

The State Peace and Development Council

The Myanmar Dental Council Law

(The State Peace and Development Council Law No. 15 / 2011)

The 8th Waning day of Pyatho 1372 M.E.

(The 27th, January, 2011)

The State Peace and Development Council hereby enacts this Law:

Chapter I

Title and Definition

1. This Law shall be called the Myanmar Dental Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Oral and Dental Science means the studies relating to oral and dental health care works including the treatment of teeth, gingival, periodontal and oral diseases by medicines and surgery, prosthetic dentistry, treatment of dental disease, orthodontic treatment, prevention of public oral and dental diseases, diagnosis of disease and doing oral and dental research;
 - (b) Council means the Myanmar Dental Council formed under this Law;
 - (c) Councillor means any member of the Myanmar Dental Council;
 - (d) Registration Certificate means the dental practitioner certificate issued by the Myanmar Dental Council under sub-section (a) of section 19;
 - (e) Registered Dental Practitioner means a person who is issued the dental practitioner certificate by the Myanmar Dental Council under this Law;
 - (f) Dental Practitioner Licence means a general dental practitioner licence, special dental practitioner licence and limited dental practitioner licence issued by the Myanmar Dental Council under this Law;
 - (g) General Dental Practitioner Licence means the general dental practitioner licence issued under sub-section (b) of section 21 by the Myanmar Dental Council to the registered dental practitioner;
 - (h) Special Dental Practitioner Licence means the special dental practitioner licence issued under sub-section (b) of section 22 by the Myanmar Dental Council to a qualified registered dental practitioner who has obtained a recognized post-graduate degree or post-graduate diploma;

- (i) Limited Dental Practitioner Licence means a limited dental practitioner licence issued by the Myanmar Dental Council to a foreigner dental practitioner who has obtained dental degree limiting the specific branch of dentistry, the locality and the period allowed to practise;
- (j) Dental Practitioner Licence Holder means the person who has been issued any medical practitioner licence by the Myanmar Dental Council under this Law;
- (k) Institute of Dental Medicine means any dental university which may confer the dental degree and diploma.

Chapter II

Objectives

3. The objectives of this Law are as follows:
- (a) to enable the public to enjoy qualified and effective dental and oral health care services;
 - (b) to maintain and upgrade the qualification and standard of the health care services of dental practitioners;
 - (c) to enable studying and learning of the oral and dental science at high standard, and keeping abreast with time;
 - (d) to enable the dental practitioners to study the development of the oral and dental science continuously;
 - (e) to maintain and promote the dignity of the dental practitioners;
 - (f) to supervise abundance and observance in conformity with the ethics of the dental practitioner.

Chapter III

Formation of Myanmar Dental Council

4. The Minister for the Ministry of Health shall, with the approval of the Government form the Myanmar Dental Council with the following persons:
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| (a) a retired registered dental practitioner | Chairman |
| (b) Chairman of the Myanmar Dental Association | Vice-Chairman |
| (c) Rectors of the University of Dental Medicine | member |
| (d) A Professor/Head of Faculty from each University of Dental Medicine | member |

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| (e) | Head of Dental Division from the Directorate of Medical Service, Ministry of Defence | member |
| (f) | a registered dental practitioner who is a member of the Myanmar Academy of Medical Science | member |
| (g) | a dental practitioner elected by dental practitioner licence holders from each Region or State, who is not a civil services personnel | member |
| (h) | officer in-charge of the dental health department, Department of Health | Secretary |
| (i) | a suitable dental practitioner licence holder | Joint-secretary |

5. The Council may assign duty to any councillor as a treasurer. If duty is not so assigned, the secretary of the Council shall carry out as treasurer.

6. The Ministry of Health shall form the Executive Committee with the following persons to carry out the duties and functions of the Council:

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| (a) | Chairman of the Council | Chairman |
| (b) | Vice-Chairman of the Council | Vice-Chairman |
| (c) | five Council members | Members |
| (d) | Secretary of Council | Secretary |
| (e) | Joint-Secretary of Council | Joint-Secretary |

7. In respect of the term of the Council and Council members:

- (a) the term of the Council is four years at a time commencing from the date of its formation.
- (b) the term of the Council members shall be the same as the term of the Council.
- (c) a Council member may carry out as the Council member only for three consecutive terms at a time.
- (d) when the office of a Council member becomes vacant:-
 - (i) if it is the office of a Council member assigned duty by the Ministry of Health, it shall be substituted and assigned duty by such Ministry.
 - (ii) if it is the office of a Council member elected by the dental practitioner licence holders of each Region or State, it shall be elected in substitution by them.

