

ACT NO. 43 OF 13 JUNE 1980 RELATING TO DENTISTS

CHAPTER 1. AUTHORIZATION, LICENSE, ETC.

§ 1. (Definition of dentist. Exclusive right to the title.)
For the purpose of this Act, dentist shall mean:

- 1. a person holding an authorization, cf. § 2,
- 2. a person holding a license, cf. § 3.

Only a person holding an authorization or a license has the right to call himself a dentist. No one else may use a professional title that could give the impression that he is a dentist.

§ 2. (Authorization)

Entitled to the right to authorization as a dentist is a person who:

- 1. holds a Norwegian odontological degree, or a foreign odontological degree which has been legally recognized as equivalent,
- 2. has completed a period of practical dentistry according to rules issued by the King,
- 3. has promised in writing to conduct his dental practice in accordance with the dictates of honour and conscience,
- 4. is not in a situation that could lead to the revocation of the authorization, cf. § 7.

Authorization is granted by the relevant Ministry.

The applicant must provide evidence that he meets the requirements set out in the first paragraph.

§ 3. (License)

A person who does not meet the requirements for authorization may be granted a license to practise dentistry by the Ministry.

Before granting a license, the Ministry shall as a rule obtain an opinion from a Norwegian Faculty of Dentistry as to whether the applicant possesses the necessary professional qualifications, and from the Director General of Health on other relevant matters. The Ministry may make exceptions to these provisions.

By agreement with another state, a license may be granted to a person who holds a license in that state.

The Ministry may stipulate that a license be limited in time, to a particular position or to certain methods of examination or treatment, or that it be subject to other terms and conditions or restrictions.

Before being granted a license, the applicant shall promise in writing to practise dentistry in accordance with the dictates of honour and conscience.

The Ministry may issue specific regulations concerning the conditions under which a license may be granted, and the terms and conditions that may attach to it.

§ 4. (Posting of surety)

Anyone intending to practise dentistry shall post such surety as stipulated by the Ministry for any liability he may incur in his practice.

If, despite having been warned, a dentist fails to post the prescribed surety, the Ministry may suspend his authorization or license.

§ 5. (Age limit)

An authorization and license shall expire on the dentist's seventy-fifth birthday.

A dentist over the age of seventy-five who shows that he is still fit to practise dentistry may be granted a license for a limited period of time in accordance with the provisions of § 3.

§ 6. (Relinquishment of authorization and license)

A dentist may relinquish his authorization or license by submitting a written declaration to the county dental officer or the Ministry. He shall as far as possible at the same time return the authorization or licensing document.

The county dental officer shall inform the Ministry and the district medical officer.

§ 7. (Revocation of authorization or license)

An authorization or license may be revoked if a dentist is unfit to practise dentistry because of a serious mental disorder, psychological or physical debility, long absence from the profession, the abuse of alcohol, drugs or other substances having a similar effect, serious lack of professional insight, indefensible dental practice, or conduct unworthy of a dentist.

An authorization or license may also be revoked if a dentist has been declared legally incompetent, or is guilty of serious dereliction of duty under this Act or regulations issued pursuant hereto.

An authorization or license granted on the basis of corresponding approval in another state may be revoked if the authorization from the other state ceases to be valid.

§ 8. (Suspension of authorization and license)

If there is just and sufficient cause to assume that there are grounds for revocation, the Ministry may suspend an authorization or license for as long as it is deemed necessary.

§ 9. (Decision concerning revocation)

A decision concerning the revocation of an authorization or license shall be taken by the Ministry. As a rule an opinion shall be obtained from the Norwegian State Dental Council. The Ministry may direct the dentist to appear before the Council, and to submit to examination by experts. The Ministry may suspend an authorization or license if such an order is not complied with.

§ 10. (Review of suspension and revocation in a court of law)

A decision concerning the suspension or revocation of an authorization or license may not be appealed, but it may be brought before a court of law, which may review all aspects of the matter. Chapter 30 of the Civil Disputes Act of 1915 is applicable to the lawsuit.

