



# By-Laws

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# I – General

## 1.00 By-laws, Head Office and Members of the Corporation

- 1.01 These By-laws are made pursuant to an Act to Incorporate the National Dental Examining Board of Canada (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.
- 1.02 The head office of The National Dental Examining Board of Canada (hereafter the "Corporation" in Section I "General" of the By-laws) shall be in the City of Ottawa in the Province of Ontario and at such a place therein as the Corporation may determine from time to time.
- 1.03 Members of the Corporation are those members appointed to the Corporation pursuant to Section 4 of the Act to Incorporate the National Dental Examining Board of Canada (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.

## 2.00 Status and Conduct

- 2.01 The government and management of the Corporation's business and affairs shall be conducted on a not-for-profit basis without pecuniary gain to its members.
- 2.02 Members of the Corporation, examiners and other agents shall comply with the Conflict of Interest Guidelines as established by the Corporation from time to time.

## 3.00 Corporate Seal

- 3.01 The seal, an impression of which is stamped in the margin hereof, shall be the seal of the Corporation.
- 3.02 The seal of the Corporation may, when required, be affixed to contracts, documents and instruments in writing signed by any officer or officers appointed by resolution of the Corporation. Failure to affix the seal does not invalidate the contract, document, or instrument.
- 3.03 The seal shall remain in the custody of the Registrar.

## 4.00 Meetings

- 4.01 Once in each calendar year the Corporation shall hold an Annual Meeting at the head office of the Corporation or at any other place and on such day as the Corporation may determine.
- 4.02 Meetings of the Corporation or any other Committee may be held at a time and place to be determined by the Corporation or any other Committee provided that thirty (30) clear days' notice of a meeting of the Corporation and seven (7) clear days' notice of a meeting of a Committee shall be sent in writing, electronically, or communicated by telephone call to each Corporation member or member of the Committee before the meeting takes place.
- 4.03 No errors or omission in giving notice of any meeting of the Corporation or a Committee shall invalidate such a meeting or make void any proceedings. Any Corporation member or Executive Committee member may, at any time, waive notice of any such meeting and the Corporation or Committee may, by a majority vote, ratify, approve and confirm any or all proceedings.
- 4.04 Other meetings of the Corporation, whether special or general, may be convened by order of the President or Vice-President/Treasurer or by petition of three (3) members of the Corporation to the President or Vice-President/Treasurer.
- 4.05 Eight (8) members of the Corporation shall form a quorum for the transaction of business. The quorum for the transaction of business at a meeting of any committee appointed by the Corporation shall be two-thirds (2/3) of such committee. The Corporation may stipulate the composition of a quorum.
- 4.06 Questions arising at any meeting of the Corporation or any committee thereof shall be decided by a majority vote of the members of the Corporation or the committee, as the case may be, in attendance at such meeting. The President or Chair shall vote at the same time as the other members of the Corporation or committee vote; however, the Chair's vote or President's vote shall not be counted unless there is a tie vote.
- 4.07 Save and except the Annual Meeting of the Corporation, members of the Corporation or members of a Committee of the Corporation may participate at duly called meetings of the Corporation or a Committee by means of telephone, electronic, or other communications facilities as to permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously. A person participating in such a meeting by such a means shall for all purposes be deemed to be present at the meeting.
- 4.08 Resolutions may also be approved by the Corporation or a Committee of the Corporation provided the members of the Corporation or members of the Committee receive the proposed resolution in writing or electronically seven (7) clear days before the return date then the resolution agreed to and signed by a majority of members of

the Corporation or members of a committee shall be as effective as if passed at a meeting of the Corporation or a Committee, respectively.

- 4.09 No procedural irregularity shall, in and of itself, invalidate any action or proceeding of the Corporation or of any committee or officer thereof.

## 5.00 Appointment of Officers, Consultants, Committee Members, Examiners, Chief Examiners, and Public Representative

### Officers

- 5.01 The officers of the Corporation shall be the President, Vice-President/Treasurer, immediate Past-President, Registrar and Executive Director. The Registrar and Executive Director need not be members of the Corporation and may consist of one (1) or more persons.
- 5.02 The Registrar and Executive Director of the Corporation shall be appointed by the Corporation. The Registrar shall have received a dental licence issued by a province in Canada or shall be eligible for dental licensure in a province in Canada. In addition to the duties specified by the By-laws, these officers shall be given such other duties and powers as are assigned by the Corporation, the Executive Committee, and under the direction of the Executive Committee by other committees. Without limiting the generality of the foregoing, such duties and powers may include the hiring and supervision of employees and consultants to assist the Registrar and Executive Director of the Corporation in fulfilling the statutory mandate of the Corporation.
- 5.03 The Corporation shall appoint or engage an Auditor and other such consultants.

### Standing Committees

- 5.04 The Corporation, after receiving nominations from the Nominating Committee, at its Annual Meeting, shall, unless otherwise provided elect members for the following standing committees:
- Executive Committee
  - Finance and Audit Committee
  - Examinations Committee
  - By-laws Committee
  - Appeals Committee
  - Nominating Committee
  - Research Committee
- 5.05 The Corporation may create ad hoc committees and appoint or elect members and other persons to the ad hoc committees.
- 5.06 Unless otherwise stated, the Corporation shall elect a Chair and a Vice-Chair for each standing committee. The Chair shall be responsible for the conduct of meetings of the

committee. The Vice-Chair shall, in the absence or inability of the Chair, perform the Chair's duties and shall carry out such other duties as are assigned by the Chair.

- 5.07 Each Committee of the Corporation shall conduct itself in accordance with Terms of Reference. In the Terms of Reference for each committee, "Board" shall have the same meaning as "Corporation" in Section I General of these By-laws.

#### Executive Committee

- 5.08 The Executive Committee of the Corporation shall consist of the President, Vice-President/Treasurer, immediate Past-President and two (2) other elected members of the Corporation. The President shall be the Chair and the Vice-President/Treasurer the Vice-Chair of the Executive Committee. The Executive Committee members shall be elected by the Corporation for a two (2) year term.
- 5.09 The Executive Committee shall meet immediately before the Annual Meeting of the Corporation and at such other times as may be called by the President.
- 5.10 Subject to any provisions in its Terms of Reference, the Executive Committee shall act for and with the full power of the Corporation upon all such matters as may require attention between Corporation meetings and as required to hear and determine Compassionate Appeals pursuant to By-law 26.00.

