

Council Statement on Restricted Activities and the Practice of Bleaching by Non- Registered Persons

Approved by the Dental Council: July 2005

Introduction

Section 9 of the Health Practitioners Competence Assurance Act 2003 (“the HPCA Act”) allows for specified activities to be restricted to registered health practitioners, in order to protect members of the public from the risk of serious or permanent harm.

Pursuant to Section 9 of the HPCA Act the Health Practitioners Competence Assurance (Restricted Activities) Order 2005 came into force on 1 August 2005. Under this Order the following oral health procedures have been deemed to be restricted activities:

- (a) Surgical or operative procedures below the gingival margin or the surface of the skin, mucous membranes or teeth.
- (b) Clinical procedures involved in the insertion and maintenance of fixed and removable orthodontic or oral and maxillofacial prosthetic appliances.

It is illegal for anyone other than a health practitioner registered under the HPCA Act to perform these or any other restricted activity, regardless of whether they are working under supervision. The only exception to this is if the activity is performed in an emergency situation.

Any breaches will be investigated by the Ministry of Health and may be prosecuted. Anyone found guilty on summary conviction faces a fine of up to \$30,000.

Bleaching by non-registered practitioners

Having considered the implications of the restricted oral health activities for the practice of bleaching by non-registered practitioners, the Dental Council has agreed on the following statement:

- To the extent that bleaching/whitening is performed on the surface of a healthy tooth it is unlikely to fall within the category of a restricted activity. However, the public needs to be aware that bleaching has the potential to cause gingivitis and mucosal tissue damage
- Where the integrity of the surface of the tooth is broken, there is a risk that caustic oxidising agents used in bleaching products could enter the dentine below the surface of the tooth and severely damage or result in pulp necrosis
- If such harm were to occur in practice the Council would consider that a restricted activity has in fact been undertaken
- At the very least an unregistered practitioner should not provide whitening services without an oral health certificate from a registered dentist or dental specialist.