

The Myanmar Dental Council Law
(The Pyidaungsu Hluttaw Law No. 27, 2018)
The 8th Waxing Day of Tawthalin, 1380 M.E.
(17 September, 2018)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definitions

1. This Law shall be called the Myanmar Dental Council Law.
2. The following expressions contained in this Law shall have the meanings given below:
 - (a) **Dental and Oral Medicine** means the study of oral and dental care including the medical check-up, medical treatment and surgical treatment of dental, gingival, periodontal and oral diseases, prosthetic dentistry, conservative dentistry, orthodontic treatment, prevention of public dental and oral diseases, upgrading dental care and making dental and oral research;
 - (b) **Council** means the Myanmar Dental Council formed under this Law;
 - (c) **Board of Patrons** means the Board of Patrons of the Council;
 - (d) **Executive Committee** means the Executive Committee of the Council;
 - (e) **Council member** refers to any member of the Myanmar Dental Council;
 - (f) **Registration certificate** means the dental practitioner certificate issued by the Council under this Law;
 - (g) **Dental practitioner** refers to a person who has been issued the dental practitioner certificate by the Council under this Law;
 - (h) **Dental practitioner license** means the general practitioner license, special practitioner license or limited practitioner license issued by the Council under this Law;
 - (i) **General dental practitioner license** means the dental practitioner license issued to a Myanmar dental practitioner who has obtained a degree from any local and international University of Dental Medicine or any Medical Collage

- recognized by the Council, and who has served house surgeonship prescribed by the Council;
- (j) **Special dental practitioner license** means the dental practitioner license issued to a qualified dental practitioner who has obtained the postgraduate degree or post graduate diploma recognized by the Council in accordance with stipulations;
 - (k) **Limited dental practitioner license** means the dental practitioner licence issued by the Council in accordance with stipulations to a foreign dental practitioner who has obtained a dental degree recognized by the relevant Foreign Dental Council recognized by the Council;
 - (l) **University of Dental Medicine** means a University which confers the Degrees of the Dental and Oral Medicine;
 - (m) **Recognition certificate** means a certificate issued by the Council in accordance with the stipulations to a person who is a dental nurse, an oral hygienist, a prosthetist or a dental assistant;
 - (n) **Dental nurse** refers to a person who has been issued a certificate as a dental nurse by the Council under this Law;
 - (o) **Oral hygienist** refers to a person who has been issued a certificate as an oral hygienist by the Council under this Law;
 - (p) **Dental and Oral Medicine College** means a College which may confer the Degrees of the Dental and Oral Medicine;
 - (q) **Prosthetist** refers to a person who has been issued a certificate as a prosthetist by the Council under this Law;
 - (r) **Dental assistant** refers to a person who has been issued a certificate as a dental assistant by the Council under this Law.

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 quality of health care services of dental practitioners;
- (c) to have opportunity to study the oral and dental science with international standards;
- (d) to enable the dental practitioners to study the development of the oral and dental science continuously;
- (e) to maintain the dignity of the dental practitioners;
- (f) to supervise the dental practitioners to observe their ethical standards;
- (g) to control the rights of a dental practitioner, a dental nurse, an oral hygienist, a prosthetist and a dental assistant, and to protect their benefit;
- (h) to provide assistance for creating a pleasant surrounding for the dental and oral treatment.

Chapter III

Formation of the Myanmar Dental Council

4. (a) The Union Government shall form the Board of Patrons comprising the Union Minister of the Ministry of Health and Sports, and two eminent and retired dental practitioners.
- (b) The Board of Patrons shall form the Council with 35 Council members as follows:

- two rectors and two professors from the University of Dental Medicine and a dental practitioner from the Ministry of Health and Sports, a representative from the Myanmar Dental Association, a representative from the Directorate of Medical Services, Office of the Commander in Chief (Army) 7 persons
- (i)
- two dental practitioners who are under 35 years of age and elected by dental practitioner licence holders 2 persons
- (ii)
- two retired rectors, two retired professors from the University of 11 persons
- (iii)

