

## **FITNESS TO PRACTISE ELIGIBILITY CRITERIA – NOVA SCOTIA REGULATOR OF DENTISTRY AND DENTAL ASSISTING**

**Pursuant to Section 126(2) of the *Regulated Health Professions Act, SNS 2023, c. 15***

Where a registrant meets the criteria under s. 126(3) of the *Regulated Health Professions Act, SNS 2023, c. 15* (the “Act”) for referral to the Nova Scotia Regulator of Dentistry and Dental Assisting (“Regulator”) Fitness-to-Practise Process, the Registrar must, on case-by-case basis, determine that the following eligibility criteria are also met:

1. There is reasonable evidence suggesting incapacity of the registrant, including, but not limited, to one or more of the following:
  - a. A documented history of behaviour or performance concerns relating to incapacity;
  - b. Medical or psychological evidence indicating an impairment that affects the registrant’s ability to practice safely; or
  - c. A pattern of incidents (e.g. errors, complaints, or workplace concerns) that raise reasonable concerns about capacity.
2. There is reasonable evidence to suggest:
  - a. The incapacity can be successfully treated or remedied such that the registrant can practice safely, competently, and ethically; and
  - b. The registrant is likely to pursue appropriate remediation or treatment.
3. The objects of the Regulator will be better served by having the matter addressed through the Fitness-to-Practise Process rather than the professional conduct process or other regulatory process(es). In considering this, the Registrar shall take into account:
  - a. The nature and number of incidents involved;
  - b. The impact of the incidents on patients, colleagues, the workplace, the public, or the reputation of the profession;
  - c. The public nature of the incidents;
  - d. The registrant’s prior conduct history and/or fitness to practice history; and
  - e. Such other factors relevant to the particular matter under consideration.

4. The matter does not meet the criteria to be excluded from the Fitness-to-Practice Process, criteria of which include:
  - a. There is insufficient evidence to suggest incapacity; or
  - b. The concerns are primarily related to conduct, ethics, or competency rather than incapacity.

The Registrar may direct the registrant to undergo an assessment(s) to establish whether the registrant suffers from an incapacity.

All eligibility concerns must be clearly documented by the Registrar, including the rationale for referral or non-referral to the Fitness-to-Practice process.

Approved by the NSRDDA Board on July 24, 2025