

Policy Statement on Restricted Procedures under the HPCA Act 2003

Approved by the Dental Council: July 2005
Amended by the Dental Council: May 2007

Introduction

The Dental Council has issued this interpretative policy statement on restricted activities in response to queries from the sector as to which tasks unregistered dental and orthodontic assistants may undertake.

Legislation

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

Restricted procedures

In developing its interpretation on which procedures fall within the category of a restricted activity the Council:

- considered whether or not the procedure clearly poses a risk of serious or permanent harm to the public if performed by persons other than registered health practitioners.
- noted that whether or not the activity is undertaken under the supervision of a registered health practitioner is not a situation that the legislation provides for.

The Council considers that the following procedures fall within the definition of a restricted activity and as such may only be carried out by registered health practitioners:

- Scaling involving gingival contact
- Applying bands
- Applying fissure sealants involving etching
- Taking impressions using other than an irreversible hydrocolloid material (alginate)
- Placing and removing separators (other than elastomeric separators)
- Placing brackets and retainers, including etching and bonding of tooth surfaces
- De-bonding/de-banding fixed appliances, including brackets
- Indirect bonding of brackets
- Placing and removing wire ligatures
- Final fitting and/or activation of removable retainers and appliances
- Adjusting removable retainers/appliances

Other procedures

The Council recognises that unregistered dental assistants and orthodontic assistants aid dentists¹ in providing a range of clinical services to patients. Council considers this appropriate provided:

- the unregistered assistant providing clinical services to patients is suitably trained
- the dentist provides onsite clinical direction and monitoring of the assistant in relation to all clinical procedures undertaken by the unregistered assistant
- the dentist is responsible for the patient's clinical care outcomes
- patients are not given the impression that assistants who undertake some of the procedures contained in the dental auxiliary and orthodontic auxiliary scopes of practice are doing so in a registered capacity.

These other procedures include:

- Removal of supragingival stains and deposits, providing this does not involve gingival contact or the use of a dental torque handpiece, ultrasonic scaler or air abrasion
- Oral hygiene instruction and advice
- Taking impressions using an irreversible hydrocolloid material (alginate)
- Placing and removing elastomeric separators
- Taking radiographs under the onsite supervision of a dentist holding a licence to use irradiating apparatus for the purpose of dental radiographic diagnosis (and in accordance with NRL guidelines)
- Developing radiographs
- Taking clinical photographs
- Recording medical histories, occlusal relationships
- Placing elastomeric ligatures after the dentist/orthodontist has inserted the archwires
- Removing elastomeric ligatures
- Removing archwires associated with elastomeric ligatures and self ligating brackets
- Engaging self ligating brackets when the archwires are in place
- Tracing cephalometric x-rays
- Trial fitting of removable retainers and appliances
- Making retainers

¹ The generic title "dentist" has been used in this policy statement and includes those registered in the general dental practice scope of practice and specialist scopes eg orthodontists