designated. Further, the timelines currently set out could not be achieved, as is evidenced by the process requirements and associated timelines outlined above. Due to the number of external variables, including the lack of a territorial organization or association that can be engaged, the Department does not believe it is appropriate to legislate timelines for the development of dental hygiene regulations under the HSSPA. With these considerations in mind, we would argue that Bill 80 is not necessary to advance the modernization of the regulatory framework for dental hygienists.

I would like to thank Committee for this opportunity to provide additional information to inform their review of Bill 80 and would be happy to answer any further questions that Committee may have.



Julie Green  
Minister of Health and Social Services

- c. Members of the Legislative Assembly
  - Principal Secretary
  - Secretary to Cabinet/Deputy Minister, Executive and Indigenous Affairs
  - Deputy Minister, Health and Social Services
  - Clerk, Standing Committee on Social Development
  - Advisor, Standing Committee on Social Development
  - Committee Members, Standing Committee on Social Development