The court may resolve that a decision concerning suspension or revocation shall not take effect until a judgment has been pronounced on the case or until a final judgment has been given.

§ 11. (Damages for losses sustained through suspension or revocation)

If a suspension or revocation proves invalid or is set aside for some other reason, the dentist may claim damages for the losses he has sustained in accordance with the usual rules.

If the dentist has wilfully or through negligence brought about the suspension or revocation himself or has been a party

to the loss, or if the loss was caused by circumstances for which he is liable, the damages may be reduced or dropped altogether.

§ 12. (New authorization or license)

A dentist who has lost his authorization or license through relinquishment pursuant to § 6 or through revocation pursuant to § 7 may obtain a new authorization or license when he proves that he is fit to practise dentistry. A new license may be restricted in accordance with § 3, fourth paragraph.

If the Ministry so requires, he shall again promise in writing to practise dentistry in accordance with the dictates of honour and conscience.

§ 13. (Certification of specialists)

The King issues general regulations concerning the certification of dentists as specialists in well-defined areas of odontology. The King may also issue regulations concerning the terms and conditions under which certification as a specialist may be retained, and concerning the revocation of such certification.

The Ministry may issue specific regulations and make individual decisions concerning the certification of specialists and the revocation of such certification.

The Ministry may delegate authority to make individual decisions concerning the certification of specialists, and to issue specific regulations regarding the same, to the Norwegian Dental Association,

Only a person certified as a specialist may use a title or designation that indicates or could be interpreted as indicating that he is a specialist.

§ 14. (Special methods of examination and treatment)

Having obtained an opinion from the Norwegian State Dental Council, the King may prescribe that certain methods of examination and treatment shall only be used by dentists who have special permission from the Ministry.

CHAPTER II: THE RIGHTS OF DENTISTS

§ 15. (The right to practise dentistry)

Only a person who is a dentist according to § 1 is entitled to practice dentistry in the Realm. It is prohibited for anyone else to treat diseases of the teeth, gums, mucous membranes of the mouth, or jaws, to fill, extract, or regulate teeth, or to fit dentures.

The prohibition set out in the first paragraph shall not prevent a physician from practising the dental activities for which a medical education gives competence, and which are required by the circumstances.

Nor shall the prohibition in the first paragraph prevent a dental hygienist or other qualified dental personnel from practising preventive dentistry and oral hygiene without the supervision of a dentist at schools, health stations, hospitals or similar institutions. Instructions approved by the Director General of Health regarding such activities shall be available.

§ 16. (The organization of the practice of dentistry)

The practice of dentistry shall be organized in such a way as to be justifiable from the point of view of odontology, and so that the dentist is independent and not dependent on others in odontological questions. For this purpose the King may issue specific regulations concerning the organization of the practice of dentistry, and prohibit such forms of organization as are

considered unsuitable.

Advertisements for gain shall specify the name of the dentist responsible.

§ 17. (Cooperation with dental personnel)

In his practice a dentist may employ other dental personnel to the extent to which it is justifiable in view of their qualifications, the duties they are assigned, their instructions and their supervision.

The Ministry may issue specific regulations concerning cooperation between dentists and other dental personnel.

§ 18. (Prescription of medicines)

A dentist has the right to prescribe the medicines necessary in his practice.

The Ministry may issue specific regulations concerning the formulation, safekeeping, etc., of prescriptions.

The Ministry may exclude certain medicines wholly or in part from the right to prescribe, and may issue regulations concerning what the right to prescribe shall include.

§ 19. (Prescriptions as evidence)

When dealing with cases concerning the revocation or suspension of an authorization or license, or of loss of the right to prescribe narcotic drugs, or of a complaint against a dentist, the Ministry may require that a prescription be produced as evidence.

A prescription may be required as evidence in legal proceedings in accordance with the rules that apply to evidence.