#### Finance and Audit Committee

- 5.11 The Finance and Audit Committee of the Corporation shall consist of the President, Vice-President/Treasurer, two (2) other members of the Corporation elected by the Corporation annually and an independent chartered professional accountant elected by the Corporation annually. The Vice-President/Treasurer shall be the Chair of the Finance and Audit Committee. The Vice-Chair of the Committee shall be elected by the Corporation at the Annual Meeting of the Corporation. The independent chartered professional accountant cannot be an employee of the Corporation or an employee or partner of the present auditors or past auditors.
- 5.12 The Finance and Audit Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Finance and Audit Committee.

#### Examinations Committee

- 5.13 The Examinations Committee of the Corporation shall consist of eleven (11) members elected by the Corporation. One (1) of these members may be the Public Representative. The Public Representative is a non-voting member of the Committee. The Public Representative's term shall be in accordance with By-law 5.33. Two (2) members shall be dental specialists. No more than two (2) persons can be recommended to be members by each of the Ordre des Dentistes du Québec, the Association of Canadian Faculties of Dentistry and the Dental Council of New Zealand.

At least two (2) members of the Committee shall have at least two (2) years of experience as examiners. Except for the Public Representative, committee members may be appointed for a three (3) year term and are eligible for reappointment for an additional three (3) year term. The Chair and Vice-Chair of the Committee shall be elected by the Corporation annually.

- 5.14 The Examinations Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Examinations Committee.
- 5.15 The Examinations Committee shall recommend to the Board examiners to develop, construct, validate, administer, and evaluate all the examinations offered by the Corporation.
- 5.16 The Corporation, based upon the recommendation of the Examinations Committee, shall at each Annual Meeting or such other time it deems reasonable:
  - A. establish the passing standard for each one of the Corporation's examinations.
  - B. approve the protocols for each of the Corporation's examinations.
- 5.17 The Corporation, on the recommendation of the Examinations Committee, shall appoint Chief Examiners for each of the Corporation's examinations for a term of one (1) year. Chief Examiners are normally reappointed annually for a maximum of six (6) years unless otherwise approved by the Corporation. For the term of their appointments, Chief Examiners will be responsible for the development of the examination in accordance with the By-laws, policies and guidelines of the Corporation and its committees and be an advisor to Corporation staff.

#### By-laws Committee

- 5.18 The By-laws Committee of the Corporation shall consist of three (3) members elected by the Corporation annually. All committee members must be members of the Corporation. At least one (1) By-law Committee member must also be an Executive Committee member.
- 5.19 The By-laws Committee of the Corporation shall annually review the By-laws and recommend changes, if any, to the Corporation for approval.
- 5.20 The By-laws Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the By-laws Committee.

#### Appeals Committee

- 5.21 The Appeals Committee of the Corporation shall consist of up to twenty-five (25) members elected by the Corporation for a three (3) year term. Persons elected prior to 2019 cannot serve more than three (3) consecutive years. The Chair and Vice-Chair shall be elected annually by the Corporation.

- 5.22 A person who has served three consecutive years, or has been appointed for a three (3) year term is not eligible for a further appointment until a period of at least one (1) year has elapsed since the end of his or her term, and during the period, the person has invigilated two (2) Assessment of Clinical Skills and participated in two (2) Evaluation Sessions.
- 5.23 An Appellant, who has appealed pursuant to By-law 25.00, shall be heard by a panel of three (3) members of the Appeals Committee, with one (1) member appointed by the Chair of the Appeals Committee as Chair ("panel"). The Chair of the Appeals Committee shall not select an Appeals Committee member for an Appeals Panel who participated in the administration of the Assessment under appeal.
- 5.24 The Appeals Committee has the power to establish procedures for the conduct of Appeals or Special Appeals. In making a determination, a panel will determine that the Appeal be upheld or dismissed or make such other determinations that it deems reasonable and just.
- 5.25 Any decision of the Panel of the Appeals Committee, pursuant to By-law 25.00, shall be final.
- 5.26 The Panel of the Appeals Committee and the Appeals Committee shall act in accordance with the Terms of Reference for the Appeals Committee.

#### Nominating Committee

- 5.27 The Nominating Committee of the Corporation shall consist of the President and immediate Past-President. The immediate Past-President shall be the Chair.
- 5.28 The Nominating Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Nominating Committee.

#### Research Committee

- 5.29 The Research Committee of the Board shall consist of one (1) member from the Corporation and four (4) persons qualified in research. Committee Members shall be elected by the Board for a term not to exceed three (3) years and may be re-elected to one (1) further term not to exceed three (3) years. The terms for members of the Research Committee shall be selected to ensure a rotation in membership. The Chair and Vice-Chair shall be elected annually by the Corporation.
- 5.30 The Research Committee of the Corporation shall have the authority to retain consultants to provide advice on matters under its consideration. Consultants may only be retained within financial limits established by the Corporation in the annual budget.
- 5.31 The Research Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Research Committee.

## Public Representative

- 5.32 The Public Representative is a person appointed by the Corporation after reviewing nominations from the Nominating Committee in accordance with the Terms of Reference for the Nominating Committee. The person appointed by the Corporation as the Public Representative cannot be a current or former licensed dentist or a person who has studied to become a dentist. The term of the Public Representative shall be three (3) years and may be renewed by the Corporation for a further three (3) year term unless otherwise determined by the Corporation.
- 5.33 The role of the Public Representative is to be an active contributor by preparing for and attending Corporation meetings and committee meetings if the Public Representative is appointed to the Committee. At meetings, the Public Representative is an official observer and is to seek clarification and articulate views that represent public interest.

## Election of Members of Standing Committees

- 5.34 Twenty (20) days prior to each Annual Meeting, the Nominating Committee shall provide a report of the Nominating Committee to all members of the Corporation setting forth the names of proposed members to fill any vacancies for the forthcoming year on each of the Standing Committees of the Corporation referred to in Section 5.04 of the By-laws.
- 5.35 Members shall have the right to nominate other persons as members of Standing Committees provided any such nomination is seconded by another member and is provided in writing to the Nominating Committee, together with the consent of the person or persons so nominated, not less than ten (10) days prior to the date of the Annual Meeting. No new nominations may be made in respect of such Annual Meeting after such date.
- 5.36 Forthwith after the cut-off date for new nominations referred to in Section 5.35 above, the Nominating Committee shall notify members in writing whether any additional nominations have been received and if so, the names of the additional nominee(s) and the position(s) for which such additional nominee(s) have been nominated.