- (iii) the term of the Council member assigned duty in substitution or elected in substitution under clause (i) or (ii), shall only be until the expiry of the term of the existing Council.
 - (e) The Council shall, on the expiry of its term of office, carry out the functions until the new Council has been formed.
8. The formation of the Council, the formation of the Executive Council, holding of meetings and financial matters shall be carried out in accord with the stipulations.

Chapter IV

Duties and Powers of the Council

9. The duties of the Council are as follows:
- (a) recognition or refusal to recognize dental degrees conferred by any local or foreign institute or college of dental medicine or any organization formed for oral and dental science;
 - (b) issuing the dental degrees recognized by the Council, from time to time;
 - (c) determining ethics to be observed by the dental practitioner and supervision thereof;
 - (d) preparing and publishing the list of registered dental practitioners and the list of dental practitioner licence holders, from time to time;
 - (e) studying, carrying out as may be necessary, communicating and cooperating with the Government departments and organizations to enable maintaining and upgrading of the qualification and standard of the dental practitioners;
 - (f) prescribing necessary criteria and standards for maintaining and upgrading the level of oral and dental health care of the Government and private hospitals and clinics, and submitting suggestions to the Ministry of Health;
 - (g) submitting suggestions to the Ministry of Health, after studying and reviewing the developing and changing teaching systems of oral and dental science for upgrading the standard of teaching of oral and dental science and emergence of qualified dental experts;
 - (h) inquiry, examining and taking action in case of failure to abide by and observe in conformity with the ethics of the dental practitioner.

10. The powers of the Council are as follows:
- (a) forming the following committees and prescribing the functions and duties thereof:
 - (i) the Registration Certificate and Dental Practitioner Licence Scrutiny Committee;
 - (ii) Committee for Observance of Ethics;
 - (iii) Committee for Maintenance of Discipline;
 - (iv) Other necessary committees.
 - (b) issuing, refusing to issue and cancelling registration certificate;
 - (c) issuing, refusing to issue, cancelling and revoking for a limited period of time of dental practitioner licence;
 - (d) determining the term, renewal of the term and refusing to renew the term of medical practitioner licence.
 - (e) communicating and cooperating with the approval of the Ministry of Health, with international, regional, local and foreign Government departments, organizations and experts on matters beneficial to the State and the Council;
 - (f) prescribing and collecting the registration fees, licence fees, renewal fees of medical practitioner licence and overdue fees;
 - (g) exercising the other powers conferred from time to time by the Ministry of Health for successful implementation of the objectives of the Council.

Chapter V

Termination from Membership of the Council

11. If any of the following matters occurs, the Council shall, with the approval of the Ministry of Health, terminate the membership of any member:
- (a) resignation;
 - (b) failure to attend the meeting of the Council for three consecutive times without asking for leave from the Council;
 - (c) going abroad for six months and more without asking for leave from the Council;
 - (d) being deregistered from the register of dental practitioners;
 - (e) the dental practitioner licence being cancelled or revocation of the same for a limited period of time;
 - (f) being punished with imprisonment for any offence relating to any misconduct or affecting the law and order of the State;

- (g) investigating and finding by the Council that it amounts to failure to observe the moral ethics.

Chapter VI

Holding Meetings

- 12. The meetings shall be held as follows:
 - (a) holding regular meeting of the Council once in every four months and holding extraordinary meeting when it is necessary;
 - (b) holding Executive Committee meeting once in two months and holding extraordinary meeting when it is necessary;
 - (c) submitting the performances of the Executive Committee to the nearest regular meeting of the Council and obtaining the approval thereof.
- 13. The Council and the Executive Committee shall report their performances to the Ministry of Health once in four months regularly. Moreover, they may report from time to time as necessary.

