**The Dental Disciplines Act**

**Section 25.3** Examination to assess whether curtailment of practice should be ordered

(1) If the registrar or the professional conduct committee of an association has **reasonable grounds to believe that a member may be suffering a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs** that impairs the member’s ability to practise in the profession and causes the continued practice in the profession by the member to constitute a danger to the public, the registrar or professional conduct committee may:

(a) direct the member to submit to **a physical or mental examination**, or both, by a person or at a facility specified by the registrar or professional conduct committee;

(b) request the person or facility conducting the examination of the member to report, with written reasons and within a time specified by the registrar or professional conduct committee, to:

(i) the professional conduct committee; and

(ii) the member; and

(c) for the period necessary to allow the registrar or professional conduct committee to act pursuant to clauses (a) and (b) and to receive, consider and act pursuant to this section on the report:

**(i) impose limitations or conditions on the member’s licence; or**

**(ii) suspend the member’s licence.**

(2) If the registrar or professional conduct committee imposes limitations, conditions or a suspension pursuant to clause (1)(c), the registrar or professional conduct committee must give the member an opportunity to be heard within 15 days after the imposition of the limitations, conditions or suspension.

(3) If the professional conduct committee receives a report pursuant to clause (1)(b) concluding that:

(a) the continued practice of the member constitutes a danger to the public; and

(b) remedial measures are necessary and, if these remedial measures are taken, the public will be adequately protected; the professional conduct committee may:

(c) impose limitations or conditions on the member’s licence; or

(d) suspend the member’s licence; and the limitations, conditions or suspension apply until the member satisfies the professional conduct committee that it should act pursuant to clause (5)(a).

(4) The professional conduct committee must not act pursuant to subsection (3) unless it has first given the member an opportunity to respond to the proposed limitations, conditions or suspension.

(5) If action has been taken pursuant to subsection (3) concerning a member, the professional conduct committee may do all or any of the following:

(a) cancel or amend a limitation or condition or cancel the suspension to allow the member to resume practice if the professional conduct committee is satisfied, on the member’s application, that the member can resume practice without constituting a danger to the public;

(b) delay any investigation or written report mentioned in section 29;

(c) decide not to refer the complaint to a hearing before the discipline committee if the professional conduct committee is satisfied that:

(i) the member’s condition mentioned in subsection (1) caused or substantially contributed to the member’s conduct described in the complaint; and

(ii) the actions taken pursuant to subsection (3) have provided appropriate public protection.

(6) If the professional conduct committee acts pursuant to subsection (5), the professional conduct committee must deliver written notice of its decision, with written reasons, to the complainant within 30 days after making its decision.

(7) A member aggrieved by a decision of the registrar or the professional conduct committee pursuant to subsection (1) or (3) may appeal the decision to the court, and sections 38 to 40 apply, with any necessary modification, to the appeal.

(8) Failure by a member to submit to an examination directed pursuant to subsection (1) or to comply with a limitation, condition or suspension imposed on the member pursuant to subsection (3) is professional misconduct within the meaning of this Act.