



COLLEGE OF  
DENTAL HYGIENISTS  
OF MANITOBA

# PRACTICE DIRECTION: Practice Owner/Operator Guide

November 2024

The College of Dental Hygienists of Manitoba is responsible for developing professional resource documents for dental hygienists. Council approves these documents, of which, the purpose is to explain, enhance, add, or guide dental hygiene practice in accordance with The Dental Hygienists Act and Regulations. It is the responsibility of the dental hygienist to understand and comply with these documents.

# Dental Hygiene Practice Owner/Operator Guide

This Guide focuses on CDHM requirements and is not inclusive of all business requirements that dental hygiene practice owners/operators will encounter. There are many things to consider and review before opening/operating a dental hygiene practice in Manitoba.

Registered Dental Hygienists who own a business entity (sole proprietorship or partnership) that provides registered dental hygiene services, or who act as an independent contractor responsible for the collection, use, disclosure, security, retention, destruction, and access (trustee) of personal health information are considered self-employed by the College.

This means you must disclose your self-employed practice to the College prior to seeing your first client (CDHM Bylaw 2.4). Self-employed Registered Dental Hygienists are accountable to all federal, provincial, and municipal laws. This includes being accountable to The Dental Hygienists Act, Regulations, Practice Resources, and the Code of Ethics.

Please note that the College does not provide accounting, legal, or other advice/consulting related to the setup and operation of a dental hygiene business; please contact the appropriate professionals for such information.

## Before Opening a Practice

### *Experience*

A dental hygienist planning to open a practice, must be on the Extended Practice Register. The CDHM strongly recommends that dental hygienists who are interested in opening/operating their own practice have a *minimum 5 years of experience* before they become a dental hygiene practice owner/operator.

Prior to becoming a dental hygiene practice owner/operator, it is important to address specific gaps in knowledge or skills and select appropriate professional development opportunities. Examples of these areas include, but are not limited to:

- Relevant legislation
- CDHM Standards of Practice, guidelines and policies
- Code of Ethics, including principles related to advertising
- Infection Prevention and Control
- Clinical therapy
- Medical emergencies
- Occupational Health & Safety
- Record management, charting systems, and privacy
- Responsibilities outlined in the Personal Health Information Act (PHIA)
- Financial bookkeeping/accounting systems

## ***Business Planning***

Create a business plan for your intended dental hygiene practice. Do your research and educate yourself on starting a business. Engage the appropriate professionals to assist you (e.g., accountant, lawyer, etc.). The CDHA and other professional associations have business-specific resources available to support you. The CDHM does not provide business-specific resources or support.

NOTE: CDHM recommends dental hygienists have liability insurance in the amount of 5 million for owner/operator mobile dental hygiene practice.

## ***Municipality Requirements***

Requirements for opening a business that delivers health services vary in each city/community. It is your responsibility to ensure that you are compliant with all local requirements. Contact your local municipal office to determine any requirements such as permits, business licenses, or any other requirements. The CDHM does not provide guidance on municipal requirements.

## ***Business Set-up***

### *Professional Corporation*

***Dental hygienists in Manitoba cannot register their business as a professional corporation.***

Section 15(3) of the Manitoba Corporations Act requires that “a corporation may practice a profession only if the Act expressly permits it”; ***the Dental Hygienists Act does not permit incorporation.***

### *Sole Proprietorship*

Dental hygienists in Manitoba can own/conduct dental hygiene practice as a sole proprietor.

### *Practice as Limited Liability Partnership*

Dental hygienists in Manitoba cannot register their business as a limited liability partnership; ***the Dental Hygienists Act does not permit Practice as Limited Liability Partnership.*** For more information, contact the College office.

## **College By-laws**

Registrants are required to provide the College with information about their dental hygiene practice at least 90 days prior to opening, operating, acquiring, adding a component to, changing the ownership interests, moving, or closing a dental hygiene practice. The bylaw for Dental Hygiene Practice is in Section 2 of the College by-laws.

### ***Section 2.4 Dental Hygiene Practice***

Definition:

“Dental Hygiene Practice” means, but is not limited to, circumstances where a member is practicing in a setting other than a dental office, in a facility, or as part of an oral health program, as those terms are defined under the Dental Hygienists Regulation, M.R 80/2008.