Dental Medicine and seven Council members who are elected by dental practitioner licence holders

dental practitioners for each Region or State including the Union

- (iv) Territory who are elected by dental practitioner licence holders from 15 persons the Union Territory and the relevant Region or State
 - (c) The Board of Patrons shall form the Election Commission on the Member of the Myanmar Dental Council comprising five members.
 - (d) The Council is an independent organization which has the right of succession with its own name and logo, the right to sue or to be sued in accordance with the law.
 - (e) The Executive Committee shall be formed with secret votes of 35 elected members comprising 13 members who are a Chairman, a Vice-Chairman, a Secretary, a Joint-Secretary, a Treasurer, an Auditor and 7 members of the Executive Committee.
 - (f) The Chairman of the Council is the Chairman of the Executive Committee.
5. The Chairman, Vice-Chairman and Secretary of the Executive Committee shall fulfill the following qualifications:
- (a) being a person who can serve the full-time duties of the Council;
 - (b) being a person who can lead, manage and supervise the activities of the Council;
 - (c) being a reputed person in dental science.
6. (a) (i) The term of the Council is five years from the date of formation.
- (ii) The Chairman of the Council shall serve not more than two terms.
- (iii) The interim period as the Chairman shall not be counted as the term of the Chairman of the Council.
- (iv) The Council shall carry out its functions until the formation of the new Council after the expiry.
- (b) The qualifications of the Council members are as follows:
- (i) a person who has obtained the dental practitioner licence, and who is in good health;

- (ii) a person who holds the dental practitioner licence at least 15 years other than the provisions of clause (ii) of sub-section (b) of section 4;
- (iii) a person whose profession is dental and oral medicine.

Chapter IV

Duties and Powers of the Council

7. The duties of the Council are as follows:
- (a) recognition of or refusal to recognize degrees of the Dental and Oral Medicine conferred by any local or foreign University or College of Dental Medicine or any other organization formed for oral and dental science;
 - (b) issuing degree of the Dental and Oral Medicine certificates recognized by the Council from time to time;
 - (c) determining ethics to be observed by dental practitioners and the supervision of them;
 - (d) publishing lists of registered dental practitioners and dental practitioner license holders from time to time;
 - (e) reviewing to maintain and upgrade the quality and standards of dental care of the dental practitioners, if necessary, and communicating with government departments and local and foreign organizations;
 - (f) prescribing criteria required for maintaining and upgrading the levels of dental care including the government and private hospitals, clinics, prosthetic dentistry, and cooperating with, advising and reporting to the Ministry of Health and Sports;
 - (g) reviewing the advanced teaching system for dental and oral medicine to upgrade the teaching system of dental and oral medicine and to evolve qualified dental practitioner, coordinating with and directing to the training or teaching departments of respective University, and reporting to the Ministry of Health and Sports;
 - (h) opening necessary training courses in order to issue a certificate and scrutinizing the issue of the certificate in accordance with stipulations;

- (i) inquiry, examination and action for the failure to observe in conformity with the ethics of dental practitioners and dental practitioner licence holders;
- (j) protecting dental practitioners, dental practitioner licence holders, dental nurses, oral hygienists, prosthetists and dental assistants in accordance with existing laws.

8. The powers of the Council are as follows:

- (a) forming the following committees and assigning functions of each committee:
 - (i) scrutiny committee for the degree from Myanmar and foreign countries;
 - (ii) scrutiny committee for the registration certificate and dental practitioner license;
 - (iii) ethics and disciplinary committee;
 - (iv) standardization committee;
 - (v) scrutiny committee for skill development of dental and oral science;
 - (vi) scrutiny committee for the training on recognition certificate and skill development; and
 - (vii) other necessary committees.
- (b) issuing, refusing, cancelling or revoking the registration certificate for a limited period;
- (c) issuing, refusing, cancelling or revoking the dental practitioner license for a limited period, reissuing the license after scrutiny;
- (d) determining a term, renewal of the term, or refusing to renew the term of the dental practitioner license;
- (e) issuing, refusing or revoking the recognition certificate;
- (f) communicating and cooperating with the Ministry of Health and Sports, international and regional or local and foreign government departments, organizations and experts for matters that are beneficial to the State, and the dental and oral science;
- (g) prescribing and collecting registration fees, dental practitioner license fees, renewal fees for the dental practitioner license, overdue fees, exam fees and other general service fees;

- (h) assigning duties and conferring powers of the Council to the Executive Committee;
- (i) exercising the power conferred by the Ministry of Health and Sports from time to time.