### **Election Process**

- 5.37 If no additional nominations have been received, the Chair of the Annual Meeting shall declare that the nominees proposed in the report of the Nominating Committee have been elected by acclamation.
- 5.38 If any additional nominees have been proposed, the Chair of the Annual Meeting shall advise the meeting which positions are contested and proceed to a vote in respect of each contested position. For positions which have not been contested, the Chair of the Annual Meeting shall declare that the nominees proposed for such positions in the report of the Nominating Committee have been elected by acclamation.
- 5.39 With the exception of nominees for the Examinations Committee, Appeals Committee and Research Committee, the nominees for contested positions shall have the opportunity to speak to the members of the Corporation, for a maximum of three (3)

minutes, about their suitability for the “insert name of Committee or Position”. The nominees shall be given advance notice that they will have an opportunity to speak to the members of the Corporation before the voting begins at the Annual Meeting.

- 5.40 The Chair of the Annual Meeting will ask the Corporation to appoint a vote counter(s).
- 5.41 The vote counter(s) will report the results of the vote to the Chair.
- 5.42 The Chair of the Annual Meeting declares the elected nominee(s).
- 5.43 The Chair of the Annual Meeting shall vote at the same time as the other members of the Corporation vote; however, the Chair’s votes shall not be counted unless there is a tie vote.
- 5.44 The Executive Committee shall have the power to fill any vacancies arising between Annual Meetings of the Corporation.

## 6.00 Duties of Officers

- 6.01 The President shall preside at all meetings of the Corporation and Executive Committee, enforce due observance of By-laws, rules and regulations, ensure that the officers and employees of the Corporation perform their duties, call special meetings of the Corporation when necessary, may be an ex-officio member of the Examinations Committee, By-laws Committee, Research Committee, and Appeals Committee of the Corporation, and perform such other duties as the Corporation may direct through By-law or resolution.
- 6.02 If the President wishes to submit a motion, the President shall leave the chair and call the Vice-President/Treasurer to take the chair.
- 6.03 The Vice-President/Treasurer shall, in the absence or disability of the President, perform the duties and exercise the powers of the President and shall perform such other duties as shall from time to time be established by the Corporation. A vacancy in the office of the Vice-President/Treasurer shall be filled by the immediate Past-President.
- 6.04 In the temporary absence of the President, the Vice-President/Treasurer and the immediate Past-President, and the remaining members of the Corporation, at a meeting duly called, shall elect one (1) of themselves as Chair. This Chair, while presiding at such a meeting, shall have the same powers and exercise the same functions as the President.
- 6.05 All elected officers, unless otherwise specified, shall serve for a term of two (2) years and shall be subject to removal by resolution adopted by at least two-thirds (2/3) of the members of the Corporation.
- 6.06 Vacancies in the positions occupied by the officers, members of committees and examiners, occurring by reasons of death, resignation, disqualification, disability or otherwise, may be filled temporarily by the President and shall be filled permanently by

the Corporation at a meeting duly called and held, and in any event not later than the next Annual Meeting of the Corporation.

## 7.00 Financial Indemnification

7.01 The bank account or accounts of the Corporation shall be kept in such bank or banks in the city of the head office of the Corporation as the Corporation may from time to time determine.

7.02

A. Contracts, documents, or any instruments with an NDEB obligation to pay \$250,000.00 per year or more requires execution by the Corporation and shall be signed by any two of the President, Registrar or Vice-President/Treasurer. All contracts, documents, and instruments are in full force and effect and are binding on the Corporation even if the only signature on the contract document or instrument is the signature of the Registrar. The President or Vice-President/Treasurer may approve the contract, document, or instrument after it comes into effect where only the signature of the Registrar appears on the contract, document, or instrument.

B. Contracts, documents, or any instruments with an NDEB obligation less than 250,000.00 requires signature of the Registrar, President, or Vice-President/Treasurer only or the signature of the Registrar's delegate in accordance with NDEB policies and procedures. All such contracts, documents, or instruments in writing so signed shall be binding upon the Corporation without further authorization or formality.

7.03 The remuneration of all members and officers of the Corporation other than the Registrar and Executive Director shall be fixed by resolution of the Corporation. Members of the Corporation in attendance at meetings of the Corporation duly called, or committees thereof, shall be reimbursed reasonable amounts necessary for travel and other expenses.

7.04 The imposition and collection of dues or fees payable by persons for examinations, appeals or petitions conducted by the Corporation or any of its committees shall be such as from time to time are fixed by the Corporation. The Registrar shall notify persons of the appropriate dues or fees payable by them and the additional dues or fees if the appropriate dues or fees are not paid within the prescribed period or if persons withdraw from examinations, appeals or petitions.

7.05 No members or officers of the Corporation or members of any Committees appointed by the Corporation are liable for the acts, receipts, neglects or defaults of any other member, or for joining in any receipts or other act for conformity, or for any loss or expenses happening to the Corporation through the insufficiency or deficiency of any security in or upon which any of the monies of the Corporation shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person with whom any of the monies, securities or effects of the Corporation shall be deposited, or for any other loss, damage or misfortune whatever which shall happen in the

execution of the duties of their office or in relation thereto unless the same shall happen through their own dishonesty or be occasioned by their own willful default or neglect.

- 7.06 All members and officers of the Corporation, or members of any Committees appointed by the Corporation, their heirs, executors, administrators, estate and effects respectively are to be indemnified and saved harmless at all times out of the funds of the Corporation from and against
- A. all liabilities, costs, judgements, charges, and expenses whatsoever which such members or officers sustain or incur in or about any action, suit or proceeding which is brought, commenced, or prosecuted against them for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office in the Corporation alleged so to be except such liabilities, judgements, costs, charges or expenses as are occasioned by their own willful default or neglect; and
  - B. all other liabilities, judgements, costs, charges, and expenses which they sustain on affairs of the Corporation, except such liabilities, judgements, costs, charges or expenses as are occasioned by their own willful default or neglect.
- 7.07 Members and officers of the Corporation may rely upon the accuracy of any statement or report certified by the Corporation's auditors and shall not be responsible or held liable for any loss or damage resulting from acting upon such statement or report.

## II – Definitions

For the purposes of Sections III, IV and V of these By-laws.

“Accredited Program” means an undergraduate dental program offered by a university dental institution recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

“Accredited Specialty Program” means a master's degree program in a dental specialty offered by a university dental institution recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

“Advanced Education in General Dentistry Program” or “General Practice Residency Program” means a post graduate dental program approved through accreditation established by the Board with reference to the American Dental Association Commission on Dental Accreditation.

“Board” means the National Dental Examining Board of Canada or NDEB.

“Board Equivalency Process” means an examination process established by the Board (see By-law 10.00) to determine whether a person who has graduated from a Non-Accredited Program has the equivalent dental knowledge and dental training as a graduate of an Accredited Program.

“Board members” or “members of the Board” mean those members appointed to the Board pursuant to Section 4 of the Act to Incorporate the National Dental Examining Board of Canada (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.

“Board official” means an employee or other individual appointed by the NDEB to observe the administration of an examination or to supervise the administration of an examination.