§ 20. (Loss of the right to prescribe narcotic drugs)

If the Ministry finds that a dentist has been prescribing narcotic drugs in a manner which is unjustifiable, it may wholly or in part revoke his right to prescribe such substances for a stipulated period of time up to five years or permanently. An opinion shall be obtained from the Norwegian State Dental Council before such a decision is taken.

A dentist may himself relinquish the right to prescribe narcotic drugs for a specified period or permanently.

If, at the expiration of a time limit set in pursuance of the first or second paragraph, the Ministry finds that the dentist still ought not to have the right to prescribe narcotic drugs, it may take a new decision in accordance with the provisions of the first paragraph.

§ 21. (Suspension of the right to prescribe)

If the Ministry finds that there is just and sufficient cause to assume that a dentist ought to be deprived of the right to prescribe narcotic drugs, it may wholly or in part suspend his right to prescribe such substances until the case has been decided, but not for more than six months. If the dentist delays the proceedings, the suspension may be extended for an additional six months.

§ 22. (Reduction of the time limit set for the loss of the right to prescribe)

If the Ministry finds it justifiable to do so, it may reinstate a dentist's right to prescribe narcotic drugs before the stipulated time limit has expired.

§ 23. (Prescription of narcotic drugs by another dentist)

When a dentist does not have the right to prescribe narcotic drugs himself, any prescriptions necessary in his practice shall be issued by the county dental officer. The county dental officer may also issue a written statement indicating that such prescriptions may be issued by another, specifically designated dentist.

CHAPTER III. THE DUTIES OF A DENTIST

§ 24. (Supervision by the Director General of Health)

A dentist is obliged to observe the provisions for dental practice prescribed or authorized by statute.

In his practice, a dentist is subject to the supervision of the Director General of Health with regard to compliance with statutes, regulations and decisions concerning dentists and dental services, etc. Notwithstanding the obligation of secrecy, the Director General of Health may request whatever itemized reports or information necessary for carrying out supervision, inquiries, and inspection.

§ 25. (Responsible dental practice)

A dentist is obliged to conduct his practice in a responsible manner.

He shall do his best to give his patients professional and conscientious care.

He shall provide each patient with the information he ought to have about the state of his dental health and the treatment he is receiving. The dentist shall also provide the patient with information concerning the best means by which he himself can promote his dental health.

§ 26. (Information to relatives)

To the extent to which circumstances so indicate, a dentist shall inform a patient's relatives about the state of his dental health and the dental treatment he is receiving.

If the patient is under twelve years of age, such information shall as a rule preferably be given to the patient's parents or guardians. If the patient is between the ages of twelve and sixteen, the information shall as a rule be given both to the patient and to his parents or guardians, unless the patient, for reasons the dentist feels ought to be respected, desires that certain information be withheld from the parents or guardians.

§ 27. (Immediate assistance)

When a dentist receives information that leads him to assume that dental assistance is urgently needed, he is obliged to render whatever assistance he is able to provide as soon as possible.

This obligation ceases to apply if the dentist has a valid reason for his absence, or if he is certain that another dentist will render the assistance in time.

§ 28. (Duty rosters)

The Ministry may prescribe that dentists shall take part in a duty roster at the place where they live or work.

The Ministry may issue specific regulations concerning the administration etc. of dental duty rosters.

§ 29. (Economy)

When organizing his practice, examining and treating

patients, prescribing medicines, travelling and otherwise, a dentist shall ensure that no unnecessary expense or loss of time is incurred by patients, the National Insurance or others.

Considerations of economy must not be to the detriment of whatever is professionally advisable.

§ 30. (Dental attestations and certificates)

A dentist is obliged to be careful, accurate and objective when issuing dental attestations and certificates. The examinations on which they are based shall be as thorough as required for the purpose.

The Ministry may issue specific regulations concerning the issuing of dental attestations and certificates, including rules relating to disqualification.

§ 31. (Obligation of secrecy)

A dentist shall observe secrecy and prevent others from obtaining information about people's dental health or other personal matters of which he learns in the course of his dental practice.