1. In the event a member is opening, operating, or moving a Dental Hygiene Practice, a member is required to provide written notice to the college of the following information;
  - a. The member’s name
  - b. Phone number of the Dental Hygiene Practice;
  - c. Email address of the Dental Hygiene Practice;
  - d. Full business address of the Dental Hygiene Practice;
  - e. Names of any employees, partners, or other members practicing at the same Dental Hygiene Practice;
  - f. Any other information requested by the Registrar.
2. Upon receipt of the required information under (1), and prior to a Dental Hygiene Practice opening or moving to another Dental Hygiene Practice, the college may conduct a practice audit pursuant to section 56(1) of the *Dental Hygiene Act* and any college policies regarding practice audits.
3. A member is required to provide written notification to the college of any changes to the information set out under (1) at least 90 days prior to the anticipated change.
4. A member who closes or transfers the ownership or operation of a Dental Hygiene Practice is required to provide written notification to the college prior to the close of a Dental Hygiene Practice at least 90 days prior to the anticipated closure date.

NOTE: Registrants that identify as self-employed on the CDHM Registrant portal but have not submitted information per bylaw 2.4 may not be eligible to renew.

### ***Notification of Practice Change or Closure***

The dental hygienist who is planning to move, transfer, or close a dental hygiene practice must provide the College written notification which includes the following information:

- Reasonable notice provided to clients;
- Steps taken to ensure continuity of care;
- Location and disposition of client records;
- Manner in which clients may access their records.

NOTE: Registrants will complete and submit the *Dental Hygiene Practice Owner/Operator Notification and Declaration for Opening, Changing, or Closing a Practice* (Appendix A) form to the College.

The College may request additional information if required.

## Regulatory Requirements

It is the responsibility of the practice owner to review and understand the legislation and regulatory requirements related to owning/operating a dental hygiene practice, not only during the opening phase but also throughout the time you operate and/or close the practice. Practice owners are accountable to the legislative and regulatory requirements, which may change over time.

### ***Infection Prevention and Control (IPC)***

It is essential that practice owners understand what is required regarding IPC and work to ensure that their practice meets or exceeds the requirements of the CDHM's IPC Guidelines.

Practices must also comply with the College's Standards of Practice, Code of Ethics, and applicable legislation including, but not limited to, the Dental Hygienists Act and Regulation, the Workplace Safety and Health Act and Regulation, and any other associated regulations and codes.

Dental hygienists who own/operate practices are accountable for ensuring a safe practice environment that prevents the transmission of infectious agents. This includes developing a practice-specific IPC program that includes content from the following resources:

- [CDHM Infection, Prevention and Control Practices \[MDA\]](#)
- [CDHM Practice Direction for IPC for Mobile Delivery of Services](#)
- [CDHM Practice Direction: Occupational Blood or Bodily Fluid Exposure](#)

It is necessary for dental hygiene practice owners to develop IPC policies to guide their practice, and all staff employed in the practice must be aware of and comply with the requirements for IPC and Workplace Safety and Health standards.

Dental hygiene owner/operators may be required to submit all or parts of the practice-specific IPC policies during an audit/inspection. The policies should be reviewed and updated regularly to reflect current IPC processes within the practice.

### ***Medical Device Reprocessing***

The dental hygienist who operates a practice must demonstrate they have competencies in medical device reprocessing to mitigate risks to the public. Medical device reprocessing policies must reflect current scientifically accepted infection control procedures.

- The Canadian Standards Association (CSA) online training program for Medical Device Reprocessing in Dental Health Care Settings can be accessed through the website - [Medical Device Reprocessing in Dental Health Care Settings](#)

### ***Workplace Safety and Health Act (MB)***

Laws governing health and safety in Manitoba's workplaces fall under the Workplace Safety and Health (WSH) Act.

#### ***What is the Workplace Safety and Health Act?***

The WSH Act is a law that sets out the basic duties and obligations of employers and workers to promote the health and safety of workers throughout the province. The WSH Act states that employers and workers have a shared responsibility to comply with health and safety legislation. Roles and responsibilities are outlined in the WSH Act and the related Regulation.

Workplace Hazardous Materials Information System (WHMIS) legislation falls under Part 35 of the Workplace Safety and Health Regulation. This Part specifies the requirements for labelling and SDSs (formerly MSDSs) as well as education and training.

This legislation establishes minimum standards for safe and healthy practices in Manitoba workplaces. Further information can be found on the WSH and WHMIS websites:

- [Manitoba Workplace Safety and Health](#)
- [Workplace Hazardous Materials Information System \(WHMIS\)](#)

### ***What are the Responsibilities as a Practice Owner?***

As a practice owner, you must be familiar with WSH legislation, know and comply with your responsibilities as an employer, and understand how the legislation applies in your practice setting. Responsibilities of the employer include, but are not limited to:

- Identifying hazards and developing a written Hazard Assessment;
- Ensuring safe working conditions;
- Ensuring safe equipment training, conditions and usage by workers;
- Ensuring that workers are trained in minimization of exposure to hazard and wearing of required personal protective equipment;
- Ensuring proper labelling, storage and disposal of chemicals and disposal of potentially hazardous waste and materials;
- Ensuring plans are in place for First Aid Services;
- Developing an Emergency Response Plan for the worksite.