“Certificate” means the certificate of qualification in the form prescribed by the Board and issued by the Board pursuant to an Act to Incorporate the National Dental Examining Board of Canada (1952), 1 Elizabeth II, Chapter 69, as amended by (1973) 21-22 Elizabeth II, Chapter 55.

“Dental Residency Program” means a post graduate dental program approved through accreditation established by the Board with reference to the Commission on Dental Accreditation of Canada.

“DSCKE” means the Dental Specialty Core Knowledge Examination or an examination used to facilitate the admission process for entry into Dental Specialty Assessment and Training Programs (DSATP) offered by some Canadian Faculties of Dentistry set by the Board and described in By-law 20.00.

“DSCKE Participant” means a person who has fulfilled the requirements set out in By-law 11.00.

“Examinee” means a Candidate, Participant, DSCKE Participant, or NDSE Candidate.

“Examiner” means a person who is appointed by the Board to develop, construct, validate, administer, and evaluate all the examinations offered by the Board.

"Graduate of an Accredited Program" means a person who has graduated from an Accredited Program or who has successfully completed the Board Equivalency Process as described in By-law 10.00.

"Graduate of an Accredited Specialty Program" means a person who has graduated from an Accredited Specialty Program or who has completed a Dental Specialty Assessment and Training Program offered by a Canadian university.

"NDSE" means the National Dental Specialty Examination set by the Board and described in By-law 20.00.

"Non-Accredited Program" means an undergraduate dental program offered by a university dental institution that is authorized by the government of the country in which it is located to award such degrees but has not been recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

"Non-Accredited Specialty Program" means a master's degree program in a dental specialty that is recognized in Canada, from a university that is authorized by the government of the country in which it is located to award such degrees but is not recognized by the Commission on Dental Accreditation of Canada.

"OSCE" means the Objective Structured Clinical Examination set by the Board and described in By-law 15.00.

"Participant" means a graduate of a Non-Accredited Program who is approved to participate in the Board Equivalency Process.

# III - Certification for Dentists

## 8.00 Certification Eligibility

- 8.01 For the purposes of these By-laws, "Candidate" for Board certification means a person who has applied to the Board and who has demonstrated that they are
- A. a person who is a graduate of an Accredited Program and not more than sixty (60) months has elapsed since the date of graduation.
  - B. a person who is a graduate of a Non-Accredited Program and who has subsequently completed an Accredited Program and not more than sixty (60) months has elapsed since the date of such successful completion of the Accredited Program.
  - C. a person who is a graduate of a Non-Accredited Program and who has successfully completed the Board Equivalency Process and not more than sixty (60) months has elapsed since the date of such successful completion of the Board Equivalency Process.
  - D. a person who has failed the Written Examination or OSCE three (3) times and has, subsequent to the third failure, successfully completed the requirements described in By-law 16.02.
  - E. a person, for the purpose of taking the Written Examination and OSCE described in By-laws 14.00 and 15.00, who is within four (4) months of his or her expected graduation from an Accredited Program.
- 8.02 Persons who are more than sixty (60) months from the date of their graduation from an Accredited Program may petition the Executive Committee for special consideration to be a Candidate. Such applications will be considered on an individual basis and the determination of the Executive Committee will be based upon the circumstances applicable to each individual applicant.
- 8.03 Persons who are more than sixty (60) months from the date of successful completion of the NDEB Equivalency Process cease to be a Candidate and may petition the Executive Committee for special consideration to be reinstated as a Candidate. Such applications will be considered on an individual basis and the determination of the Executive Committee will be based upon the circumstances applicable to each individual applicant.
- 8.04 A person ceases to be a Candidate if they have not successfully completed the Written Examination and OSCE within sixty (60) months of the date of their graduation and must apply for special consideration.

- 8.05 The Dean or Dean's designate of the Accredited Program in which persons described in By-law 8.01E are enrolled will be required to confirm the person's status of being within four (4) months of expected graduation on the date established for the examinations.
- 8.06 A person shall be ineligible to be a Candidate if
- A. the person's licence to practise dentistry, issued by any Dental Licensing or Regulatory Authority, has been or is suspended or cancelled, or if the person is on probation within any licensing jurisdiction, or
  - B. if the person has had their certificate cancelled or revoked pursuant to By-law 9.08.

## 9.00 The Board's Certification Process

- 9.01 Persons who are Candidates under By-laws 8.01A, 8.01B, 8.01C, 8.01D, 8.01E, 8.02, or 8.03 shall be granted a Certificate and have their name entered in the Board's National Register upon presentation of the following documentation:
- A. Proper application to the Board which includes, if applicable, providing evidence to the satisfaction of the Board that the Candidate is considered in good standing with all Dental Licensing or Regulatory Authorities in all jurisdictions in which the Candidate has been or is currently registered or licensed.
  - B. Evidence, to the satisfaction of the Board, of graduation from an Accredited Program or successful completion of the Board Equivalency Process; and
  - C. Evidence, to the satisfaction of the Board, that the person has passed the Written Examination described in By-law 14.00 and the OSCE described in By-law 15.00.
- 9.02 The Board shall determine the format of a single type of Certificate to be issued to successful Candidates. The Certificate shall be signed by the President or Vice-President/Treasurer and the Registrar and shall bear the seal of the Corporation.
- 9.03
- A. A person applying to the Certification Process shall provide evidence to the satisfaction of the Board that they have fulfilled the requirements set out in By-law 8.01.
  - B. A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process.
- 9.04 A Candidate, pursuant to By-laws 8.01E, who passes the Written Examination and/or OSCE but does not graduate within eighteen (18) months must retake and pass the Written Examination and OSCE after they have graduated.

- 9.05 A person who has been granted a Certificate may not retake a Board Examination unless requested to do so by a Dental Regulatory Authority.
- 9.06 Persons taking a Board examination at the request of a Dental Regulatory Authority are not Candidates and shall not be issued a Certificate. Such persons will be subject to the authority of the requesting Dental Regulatory Authority.
- 9.07 The Board shall immediately cancel and revoke a Certificate granted to a person who has:
- A. engaged in fraud, dishonesty, cheating, or other misconduct in connection with the process or conduct of a Board examination.
  - B. not disclosed to the Board that his or her licence to practice dentistry, issued by any Dental Licensing or Regulatory Authority, has been or is suspended or cancelled.
  - C. violated the Board's copyrights, including but not limited to
    - (i) infringement of the Board's copyright of any or all examination questions posted on the website, distributed or provided at the time of the examination by reconstructing any or all examination questions through memorization, recollection, or digital recording or producing in any manner whatsoever the exact wording or the substance of the wording of questions or publishing, republishing, distributing, transferring, selling or sharing with any person, corporation, partnership or entity any or all examination questions or answers to those questions (hereinafter referred to as the "materials") without the prior written consent of the Board. Access to the Board's websites, including [ndeb-bned.ca](http://ndeb-bned.ca), does not constitute a license or a right to, without the Board's prior written express consent, do any of the following acts with respect to the materials: reproducing; distributing; publishing; editing; manipulating; translating; selling or offering for sale; whether alone or by adding answers, suggested answers, commentary, or adding any other additional content to the "materials"; or
    - (ii) infringement of the Board's trademarks including but not limited to, the unauthorized use of the name of the Board in both English and in French ("Le Bureau national d'examen dentaire du Canada"), NDEB, BNED, and the Board's logos. The use of these marks requires express written consent from the Board, and any unauthorized use is strictly prohibited.