Chapter VII

Formation of Office and Assigning Duties Thereto

- 14. The Council shall form the office to enable to carry out the functions and duties of the Council and the Executive Committee, with the permission of the Ministry of Health as follows:
 - (a) appointing a Head of Office (Registrar) and a Deputy Head of Office and assigning duties thereof;
 - (b) forming the office staff as may be necessary and assigning duties thereof.

Chapter VIII

Finance

- 15. The Ministry of Health shall bear the expenditures of the Council, the Executive Committee and the Office.
- 16. The Council may, with the permission of the Ministry of Health, accept donations, property and other assistances from local and foreign organizations and donors.
- 17. The Council shall accept, use and maintain the accounts of income and expenditure in accord with the existing financial regulations and directives.

Chapter IX

Registration Certificate of Dental Practitioner

- 18. Any citizen who has obtained any of the following degrees, desirous to obtain the registration certificate may apply to the Council in accord with the stipulations after the completion of house surgeonship:
 - (a) the degree bachelor of dental surgery conferred by any local University of dental medicine;
 - (b) the degree bachelor of dental surgery conferred by any foreign institute or college of dental medicine, or any organization formed for dental education and also recognized by the Council.

19. The Executive Committee, on behalf of the Council:
- (a) may, after scrutinizing the application made under section 18 in accord with the stipulations and causing the registration fees to be paid, issue or refuse to issue the registration certificate;
 - (b) shall enter in the register the name and relevant facts of the dental practitioner who has been issued the registration certificate under sub-section (a) of section 18.
20. The Executive Committee, on behalf of the Council, shall cancel the registration certificate on finding that any of the following matters has occurred relating to any registered dental practitioner:
- (a) being convicted by the Court for any offence related to the ethics of a dental practitioner and determined by the Council as being unsuitable to continue serving as a dental practitioner;
 - (b) although not convicted by the Court, being unsuitable to continue serving as a dental practitioner due to perversion of ethics of a dental practitioner;
 - (c) using narcotic drugs and psychotropic substances.

Chapter X

Dental Practitioner Licence

21. (a) If any registered dental practitioner is desirous of practising the dental services he shall apply to the Council to obtain the general dental practitioner licence in accord with the stipulations.
- (b) The Executive Committee may, on behalf of the Council, after scrutinizing the application made under sub-section (a) and causing the licence fees to be paid, issue or refuse to issue the general dental practitioner licence.
22. (a) Any registered dental practitioner who has already obtained the general dental practitioner licence and fulfilled the stipulated qualification may apply to the Council to obtain the special dental practitioner licence.
- (b) The Executive Committee may, on behalf of the Council, after scrutinizing the application made under sub-section (a) in accord with the stipulations and causing the licence fees to be paid, issue or refuse to issue the special dental practitioner licence.
23. (a) Any foreign dental practitioner who has obtained the degree of dental medicine, desirous of practising dental services in Myanmar shall apply to the Council to obtain the limited dental practitioner licence in accord with the stipulations.
- (b) The Executive Committee may, on behalf of the Council, after scrutinizing the application made under sub-section (a) in accord with the stipulations and causing the licence fees to be paid, issue the limited dental practitioner licence limiting

the branch of dental science, the locality and the period allowed to practise or refuse to issue the same.

24. The general dental practitioner licence holder or special dental practitioner licence holder desirous of extending the term of the dental practitioner licence shall apply to the Council for the extension of the term of his licence, at least sixty days prior to the expiry of the term of the relevant dental practitioner licence.

25. The Executive Committee may, on behalf of the Council, after scrutinizing the application made under section 24 in accord with the stipulations for the extension of the term of dental practitioner licence, extend or refuse to extend the term.

26. The Executive Committee may, on behalf of the Council, relating to any dental practitioner licence holder, cancel or revoke the dental practitioner licence for a limited period of time if it is inspected and found that any of the following facts has occurred:

- (a) being deregistered from the register of dental practitioner;
- (b) being unable to carry out the functions and duties of a dental practitioner due to mental illness, being devoid of knowledge or physical disability;
- (c) failure to carry out the duty assigned by the State;
- (d) carrying out the duties and obligations of a dental practitioner inconsiderately and negligently.
- (e) failure to comply and observe in conformity with the ethics of a dental practitioner;
- (f) being unable to carry out according to the qualification of a dental practitioner;
- (g) failure to extend the term of the dental practitioner licence without sufficient ground during the period determined by the Council.

Chapter XI

Duties and Rights of the Registered Dental Practitioner and the Dental Practitioner

Licence Holder

27. The registered dental practitioner and the dental practitioner licence holder:
- (a) shall abide by the rules, procedures, notifications, orders and directives issued under this Law;
 - (b) shall observe the ethics of dental practitioner prescribed by the Council;
 - (c) shall have the right to submit to the Council, to enter in the register of dental practitioner the additional qualification as the dental degree, diploma et cetera;
 - (d) shall have the right to advise the Council for the development and success of the functions and duties of the Council;
 - (e) shall have the right to submit his grievances to the Council and may also have the right to obtain the advice of the Council.

28. The dental practitioner licence holder has the right to carry out the dental treatment according to the type of licence which he holds in accord with the stipulations.

29. The dental practitioner licence holder shall, in electing the member of the Council contained in sub-section (g) of section 4 in the relevant Region or State:

- (a) has the right to vote;
- (b) has the right to be elected as a member of the Council if he fulfils the qualification determined by the Council.

Chapter XII

Appeal

30. The person who is dissatisfied with an order or decision passed on behalf of the Council may file appeal to the Council within sixty days from the date of passing of such order or decision.

- 31. (a) In an appeal filed under section 30, the Minister for the Ministry of Health may approve, amend or cancel the order or decision of the Executive Committee.
- (b) The decision of the Minister for the Ministry of Health under sub-section (a) shall be final and conclusive.

Chapter XIII

Prohibitions and Penalties

32. No one shall carry out dental treatment without the dental practitioner licence.

33. No dental practitioner licence holder shall, in practising the dental treatment, assign duty to any other person except one who has obtained a licence, registration certificate, permit, training completion certificate or document of the relevant department, organization that he is skilful according to the relevant dental treatment work.

34. No registered dental practitioner shall use against his name the terms and expressions which are inappropriate with the degree, rank and technical know-how which he has obtained.

35. No registered dental practitioner shall mention the additional dental qualification as dental degree, diploma etcetera against his name without the approval of the Council that he has entered the same in the register list of dental practitioner.

36. Whoever violates the prohibition contained in section 32 shall, on conviction, be punished with imprisonment for a term not exceeding five years and may also be liable to a fine.

37. Any dental practitioner holding the dental practitioner licence who violates the prohibition contained in section 33 shall, on conviction, be punished with imprisonment for a term not exceeding five years or with fine or with both.

38. Any registered dental practitioner who violates the prohibition contained in section 34 shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine or with both.

39. Any registered dental practitioner who violates the prohibition contained in section 35 shall, on conviction, be punished with fine not exceeding fifty thousand kyats.

Chapter XIV

Miscellaneous

40. The provisions contained in this Law shall not apply to persons who have the right to practise oral and dental treatment under any other existing law.

41. The medical certificate which is not signed by the dental practitioner licence holder himself shall not be deemed to be a legal medical certificate.

42. The registration certificate and dental practitioner licence issued under the Myanmar Dental and Oral Medicine Council Law repealed by this Law shall be valid until the date of its expiry.

43. The procedures, orders and directives issued under the Myanmar Dental and Oral Medicine Council Law which has been repealed by this Law may continue to be applicable in so far as they are not inconsistent with this Law.

44. The funds owned by the Myanmar Dental Council under the Myanmar Dental and Oral Medicine Council Law which has been repealed by this law, moveable and immovable property, works which have are in the process of being performed, works which have been completed, assets and liabilities shall devolve on the Council respectively.

45. The Myanmar Dental Council formed under the Myanmar Dental and Oral Medicine Council Law which has been repealed by this Law shall have the right to carry out its duties and powers before the formation of the Myanmar Dental Council under this Law.

46. In implementing the provisions of this Law:

(a) the Ministry of Health may issue the necessary rules with the approval of the Government and procedures, notifications, orders and directives as may be necessary;

(b) the Council may issue such notifications, orders and directives as may be necessary.

47. The Myanmar Dental and Oral Medicine Council Law (The State Peace and Development Council Law No. 5/89) is hereby repealed.

Sd/ Than Shwe

Senior General

Chairman

The State Peace and Development Council