## **Management Responsibilities**

### ***Privacy and Record Management***

As health professionals, dental hygienists are affected by The Personal Health Information Act (PHIA) and, whether as a “trustee”, or employed by a trustee, health professionals have obligations to properly manage health information. A dental hygienist that owns/operates a dental hygiene practice is likely acting as a trustee for health information. Trustees have responsibilities and duties under PHIA for safeguarding client’s health information.

### ***What is PHIA?***

PHIA contains rules about the collection, use, disclosure, retention, disposal and destruction of personal health information. The rules are intended to protect the privacy of individuals and the confidentiality of their health information as well as ensure that health information is shared appropriately and that health records are managed and protected properly.

- A trustee of health information is a health care professional or organization who is responsible for meeting specific duties set out in The Personal Health Information Act. Dental hygienists who own or operate dental hygiene practices are generally defined as trustees of health information under PHIA.
- A self-employed dental hygienist who is not the custodian or “trustee” of patient information, must consider how to ensure access to patient’s records in case of a complaint/litigation relating dental hygiene care.
- The Personal Health Information Act (PHIA) can be reviewed on the website here:
  - <https://www.gov.mb.ca/health/phia/index.html>

### ***Record Management***

PHIA requires that the collection, use and disclosure of health information be limited to what is necessary for dental hygiene services and that trustees must establish mechanisms to protect the privacy and confidentiality of their client’s health information. A dental hygiene practice owner/operator is responsible for creating a privacy policy for collected personal and health information, that is compliant with PHIA, and for staying informed of any changes in legislation regarding privacy issues. The policy must address the collection, use, disclosure, retention, disposal and destruction of personal health information.

Dental hygiene owner/operators may be required to provide all or parts of the privacy policy during the owner/operator audit/inspection.

- Privacy and Record Management training can be accessed through the PHIA website - <https://www.gov.mb.ca/health/phia/training.html>

### ***Advertising***

See the CDHM Practice Direction for Advertising to review the advertising requirements.

- [CDHM Practice Direction for Advertising](#)

### ***Social media and electronic communication***

Dental hygienists must communicate with those in their professional environment and the public respectfully, honestly, and professionally. This also applies to online communication, including social media. It is important to be careful about how you are using the various forms of social media, including websites, Facebook, Instagram, Twitter, etc.

See the CDHM Practice Direction for Social Media and Electronic Communication to review the requirements.

- [CDHM Practice Direction for Social Media and Electronic Communication](#)

### ***Referring clients for necessary oral health care***

As a dental hygiene practice owner/operator, you will encounter many clients who have oral health conditions (e.g., caries) that may require referral to a dentist or other health care provider. While dental hygienists on the Extended Practice Roster do not require a dentist to supervise their work, it is important to collaborate with a dentist(s) to arrange referral of a client if the client does not have an existing dentist and requires further dental treatment. Dental hygienists have an obligation to refer clients in accordance with the Practice Standards.

- ***As a practice owner/operator, if you are seeing patients of a dentist outside a dental office, who are not living in a Personal Care Home (PCH) or in a First Nation community, consent is required from the dentist who maintains the patient's medical record, prior to providing dental hygiene treatment.*** A sample letter requesting consent is here –
- [Example of “Settings” Letter and Consent from Dentist for Providing RDH Care](#)

## Practice Owner/Operator Audit/Inspection

The College will perform an audit/inspection of each dental hygiene practice owner/operator.

During the audit/inspection, a CDHM Auditor/Inspector will check for compliance with the Dental Hygienist's Act and Regulation, CDHM's Bylaws, Standards of Practice, Code of Ethics, and Guidelines, including Infection Prevention and Control requirements. Once you are contacted by a CDHM Auditor/Inspector you will be provided with further information about the audit/inspection process and expectations.

During the audit/inspection the dental hygienist:

- May be required to submit all or parts of the practice-specific IPC policies.
- May be required to provide all or parts of the privacy policy.

After the audit/inspection, the CDHM Auditor/Inspector may request corrective actions that were noted during the inspection. Corrective actions identified during the audit/inspection should be completed prior to opening or at a time mutually agreed upon with the auditor/inspector. Corrective actions that are completed within the timeline set by the Auditor/Inspector will be noted in the Audit/Inspection Report.