## 10.00 The Board's Equivalency Process

- 10.01 Persons who are graduates of Accredited Programs but who have failed either the Written Examination or OSCE three (3) times or persons who are graduates of Non-Accredited Programs shall be eligible to apply to the Board to be a Participant in the Board Equivalency Process.

- 10.02 Persons taking one or more components of the Board's Equivalency Process at the request of a Dental Regulatory Authority are not Participants. Such persons will be subject to the authority of the requesting Dental Regulatory Authority.
- 10.03
- A. A person applying to the Equivalency Process shall provide evidence to the satisfaction of the Board that they have graduated from a university-based undergraduate dental program authorized by the government of the country in which it is located to award such degrees but is not recognized by the Commission on Dental Accreditation of Canada.
  - B. A person whose application has been rejected may submit a written appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process.
- 10.04 The Board Equivalency Process shall consist of the
- A. Assessment of Fundamental Knowledge as described in By-law 17.00,
  - B. Assessment of Clinical Skills as described in By-law 18.00, and
  - C. Assessment of Clinical Judgement as described in By-law 19.00.
- 10.05 Participants who successfully complete the Board Equivalency Process by passing the Assessment of Fundamental Knowledge, the Assessment of Clinical Skills and the Assessment of Clinical Judgement will be determined to be equivalent to a graduate of an Accredited Program.
- 10.06 A person who has been granted a Certificate may not retake a component of the Board's Equivalency Process unless requested to do so by a Dental Regulatory Authority.

# IV - Certification for Dental Specialists

## 11.00 The National Dental Specialty Examination (NDSE) Eligibility

- 11.01 For the purposes of these By-laws, "NDSE Candidate" means a person who has applied to the Board and who has demonstrated that they are:
- A. a graduate of an Accredited Specialty Program or have completed a Dental Specialty Assessment and Training Program at an accredited Canadian university and not more than 60 months has elapsed since the date of such successful completion of the Accredited Specialty Program.
  - B. a person, for the purpose of taking the NDSE, who is within the final six months of an Accredited Specialty Program.
- 11.02 Persons who are more than sixty (60) months from the date of their graduation from an Accredited Specialty Program may petition the Executive Committee for special consideration to be an NDSE Candidate. Such applications will be considered on an individual basis and the determination of the Executive Committee will be based upon the circumstances applicable to each individual applicant.
- 11.03 The Dean or Dean's designate of the Accredited Specialty Program or Dental Specialty Assessment and Training Program in which persons described in By-law 11.01 are enrolled will be required to confirm, in writing, that the NDSE Candidate is within the final six months of the Accredited Specialty Program.
- 11.04
- A. A person applying to take the NDSE shall provide evidence to the satisfaction of the Board that they have fulfilled the requirements set out in By-law 11.01.
  - B. A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process.
- 11.05 A person shall be ineligible to be a NDSE Candidate if the person's licence to practise dentistry, issued by any Dental Licensing or Regulatory Authority, has been or is suspended or cancelled or if the person is on probation within any licensing jurisdiction.

## 12.00 NDSE Certification

- 12.01 Persons who are NDSE Candidates under By-law 11.00 shall be granted an NDSE Certificate and have their name entered in the Board's National Register upon presentation of the following documentation:

- A. Proper application to the Board which includes, if applicable, providing evidence to the satisfaction of the Board that the NDSE Candidate is considered in good standing with all Dental Licensing or Regulatory Authorities in all jurisdictions in which the NDSE Candidate has been or is currently registered or licensed;
  - B. Evidence, to the satisfaction of the Board, of graduation from an Accredited Specialty Program; and
  - C. Evidence, to the satisfaction of the Board, that the person has passed the NDSE described in By-law 21.00.
- 12.02 The Board shall determine the format of a single type of Certificate to be issued to successful NDSE Candidates. The Certificate shall be signed by the President or Vice-President/Treasurer and the Registrar and shall bear the seal of the Corporation.
- 12.03 The Board shall immediately cancel and revoke an NDSE Certificate granted to a person who has
- A. engaged in fraud, dishonesty, cheating, or other misconduct in connection with the process or conduct of a Board examination.
  - B. not disclosed to the Board that his or her licence to practice dentistry, issued by any Dental Licensing or Regulatory Authority, has been or is suspended or cancelled.
  - C. violated the Board's copyrights, including but not limited to
    - (i) infringement of the Board's copyright of any or all examination questions posted on the website, distributed or provided at the time of the examination by reconstructing any or all examination questions through memorization, recollection, or digital recording or producing in any manner whatsoever the exact wording or the substance of the wording of questions or publishing, republishing, distributing, transferring, selling or sharing with any person, corporation, partnership or entity any or all examination questions or answers to those questions (hereinafter referred to as the "materials") without the prior written consent of the Board. Access to the Board's websites, including ndeb-bned.ca, does not constitute a license or a right to, without the Board's prior written express consent, do any of the following acts with respect to the materials: reproducing; distributing; publishing; editing; manipulating; translating; selling or offering for sale; whether alone or by adding answers, suggested answers, commentary, or adding any other additional content to the "materials"; or
    - (ii) infringement of the Board's trademarks including but not limited to, the unauthorized use of the name of the Board in both English and in French ("Le Bureau national d'examen dentaire du Canada"), NDEB, BNED, and the Board's logos. The use of these marks requires express written consent from the Board, and any unauthorized use is strictly prohibited.

## 13.00 The Dental Specialty Core Knowledge Examination

- 13.01 Persons applying to take the Dental Specialty Core Knowledge Examination (DSCKE) shall provide evidence to the satisfaction of the Board that they have
- A. graduated from a university-based undergraduate dental program; and
  - B. successfully completed a non-accredited specialty program affiliated with a Faculty/College/School of Dentistry that is located in a University that is authorized by Government to award degrees. The specialty program must be a specialty recognized by the Commission on Dental Accreditation of Canada.
- 13.02 A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process.