This does not apply when it is established by law that a dentist need not observe an obligation of secrecy, or when other special reasons justify the imparting of information which should otherwise be subject to secrecy.

The obligation of secrecy does not apply in relation to persons who already possess the information.

§ 32. (Obligation of secrecy - consent)

The obligation of secrecy ceases to apply to the extent to

which the person entitled to secrecy, or whom the information concerns, consents to its being given to others.

If the person concerned is under the age of sixteen, consent shall be given by his parents or guardians. If the person is between twelve and sixteen, his opinion shall be taken into account.

§ 33. (Obligation of secrecy - experts)

A dentist acting in an expert capacity may notwithstanding the obligation of secrecy inform those for whom he is acting of any circumstances of which he learns during the exercise of his function and which are relevant to the function. -- Otherwise he is subject to the usual obligation of secrecy.

As far as possible, a dentist shall inform the person concerned that he is acting in a expert capacity, and explain what this implies if it is not clear to the person.

§ 34. (Obligation of secrecy in relation to health personnel and colleagues)

A dentist is not prevented by the obligation of secrecy from giving information relating to the examination or treatment of a patient to other dental personnel or colleagues, unless the patient objects and the objection can and should be accepted under the circumstances.

Dental personnel and others who cooperate with or assist the dentist in his practice are subject to the same obligation of secrecy as he is.

§ 35. (Information to employers)

The Ministry may issue specific regulations concerning

information from a dentist to an employer about an employee's dental diseases, etc.

§ 36. (Anonymity - research)

Notwithstanding the obligation of secrecy, a dentist may communicate information that would otherwise be subject to secrecy concerning dental health and disease provided all indications of the individual's identity have been deleted or changed so that the anonymity of the person concerned is protected.

The Ministry may decide that information may or shall be communicated for the purpose of dental research. Terms and conditions may be attached to such a decision. The recipient of the information is under the same obligation of secrecy as the dentist, and subject to the same criminal liability in pursuance of this Act.

The Ministry may issue specific regulations concerning the use of information that is subject to secrecy in research.

§ 37. (The obligation of secrecy after a person's death)

When important reasons so indicate, a dentist may impart secret information about a person after the person's death. When considering the release of information, the assumed wishes of the deceased, and the interests of the relatives and of society shall be taken into account.

In case of doubt, a dentist may submit any questions to the Ministry, which may request an opinion from the Norwegian State Dental Council.

§ 38. (Notification of the opening or termination of a dental practice)

When a dentist opens, takes over or joins a private dental practice, he shall notify the county dental officer and the district medical officer. If the practice regularly extends to other districts, the medical officers of these districts shall also be notified.

Similarly, notification shall be given when moving from the district and when a dentist terminates, transfers, or withdraws from a dental practice.

The county dental officer shall inform the Ministry of such notifications.

§ 39. (Other reports and information)

The Ministry may make decisions concerning the obligation of dentists to submit reports and information of importance to the dental health service, etc.

The Ministry determines whether the purpose for which the information is given requires that the names of the persons involved be stated.

§ 40. (Systematic records)

A dentist is obliged to keep such systematic records of his practice as are required by order and good dental procedure, and as are necessary for him to provide any reports and information prescribed or authorized by statute. A separate record shall be kept for each patient.

The Ministry issues specific regulations concerning how records are to be kept, stored and dealt with.

§ 41. (Records as evidence)

In connection with legal proceedings involving a dentist's practice, or in connection with administrative proceedings concerning a dentist's authorization or license or right to prescribe narcotic drugs, or concerning a complaint about a dentist's practice, records or recorded material may be required as evidence, either in the original or in certified photocopies or transcripts.

The same applies when public authorities wish to use records or recorded material for dental identification purposes.

§ 42. (Lending and release of records, X-rays, etc.)

When necessary for the treatment of a patient, a dentist is obliged to lend or release to another dentist who is treating the patient the records and recorded material, X-rays, etc. pertaining to the patient, either in the original or in certified photocopies or transcripts.

Reimbursement may be claimed for any necessary expenses.

The Ministry may issue specific regulations concerning the lending and release of records etc.

§ 43. (A patient's right of access to his records)

A patient has the right to acquaint himself with his dental record and the enclosed documents.

The Ministry may issue specific regulations concerning a patient's access to his records and may determine that the right of access shall be limited in special cases in which consideration for the health of the patient or his relationship to someone close to him make this advisable.

CHAPTER IV. THE NORWEGIAN STATE DENTAL COUNCIL

§ 44. (The composition of the Norwegian State Dental Council)

The King appoints the Norwegian State Dental Council for four years at a time. The Council consists of a lawyer as chairman and two dentists as permanent members. A personal deputy is appointed for each of them. The lawyers must fulfil the requirements for being supreme court justices.

The King appoints experts from various fields of dentistry and two laymen who may join the Council. The permanent members may, for each case, call in from one to six of these persons or the permanent deputies to take part in the Council.

If so desired, a member of the Council may be appointed for a term of less than four years.

§ 45. (Duties of the Council)

The Norwegian State Dental Council is to be an advisory organ for the Ministry of Health and Social Affairs and for the Director General of Health.

The Storting's Ombudsman for Public Administration may ask the Council for an opinion on questions of an odontological nature.

Other public agencies and private individuals may request that the Ministry obtain an opinion from the Council; the Ministry decides whether or not this shall be done.

The Ministry may delegate authority to the Council pursuant to this Act. Individual decisions taken by the Council by virtue of delegated authority may be appealed to the Ministry in accordance with Chapter VI of the Public Administration Act.

§ 46. (Activities of the Council)

For the Norwegian State Dental Council to have a quorum, at least three members, including the chairman and one of the permanent dentists or the personal deputies for these persons, must be present.

Questions of procedure are decided by majority vote. In the case of a tied vote, the chairman has the casting vote.

Statements from the Council shall be in writing and give the reasons for the decision. If there is a difference of opinion, each part shall prepare a statement.

Notwithstanding the statutory obligation of secrecy, the Council may obtain necessary information from dentists and other dental health personnel and from the agencies of the National Insurance.

The King issues specific regulations concerning the activities and procedures of the Council, including the obligation of the members of the Council and its secretariat to observe secrecy.

CHAPTER V. MISCELLANEOUS PROVISIONS. PENALTIES. ENTRY INTO FORCE.

§ 47. (Reprimand. Warning.)

Anyone who commits an offence under this Act or under regulations issued pursuant to this Act, or who otherwise acts improperly or contrary to good dental practice, may be given a written reprimand or warning by the Ministry.

Prior to the issue of a written warning, the person concerned shall be given an opportunity to account for his actions orally or in writing.

§ 48. (Penalties)

Anyone who wilfully or through negligence commits an offence under this Act or under regulations issued pursuant hereto may be fined or imprisoned for up to three months.

§ 49. (Implementation and supplementation)

The Ministry may issue specific regulations for the implementation and supplementation of this Act.

§ 50. (Entry into force)

This Act enters into force from the date stipulated by the King¹. From the same date the Act of 29 April 1927 relating to the Rights and Duties of Dentists is repealed.

§ 51. (Transitional provisions)

Authorization or permission to practise dentistry in pursuance of § 1, first paragraph, § 10 or § 13 of the Act of 29 April 1927 relating to the Rights and Duties of Dentists has the same effect as authorization or license in pursuance of § 2, § 3 or § 12 of the present Act.

Anyone who, pursuant to § 1, fourth paragraph, of the Act of 29 April 1927 relating to the Rights and Duties of Dentists, has had the right to fit and adjust removable dentures, which are not supported by or attached to remaining natural teeth, shall until further notice be entitled to continue this practice in the same municipality as previously and with the same number of assistants he had in his service on 1 January 1935. The rules of §§ 7-11 apply to those persons practising in pursuance of this provision.

¹ In force from 1 April 1982, cf. the Royal Decree of 18 December 1981.

The Ministry may issue specific regulations for activities in pursuance of this provision.