Chapter V

Resignation from and Termination of the Council Member and Filling Vacancies

9. If any of the following matters occurs, the Council shall terminate any member from the Council member:
 - (a) decease;
 - (b) resignation on his own volition;
 - (c) failure to attend the meeting of the Council for three consecutive times or for five times inconsecutively without asking for leave from the Council;
 - (d) going abroad for six months and above without asking for leave from the Council,
 - (e) deregistration from the register of dental practitioners;
 - (f) cancellation or revocation of the dental practitioner licence for a limited period;
 - (g) being punished with imprisonment for any offence relating to any misconduct prescribed by the Council;
 - (h) finding out failure to observe the moral ethics by the Council;
 - (i) failure to carry out the duties assigned by the Council.
10.
 - (a) The Board of Patrons shall substitute a vacancy if the Council member is directly elected by the Board of Patrons.
 - (b) If the vacancy is the elected Council member, he shall be elected and substituted in accordance with the procedures.
 - (c) The term of the Council member who has been substituted or elected under sub-section (a) or (b) shall be up to the expiry of the remaining tenure of the Council.
11. Any Council member who wishes to resign from the Council member shall submit a resignation to the Council.

Chapter VI

Holding Meetings

12. The regular meeting of the Council shall be held once in every four months. The special meeting may be held, if necessary.
13. (a) The meeting of the Executive Committee shall be held once in two months. The special meeting may be held, if necessary.
(b) The approval shall be obtained by submitting the performances of the Executive Committee at the nearest regular meeting of the Council.
14. In holding the meeting of the Council or the Executive Committee, the meeting shall be valid if more than half of the total numbers who have the right to attend the meeting are present.
15. The Council and the Executive Committee may report their performances to the Myanmar Dental Association, the Myanmar Medical Council, the Myanmar Traditional Medical Council, the Myanmar Nurse and Midwife Council and the Myanmar Medical Association which are associated with dental practitioners, from time to time.

Chapter VII

Formation of the Staff Office and Assigning Duties

16. In order to carry out the functions and duties of the Council and the Executive Committee, the Council shall:
 - (a) appoint a Head of Office, a Deputy Head of Office and a Registrar, and assign duties;
 - (b) appoint the necessary staff, and assign duties.

Chapter VIII

Finance

17. The Council shall incur the expenditures of the Council, the Executive Committee and the Staff Office.
18. The Council may incur allowance and remuneration from its fund for the members of the Council who are not civil service personnel.

19. The Council shall set up a fund with the following receipts to implement the provisions of this Law:
 - (a) registration fees, license fees, renewal fees, overdue fees, exam fees and fees that are collected from the expenditures of other general services;
 - (b) donation and financial assistance provided by local and foreign organizations and donors;
 - (c) the accrued income from the fund.
20. The Council shall accept donation and other assistance from local and foreign organizations and donors, and has the authority to manage on such account in accordance with the existing financial regulations.
21. The Council shall stand on its own fund. If it is insufficient, the Council may request to cover the expenditures from the Union Budget through the Ministry of Health and Sports with the approval of the Union Government.
22. The Council shall regulate financial activities in accordance with the existing financial regulations and directives.

Chapter IX

Registration Certificate of a Dental Practitioner

23. Any citizen who has obtained any of the following degrees or the Bachelor of Dental Surgery which is recognized by the Council under sub-section (b) of section 7, and wishes to obtain the registration certificate, may apply to the Council in accordance with the stipulations after the completion of house surgeonship. On the receipt of the application, the Council shall transfer it to the Executive Committee for scrutiny:
 - (a) the Bachelor of Dental Surgery conferred by any local University of Dental Medicine;
 - (b) the Bachelor of Dental Surgery conferred by any foreign University or College of Dental Medicine or any organization established for dental education, and recognized by the Council.
24. The Executive Committee:

- (a) may issue or refuse to issue the registration certificate after scrutinizing the application made under section 23 in accordance with the stipulations and causing the registration fees to be paid;
 - (b) shall register the name and personal data of the dental practitioner who has been issued the registration certificate under sub- section (a).
25. The Council shall cancel the registration certificate or revoke it for a limited period on finding that any of the following matters has occurred relating to any registered dental practitioner:
- (a) being convicted by a court for any offence related the ethics of a dental practitioner and determined by the Council as being unsuitable to continue to serve as a dental practitioner;
 - (b) being unsuitable to serve as the dental practitioner due to violation of ethics of a dental practitioner;
 - (c) performing duties of a dental practitioner carelessly or negligently.

Chapter X

Recognition Certificate of Dental Nurses, Dental Hygienists, Prosthetists or Dental Assistants

26. The citizen who has obtained any of the following degrees, diplomas or certificates may apply the recognition certificate to the Council in accordance with stipulations. On the receipt of the application, the Council shall transfer it to the Executive Committee:
- (a) the degree or diploma or training completion certificate conferred by any local University of Dental Medicine;
 - (b) the degree, diploma or training completion certificate conferred by any foreign University or College of Dental Medicine or any organization formed for dental science, and recognized by the Council;
 - (c) the recognition certificate conferred by the Council.
27. The Executive Committee:
- (a) may issue or refuse to issue the recognition certificate after scrutinizing the application made under section 26 and causing the registration fees and other prescribed fees to be paid;

- (b) shall register the name and personal data of dental nurses, dental hygienists, prosthetists and dental assistants who have been issued the recognition certificate under sub-section (a).
28. The Council shall cancel the recognition certificate if it finds that any of the following facts of dental nurses, dental hygienists, prosthetists and dental assistants has occurred:
- (a) being convicted by any offences related to the misconduct prescribed by the Council that they are unsuitable to serve as dental nurses, dental hygienists, prosthetists or dental assistants;
 - (b) being unsuitable to serve as dental nurses, dental hygienists, prosthetists or dental assistants due to their misconduct;
 - (c) performing duties by dental nurses, dental hygienists, prosthetists or dental assistants carelessly or negligently.

Chapter XI

Dental Practitioner License

29. (a) If any dental practitioner intends to practice dental and oral medicine, he shall apply to obtain the general practitioner license to the Council in accordance with stipulations. On the receipt of the application, the Council shall transfer it to the Executive Committee.
- (b) The Executive Committee shall issue the general practitioner license to a dental practitioner if he fulfills the prescribed qualifications after scrutinizing the application made under sub-section (a), and causing the license fees to be paid, and may refuse to issue the license if he is disqualified.
30. (a) Any dental practitioner who has obtained the general practitioner license and fulfilled the prescribed qualification shall apply the special practitioner license to the Council in accordance with the specifications. On the receipt of the application, the Council shall transfer it to the Executive Committee for scrutiny.

- (b) The Executive Committee shall issue the special practitioner license after scrutinizing the application made under sub-section (a), and causing the licence fees to be paid, and refuse to issue the license if he is disqualified.
31. (a) If any foreign dental practitioner wishes to practice dentistry in Myanmar, he shall apply the limited practitioner license to the Council in accordance with stipulations. On the receipt of the application, the Council shall transfer it to the Executive Committee for scrutiny.
- (b) The Executive Committee may issue or refuse to issue the limited practitioner license by limiting branches of dental science, the locality and period after scrutinizing the application made under sub- section (a), and causing the license fees to be paid.
32. If the general practitioner license holder or special practitioner license holder intends to extend the term of the practitioner license, he shall apply it to the Council 60 days prior to the date of expiry. On the receipt of the application, the Council shall transfer it to the Executive Committee for scrutiny.
33. The Executive Committee shall scrutinize the application applied for the extension of the practitioner license under section 32, and may extend or refuse to extend the license.
34. The Council may cancel or revoke the practitioner license for a limited period if it is found any of the following facts of a dental practitioner:
- (a) deregistration;
 - (b) incapacity for practicing dentistry according to the examination of Medical Board prescribed under the law;
 - (c) performing duties by a dental practitioner carelessly or negligently;
 - (d) misconduct by a dental practitioner;
 - (e) disqualification of a dental practitioner;
 - (f) failure to extend the term of the dental practitioner license without reasonable grounds during the specified period prescribed by the Council.