# V – Examinations

## 14.00 Written Examination

- 14.01 The Written Examination shall consist of one (1) examination taken in a one (1) day session or such other duration as determined by the Board from time to time.
- 14.02 The Board may establish obligations for Candidates as a condition for taking the Written Examination.
- 14.03 The passing standard for the Written Examination shall be established at the Annual Meeting of the Board, Interim meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 14.04 Results will be reported to Candidates as a "Pass" or "Fail". Candidates who receive a "Fail" result will also be given their equated, re-scaled score.
- 14.05 The Written Examination may be taken a maximum of three (3) times unless the Candidate qualifies pursuant to By-law 16.03.
- 14.06 On the first attempt, Candidates must take the Written Examination the day immediately before the day the Candidate takes the OSCE unless otherwise directed by the Board.

## 15.00 Objective Structured Clinical Examination (OSCE)

- 15.01 The OSCE shall consist of one (1) examination taken in a one (1) day session or such other duration as determined by the Board from time to time.
- 15.02 The Board may establish obligations for Candidates as a condition for taking the OSCE.

- 15.03 The passing standard for the OSCE shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 15.04 Results will be reported to Candidates as a "Pass" or "Fail". Candidates who receive a "Fail" result will also be given their equated, re-scaled score.
- 15.05 The OSCE may be taken a maximum of three (3) times unless the Candidate qualifies pursuant to By-law 16.03.
- 15.06 On the first attempt, Candidate's must take the OSCE the day immediately after the day the Candidate takes the Written Examination unless otherwise directed by the Board.

### 16.00 Repeating the Written Examination and the OSCE

- 16.01 If a Candidate fails either the Written Examination or OSCE then the Candidate has eighteen (18) months from the date the Candidate passed the Written Examination or OSCE to pass the failed examination. If a Candidate does not pass the failed examination within eighteen (18) months the result of the passed examination will be voided. The voided examination will not be considered as an attempt when calculating the number of times a Candidate may take the Written Examination and OSCE pursuant to By-law 14.00 and By-law 15.00.
- 16.02 Subject to By-law 16.03, a person is no longer a Candidate pursuant to By-law 8.00 if the person has failed either the Written Examination or the OSCE three (3) times.
- 16.03 A person who has failed either the Written Examination or the OSCE three (3) times ("Failures") may re-apply to be a Candidate provided the person
  - A. successfully completes an Accredited Degree Completion Program, an Advanced Education in General Dentistry Program, a General Practice Residency Program or a Dental Residency Program (hereafter "a Program") which the person has enrolled in and taken subsequent to the Failures, and not more than sixty (60) months have elapsed since the date of successful completion of such a Program; or
  - B. successfully completes the Board Equivalency Process described in By-law 10.00 which the person has enrolled in and taken subsequent to the Failures and not more than sixty (60) months have elapsed since the date of successful completion of the Board Equivalency Process.
- 16.04 A person who applies to become a Candidate under the circumstances described in By-law 16.03 must successfully pass both the Written Examination described in By-law 14.00 and the OSCE described in By-law 15.00 subsequent to becoming a Candidate through the process described in By-law 16.03.
- 16.05 A person who has failed the Written Examination or the OSCE three (3) times, and who fulfills one of the requirements described in By-law 16.03 and then subsequently fails the

Written Examination or the OSCE three (3) additional times, will no longer be a Candidate pursuant to By-law 8.00 and shall not be permitted to take any further Board examinations.

## 17.00 Assessment of Fundamental Knowledge

- 17.01 The Assessment of Fundamental Knowledge is an examination in a multiple-choice format. The examination must be taken in a one (1) day session or such other duration as may be determined by the Board from time to time.
- 17.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Fundamental Knowledge.
- 17.03 The passing standard for the Assessment of Fundamental Knowledge shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 17.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their equated, re-scaled score.
- 17.05 The Assessment of Fundamental Knowledge may be taken a maximum of three (3) times.
- 17.06 A person who has failed the Assessment of Fundamental Knowledge three (3) times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.
- 17.07 A person must pass the Assessment of Fundamental Knowledge before proceeding to the Assessment of Clinical Skills and the Assessment of Clinical Judgement.

## 18.00 Assessment of Clinical Skills

- 18.01 The Assessment of Clinical Skills is an examination to evaluate the skills of Participants through simulated dental procedures performed on manikins in a clinical setting. The Assessment of Clinical Skills must be taken in a two (2) consecutive day session or for such other duration as determined by the Board from time to time.
- 18.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Clinical Skills.
- 18.03 The passing standard for the Assessment of Clinical Skills shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or special meeting of the Board and shall be applied for a minimum of one (1) year, from the day the passing standard is established unless otherwise determined by the Board.
- 18.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their grade for each requirement.
- 18.05 The Assessment of Clinical Skills may be taken a maximum of three (3) times.
- 18.06 A person who has failed the Assessment of Clinical Skills three times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.

## 19.00 Assessment of Clinical Judgement

- 19.01 The Assessment of Clinical Judgement is an examination in the areas of diagnosis, treatment planning, clinical decision making and radiographic interpretation. The examination shall be administered in a one (1) day session or for such other duration as determined by the Board from time to time.
- 19.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Clinical Judgement.
- 19.03 The passing standard for the Assessment of Clinical Judgement shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 19.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their equated, re-scaled score.
- 19.05 The Assessment of Clinical Judgement may be taken a maximum of three (3) times.
- 19.06 A person who has failed the Assessment of Clinical Judgement three (3) times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.

## 20.00 National Dental Specialty Examination (NDSE)

- 20.01 The National Dental Specialty Examination (NDSE) shall consist of one (1) examination taken in a one (1) day session or such other duration as determined by the Board from time to time.
- 20.02 The Board may establish obligations for NDSE Candidates as a condition for taking the NDSE.
- 20.03 The passing standard for the NDSE shall be established at the Annual Meeting of the Board, Interim meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 20.04 Results will be reported to NDSE Candidates as a "Pass" or "Fail". NDSE Candidates who receive a "Fail" result will also be given their score.

## 21.00 Repeating the NDSE

- 21.01 An NDSE Candidate, pursuant to By-laws 12.01, who passes the NDSE but does not graduate within eighteen (18) months must retake and pass the NDSE after they have graduated.

## 22.00 Dental Specialty Core Knowledge Examination

- 22.01 The Dental Specialty Core Knowledge Examination is one (1) three (3) hour examination or such other duration as determined by the Board from time to time.
- 22.02 The Board may establish obligations for DSCKE Participants as a condition for taking the Dental Specialty Core Knowledge Examination.
- 22.03 Results will be reported to DSCKE Participants as a score.
- 22.04 The Dental Specialty Core Knowledge Examination may be taken a maximum of two (2) times.

## 23.00 Misconduct

- 23.01 The integrity of the Board's processes must be respected and maintained at all times. Any departure from the processes may result in immediate action or become the subject of subsequent action following an investigation of the suspected departure from the process.
- 23.02 If during the application process a person's application documentation is not valid, or a person compromises, in any manner whatsoever, the integrity of the application process,
- A. the Registrar may reject the application and
  - B. provide the person who made the application with written reasons for such rejection.
- 23.03. A person whose application has been rejected by the Registrar due to misconduct may submit a written appeal to the Board and the Board shall hear any such appeal in writing pursuant to the Board's Application Rejection Appeal Process. The Board may
- A. deny the appeal of a rejected application,
  - B. grant the appeal of a rejected application, or
  - C. make such other decisions as it determines is fair and reasonable in the circumstances of the application.
- Any such decision shall be communicated in writing to the person who appealed the rejection of their application. The decision of the Board shall be final.
- 23.04 If before, during or after an examination, the Board observes or receives information that an examinee as compromised, in any manner whatsoever, the integrity of an examination by allegedly committing misconduct, then the Registrar shall gather evidence and review the allegation of misconduct. Upon completion of this review, the Registrar shall
- A. dismiss the allegation of misconduct, or
  - B. refer the matter to the Examinations Committee.
- 23.05 The Examinations Committee shall consider the record of alleged misconduct as forwarded by the Registrar and make any one or more of the following determinations:
- A. dismiss the allegation of misconduct,
  - B. assign a grade of zero for any or all of the questions/requirements on an examination,
  - C. assign an overall grade of fail for the examination and grant permission to re-take the examination on or after a specified date,
  - D. assign an overall grade of fail for the examination and prohibit the Examinee from taking any future examinations,
  - E. require successful completion of courses as the Examinations Committee deems appropriate in the circumstances, or

- F. impose other sanctions, as the Examinations Committee determines to be appropriate, in the circumstances.
- 23.06 An examinee who has been found to have committed misconduct may appeal the decision or sanctions of the Examinations Committee by filing a written appeal with the Appeals Committee. Appeals must be filed within 21 days of the receipt of the decision of the Examinations Committee and state the relief sought and grounds for appeal.
- 23.07 The Chair of the Appeals Committee shall select three members of the Committee (Panel) to hear an appeal and appoint one of the three members to be Chair of the Panel. A member of a Panel is not permitted to hear an appeal if they participated in the Examinations Committee decision under appeal.
- 23.08 The Panel may
- A. hear the appeal in writing; or
  - B. permit oral submissions if the circumstances are considered exceptional.
- 23.09 Following a consideration of the relevant submissions, the Panel shall affirm, reverse, or modify the decision or sanction(s) of the Examinations Committee. The determination of the Panel is final.
- 23.10 Where it is considered to be warranted by the circumstances, the Panel may, in its discretion, award costs of the proceedings.
- 23.11 The Board may withhold the result from the examinee if
- A. the examinee is under investigation for misconduct pursuant to By-law 21.00, or
  - B. the examinee has failed in any obligation owed to the Board as a condition of taking an examination.
- 23.12 Without restricting the generality of By-law 23.00, an examinee shall be deemed to have compromised the integrity of the examination process if, at any time, an attempt is made, directly or indirectly, to contact members of the Board or Examiners outside the confines of an examination, for any reason pertaining to any aspect of an NDEB examinations. Any such communication must be directed to the Registrar.
- 23.13 Notwithstanding By-laws 23.03 to 23.04, if immediately prior to or during an examination a Board Official determines that an examinee has compromised in any matter whatsoever the integrity of the examination, the Board Official may immediately dismiss the examinee from the examination. The Board Official will provide a written report to the Registrar who will start an investigation as per stated in By-law 23.00.
- 23.14 No examinee with a pending allegation of misconduct can participate in an examination or be issued an NDEB Certificate until a final decision is rendered.
- 23.15 In the event an examinee is found to have committed misconduct after the granting of an NDEB Certificate, the Board may revoke the Certificate and advise the recipient and Provincial Dental Regulatory Authorities of the decision.

## 24.00 Appeals

24.01 Examinees who have taken the Written Examination, the OSCE, Assessment of Fundamental Knowledge, Assessment of Clinical Judgement, Dental Specialty Core Knowledge Examination, or National Dental Specialty Examination may, within one (1) month of the release of results, request verification of their score. Such requests must be accompanied by a filing fee as set by the Board. The score for the examinee will be that produced by the manual check. This score will determine whether a person passed or failed as established by By-laws 14.00, 15.00, 17.00, 19.00, 20.00 and 21.00.

## 25.00 Appeals of the Assessment of Clinical Skills

25.01 Within three (3) months of the release of results, an examinee who has failed the Assessment of Clinical Skills may make submissions in writing to the Appeals Committee of the Board setting out the grounds for requesting to have the Fail changed (hereafter "the Appellant"). Any such appeal must be accompanied by the filing fee as set by the Board.

25.02 If, on consideration of the appeal record as defined in the Assessment of Clinical Skills Appeal Process, the Panel of the Appeals Committee determines that there was a mistake of fact of such significance that it would have altered the appellant's Fail, then the appeal shall be upheld. The decision to uphold the appeal shall be final.

25.03 If, on consideration of the appeal record, as defined in the Assessment of Clinical Skills Appeal Process, the Panel of the Appeals Committee determines that there was no mistake of fact of such significance that it could have altered the appellant's Fail, then the appeal shall be dismissed. The decision to dismiss the appeal shall be final.

## 26.00 Exceptional Circumstances: Withdrawals and Compassionate Appeals

### A. Withdrawal

26.01 If, prior to the commencement of an examination, an examinee experiences serious medical circumstances or unanticipated exceptional circumstances beyond their control the examinee must withdraw from the examination. Notification of such a withdrawal must be provided in writing.

26.02 Failure to appear for an examination due to serious health circumstances or unanticipated extenuating circumstance beyond a person's control will be subject to the NDEB's policy regarding withdrawals due to medical or unanticipated exceptional circumstances beyond the person's control. Supporting documentation for the serious medical circumstances or unanticipated exceptional circumstances must be submitted.

26.03 An examinee who chooses not to withdraw when they have experienced serious medical circumstances or unanticipated extenuating circumstances beyond their control prior to taking an examination, will not be eligible to submit a compassionate

appeal or otherwise appeal their results of an examination citing serious medical circumstances or unanticipated exceptional circumstances. No such appeal will be heard.