The CDHM Auditor/Inspector will submit a report of the audit/inspection findings to both the audited/inspected registrant and the CDHM Registrar. Upon review of the audit/inspection report, the Registrar may direct further action. There are also certain circumstances where the Registrar must make a referral to the Complaints Director based on the information contained in an audit/inspection report.

## Equipment

### ***New Equipment***

Medical/dental equipment or devices such as sterilizers, handpieces, and any items which are related to clinical care or reprocessing are required to have Health Canada approval. CDHM does



not provide this information. You will need to check on the Health Canada website. Note that dental devices/equipment purchased from Amazon, eBay, etc.; are often NOT licensed for use in Canada.

### ***Previously Owned Equipment***

Previously owned medical/dental equipment or devices must meet manufacturers specifications and have Health Canada approval. You should have a dental equipment technician provide you with a document confirming testing was performed and that the equipment is safe for use.

Pre-owned reprocessing centres/units must be in good condition, intact (no chips in surfaces), and provide for appropriate storage and one way workflow.

### **Additional Practice Considerations**

#### ***Tooth Whitening, Orofacial Myology, Mouthguard Fabrication (list not inclusive)***

If you decide to open/operate a practice as a dental hygienist that only provides tooth whitening/bleaching services, orofacial myology, the fabrication of mouthguards, or other adjunctive dental hygiene services or therapies, you are still expected to notify the College as per Bylaws, complete the inspection process, and follow the standards of practice for dental hygienists, including all necessary assessments to determine if a client is an appropriate candidate for the service or therapy. Following an assessment/examination, you may conclude that a referral is needed to a dentist or dental hygienist for other oral health services.

### ***Dental Hygiene Process of Care***

The Dental Hygiene Process of Care (Assess, Dental Hygiene Diagnosis, Plan, Implement, Evaluate) is best practice, and is the framework within all dental hygiene care should be conducted.

All registrants, regardless of practice setting or employment arrangement, are expected to use their knowledge, skill and judgement when assessing situations in which consultation or referral with/to another healthcare professional is indicated.

The final decision to proceed with dental hygiene care, postpone or refer to another healthcare professional is the responsibility of the registrant. Documentation in the patient record must include the rationale and resources consulted.

### **Billing**

#### ***Unique Identification Number***

A Unique Identification Number (UIN) is applied for through the Canadian Dental Hygienists Association (CDHA). The UIN identifies you as the provider when you submit oral health claims to insurance carriers.

#### ***Government Insurance Programs***

The Government of Manitoba and the Government of Canada provide dental payment coverage for eligible clients. Registered dental hygienists with a Unique Identification Number (UIN) can submit forms to the government to process claims for a number of programs including the new Canadian Dental Care Plan. (CDCP)

## Questions

If you have questions after reviewing this document and any related websites, links, resources, etc. please contact the College regarding the regulatory process of becoming a dental hygiene practice owner/operator.

*This document has been adapted with permission from Alberta College of Dental Hygienists (ACDH). The College of Dental Hygienists of Manitoba would like to extend thanks and appreciation to ACDH for the work that has been done for dental hygiene practice owner/operators.*

## APPENDIX A

**Dental Hygiene Practice Owner/Operator Notification and Declaration for Opening, Changing, or Closing a Practice**

As per CDHM Bylaw 2.4 RDHs must disclose owning/operating, changing, and closing a dental hygiene practice to the College.

This form must be completed and submitted no less than 90 days prior to opening, changing or closing a practice.

Registrant name:

Phone number of the Dental Hygiene Practice:

Email address of the Dental Hygiene Practice:

Full business address of the Dental Hygiene Practice:

Names of any employees, or other registrants practicing at the same Dental Hygiene Practice:

**Declaration** (Read and Sign)

I understand that I am accountable, and it is my professional responsibility to:

- i Demonstrate compliance with federal, provincial and municipal laws in my dental hygiene practice policies and procedures. This includes compliance with the Dental Hygienists Act, Regulations, Practice Guidelines and Code of Ethics.
- ii Only perform those dental hygiene scope of practice services that I am legally permitted and competent to perform when it is safe and appropriate to do so.
- iii Keep the employer information on my CDHM profile up to date with my self-employed information.
- iv Maintain and be prepared to submit upon request, up-to-date service/procedure description of my dental hygiene practice.
- v Have a third party (accountant, lawyer) available to verify self-employed practice hours if requested by the College.
- vi Notify the College if the summary of the services/procedures provided in my dental hygiene practice substantively changes.
- vii Notify the College when closing, leaving, or moving my self-employed dental hygiene practice.
- viii Provide the College with any other information related to my dental hygiene practice that may be requested by the Registrar.

Registrant Signature:

Date: