

GENERAL BY-LAWS

BY-LAW #40-99

MANITOBA DENTAL ASSOCIATION

A By-law, pursuant to *The Dental Association Act* (the “Act”), to prescribe the regulation of the practise of dentistry by dental corporations.

1. APPLICATION TO PRACTISE AS A CORPORATION

Any licensed member or licensed members proposing to practise dentistry, as a corporation shall submit to the Registrar:

- a) an application for a Permit to Practise as a Professional Corporation in the form of Schedule “A”;
- b) a copy of the Articles of Incorporation, Articles of Amendment, Articles of Continuance, Articles of Amalgamation or like Articles of the corporation;
- c) a current Certificate of Status for the corporation issued by the Director as defined in *The Corporations Act of Manitoba* (the “Director”);
- d) the prescribed fee to be registered as a corporation and the prescribed annual fee to practise as a corporation, each fee to be established annually by by-law.

2. REGISTER OF CORPORATIONS

1. The Registrar shall maintain a register of dental corporations containing all of the information with respect to each corporation that is required by the *Act*.
2. The Registrar shall prepare such other records with respect to corporations as may be directed by the Board
3. When the Registrar has received an application in the prescribed form, is satisfied that the corporation meets all the requirements to practise as a corporation as provided in the *Act* and this by-law, and has approved such application, the Registrar shall issue a permit in the form of Schedule “B”. If the Registrar rejects an application, the corporation shall be notified in writing of the reasons for the rejection.
4. Every corporation shall inform the Registrar of any change in the particulars set forth in the Application referred to in Section 1 by providing to the Registrar a Statement of Particulars in the form of Schedule “D” within 15 days of such change.
5. A permit issued under Section 5 is valid from the effective date shown on it until:
 - a) the 30th day of June if issued before the 30th day of June in any year; or
 - b) the 30th day of June of the next year if issued after the 30th day of June in any year.

3. RENEWAL OF PERMIT

1. At least 30 days prior to the 30th day of June each year, the Registrar shall mail to each corporation holding a current permit a written notice in the form of Schedule “C”.
2. In applying for renewal of its permit, a corporation shall, on or before expiry of its current permit, furnish to the Registrar”
 - a) a Statement of Particulars in the form of Schedule “D”;
 - b) a copy of the corporation’s annual return filed with the Director; and
 - c) the prescribed annual fee to practise as a corporation.
3. The Registrar shall issue a permit to a corporation in the form of Schedule “B” when the corporation has filled the required material under Section 9, has paid the annual fee and the Registrar is satisfied that the corporation continues to meet all of the requirements to practise dentistry as a corporation as prescribed in the *Act* and this by-law.
4. If a corporation does not renew on or before the 30th day of June each year, the Registrar shall promptly:
 - a) enter on the Registrar a memorandum with respect to the corporation whose permit has expired; and
 - b) notify the corporation and licensed member concerned, and all other parties considered necessary by the Registrar, that the permit of the dental corporation has expired.

5. A corporation whose permit has expired shall cease carrying on the practise of dentistry as a professional corporation until such time as the permit is renewed.

4. NAME OF CORPORATIONS

1. The Registrar shall approve the name of each corporation, but each name must include the name of each corporation must include the words “*dental corporation*”.
2. The name of the corporation shall comply with all rules and by-laws of the Manitoba Dental Association related to the naming of dental practices.
3. A corporation may carry on the practise of dentistry under any name which is in accordance with the by-laws of the Manitoba Dental Association provided that, if the name of the dental practise is different from the name of each licensed member or dental corporation belonging to that practise, the full name of each licensed member or dental corporation shall be shown at the location of the practise and on the letterhead.

5. SUSPENSION OR CANCELLATION OF PERMITS

1. The Board may cancel or suspend a corporation's permit in accordance with the *Act*.
2. Prior to suspending or canceling a corporation's permit, the Board shall hold a hearing and shall serve notice of the date of such a hearing upon the corporation at least 14 days before the date of the hearing. Such notice may be served personally or may be sent by registered mail to the corporation at the corporation's address in the Register. A notice sent by registered mail shall be deemed to be served 5 days after the day it is sent.
3. The corporation may appear and be represented by counsel, at its expense, at a hearing before the Board. The corporation may make such submissions or call such evidence as it sees fit as to the reasons why the permit should not be suspended or cancelled.
4. Instead of suspending or canceling the permit, the Board may impose such other penalty as may be provided in the *Act*.
5. If the Board decides to suspend or cancel the permit of the corporation, the Board may determine whether the corporation shall be entitled to apply for a new permit and under what conditions if any.
6. If a corporation's permit is suspended or cancelled, the Registrar shall promptly:

- a) enter on the Register a memorandum with respect to the corporation whose permit has been suspended or cancelled; and
- b) notify the corporation and licensed member(s) concerned, and all other parties considered necessary by the Registrar, that the permit of the corporation has been suspended or revoked.

6. APPLICATION FOR NEW PERMIT AFTER EXPIRATION, SUSPENSION OR CANCELLATION

1. A corporation whose permit has expired may apply to the Registrar for a new permit in accordance with the requirements to apply to practise as a corporation.
2. A corporation whose permit has been suspended or cancelled may apply for a new permit in accordance with the requirements for application to practise as a corporation. The Registrar shall not issue a new permit to the corporation until the corporation has complied with, or satisfies the Registrar that it is able to and will comply with any conditions that may have been set by the Board at the time of suspension or cancellation of the previous permit.