#### B. Compassionate Appeal

- 26.04 An examinee who believes they have been prevented from demonstrating their ability during an examination by virtue of serious medical circumstances or unanticipated exceptional circumstances beyond the control of the examinee and which occurred during the examination may, within seven (7) days after the examination has concluded, submit a compassionate appeal to the Executive Committee.
- 26.05 Any such request for a compassionate appeal must be in writing and the examinee must describe and provide supporting documentation as per NDEB policies for the serious medical circumstances or unanticipated exceptional circumstances beyond the control of the examinee, which prevented the examinee from demonstrating their ability during the examination.
- 26.06 The Executive Committee may grant the compassionate appeal if satisfied that the serious medical circumstances or unanticipated exceptional circumstances beyond the control of the examinee which occurred during an examination prevented the examinee from demonstrating their ability during the assessment or examination. The determination of the Executive Committee shall be final.
- 26.07 In its discretion, and if warranted, the Executive Committee may grant a refund of fees.
- 26.08 In any event and under no circumstances will the Executive Committee hear a compassionate appeal that has been received by the NDEB on or after the day on which the grades for an examination have been released by the NDEB to an examinee.

### 27.00 Application

The provisions pertaining to appeals contained in By-laws 24.00 through 26.00 shall apply to all examinations taken after the enactment of these By-laws, including examinations taken prior to the enactment of these By-laws.

### 28.00 Test Accommodations

- 28.01 Board examinations are structured in such a way to permit examinees to demonstrate their knowledge and abilities. Examinees will be permitted to submit requests for test accommodation to address special requirements personal to them. Such a request for test accommodation must be made by a properly documented application prior to the applicable registration deadline date.
- 28.02 The Accommodation Request Form includes consent for the NDEB to contact any professional who submitted supporting documentation for the requested accommodation. The Registrar and Executive Director or designate may discuss the request for accommodation with the applicant for an accommodation or any

professional who provides supporting documentation. Such a discussion will be limited to the necessity to grant an accommodation and, if granted, the nature and extent of any such accommodation. The decision to grant an accommodation and the type of accommodation granted is at the sole discretion of the Executive Director and Registrar or their designate and will be valid for one examination session. The Board may reserve the right to determine the date, location and time of the examination or assessment session given that a type of accommodation may not be available at every site or on every date.

## 29.00 Administrative Review

- 29.01 At the sole discretion of the Registrar or the Registrar as directed by the Chair of the Examinations Committee, Chair of the Appeals Committee or by the Executive Committee may conduct an administrative review of any NDEB processes, procedures, examinations, or results for irregularities or inconsistencies.
- 29.02 If, upon completion of the administrative review the Registrar determines that there may be irregularities or inconsistencies that may have adversely affected the NDEB processes, procedures, examinations, or results then the Registrar shall:
- A. Report the finding to the Chair of the Appeals Committee or the Chair of the Examinations Committee. In the event the Executive Committee directs the Registrar to conduct an administrative review, then the Registrar will also report the findings to the Executive Committee.
    - i. If the findings of the Registrar relate to an irregularity or inconsistency in the administration of an examination or assessment then the Registrar, in consultation with the Chief Examiner, will take such action as they deem necessary to correct the irregularity or inconsistency.
    - ii. If the findings of the Registrar relate to an irregularity or inconsistency in the administration of the appeals process then the Registrar, in consultation with the Chair of the Appeals Committee, will take such action as they deem necessary to correct the irregularity or inconsistency.
  - B. Report the findings and decision of the Registrar and the Chief Examiner or Chair of the Appeals Committee to the Executive Committee and Board at the next meeting of the Executive Committee and Board, respectively.

# V. Special Temporary Measures

## 30.00 Time Limits

- 30.01 Due to the COVID-19 Pandemic, certain Board proceedings and activities, including examinations, have been suspended. Appropriate measures are being taken to ensure proper health protocols will be followed during the period of suspension and to ensure that all Board proceedings and activities, including those relating to the examinations, will be conducted properly and fairly when they resume.
- 30.02 Subject to any exceptions in By-law 30.03, where a By-law stipulates a time period or time limit and the time period or time limit expires on or after March 16, 2020, the time period or time limit is extended until such time as the Executive Committee determines Board proceedings and activities can be resumed ("The Resumption Notice"). The time periods or time limits for the following By-laws are hereby extended:
- A. By-law 8.01 A-D
  - B. By-law 8.04
  - C. By-law 16.01
  - D. By-law 16.03 A-B
  - E. By-law 25.00

30.03 The suspension and extension of time periods or time limits in the following By-laws are not extended:

A. By-law 8.01E

B. By-law 9.04

C. By-law 11.01

D. By-law 11.02

E. By-law 21.01

F. By-law 24.01

G. By-law 26.01

H. By-law 26.04

I. By-law 28.01  
30.04 Where a time period or time limit expired on or after March 16, 2020 and has been extended under By-law 30.02, that time period or time limit will commence 30 days after the Board posts The Resumption Notice.

30.05 The Special Temporary Measures only apply to time periods and time limits stipulated in these By-laws. All other provisions in the By-laws will continue to be applicable.

30.06 Pursuant to By-law 30.02, the Executive Committee has determined that Board proceedings and activities, including examinations, can be resumed (Resumption Notice). The Resumption Notice is made effective August 20, 2020. On September 15, 2020 the provisions in By-law 30.02 are revoked. Any time periods that were suspended and/or extended in By-law 30.02 will now be reinstated and calculated in accordance with provisions in these By-laws.

30.07 Due to the COVID-19 Pandemic, the Special Temporary Measures had the effect of suspending the activities of the Appeals Committee. Accordingly, By-law 30.05 and, on a temporary basis, By-laws 5.21 and 5.22 are hereby amended to extend the terms of any member of the Appeals Committee whose term would have ended on 31 December, 2020, and who consents, for one (1) more year to 31 December, 2021. Any such member of the Appeals Committee shall be deemed to have been elected on these terms in accordance with these By-laws.

# VI – Interpretation

## 31.00 Interpretation

- 31.01 In these By-laws and in all other By-laws of the Board hereafter passed, unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number and the feminine gender, as the case may be, and vice versa, and reference to persons shall include firms and corporations.
- 31.02 These By-laws are available in both English and French, and both versions are of equal effect. In the event of any inconsistency or error in translation between the English and French versions, the English version prevails.

ENACTED this 24 day of October 2020 to be effective November 2, 2020.

PRESIDENT

EXECUTIVE DIRECTOR AND REGISTRAR

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Dr. Dennis Fuchs

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Dr. Marie Dagenais