Chapter XII

Duties and Rights of the Dental Practitioner and the Dental Practitioner License Holder

35. Any dental practitioners or dental practitioner license holders shall:
- (a) abide by this Law, rules, regulations and bye-laws, notifications, orders, directives and procedures issued by this Law;
 - (b) observe the ethics of a dental practitioner adopted by the Council;
 - (c) have the right to submit to insert the additional qualification such as the Bachelor of Dental Science, diploma awarded after obtaining the registration certificate in accordance with stipulations;
 - (d) have the right to give advice to the Council for the achievement of its duties and functions;
 - (e) have the right to present his grievances to the Council, and to take advice from the Council.
36. The dental practitioner license holder shall have the right to practice the dentistry in accordance with the specifications according to the types of the dental practitioner license.
37. In electing 13 members of the Council to be elected with majority votes, or each member of the Council represented for the Union Territory, the Region or State concerned, or in electing members represented for their regions concerned, the dental practitioner license holder:
- (a) has the right to vote;
 - (b) has the right to be elected as a member of the Council or a member of the Executive Committee if he fulfills the prescribed qualifications.

Chapter XIII

Appeal

38. (a) Any person who is dissatisfied with an order made by the Executive Committee shall appeal to the Council within 60 days from the date of the order or decision.
- (b) The Council may approve or amend or cancel the order of the Executive Committee after examining the appeal filed under sub-section (a).

- (c) The decision of the Council made under sub-section (b) shall be final.

Chapter XIV

Prohibitions

39. No one shall practice dental and oral medicine without a dental practitioner licence.
40. No dental practitioner license holder shall assign duty to any other person except the person who has obtained the license, registration certificate, recognition certificate, permit, training completion certificate or evidence issued by the relevant department, organization or Council in practicing the dentistry.
- Proviso: In case of assigning duty to any other person except the person who has obtained the degree, diploma or training completion certificate contained in sub-sections (a) and (b) of section 26, this provision shall not be applicable if the Council provides necessary training within three years from the date of enactment of this Law and it shall be unable to issue the recognition certificate to this person.
41. No dental practitioner shall use his name against terms and expressions which are inappropriate to the degree, rank or know-how which he has obtained.
42. No dental practitioner shall mention any additional dental qualification such as the diploma, degree, etc. against his name without the approval of the Council that he has been registered in the list of dental practitioners.

Chapter XV

Penalties

43. Whoever violates the prohibition contained in section 39 shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of three years, and shall also be liable to a fine.
44. Any dental practitioner license holder who violates the prohibition contained in section 40 shall, on conviction, be punished with a fine from a minimum of five hundred thousand kyats to a maximum of one million kyats.
45. Any dental practitioner who violates the prohibition contained in section 41 shall, on conviction, be punished with a fine of five hundred thousand kyats.

46. Any dental practitioner who violates the prohibition contained in section 42 shall, on conviction, be punished with a fine of three hundred thousand kyats.

Chapter XVI

Miscellaneous

47. The medical certificate which is not signed by any dental practitioner license holder shall not be counted as an official medical certificate.
48. The registration certificate and the dental practitioner license issued under the Myanmar Dental Council Law (The State Peace and Development Council Law No. 15/ 2011) shall be valid until the expiry. After the expiry, if dental practitioners intend to practice the medical treatment with dental science, they shall perform their duties in accordance with this Law.
49. The rules, orders and directives issued by the Myanmar Dental Council Law (The State Peace and Development Council Law No. 15/ 2011) shall continue to be applicable as long as they are not contrary to this Law.
50. The funds owned by the Myanmar Dental Council established under the Myanmar Dental Council Law (The State Peace and Development Council Law No. 15/2011) or movable property and immovable property or ongoing activities or finishing activities or assets and liabilities shall devolve on the Council respectively.
51. The Myanmar Dental Council formed under the Myanmar Dental Council Law (The State Peace and Development Council Law No. 15/ 2011) shall carry out duties, and exercise powers before establishing the Council under this Law.
52. To implement the provisions of this Law:
- (a) the Ministry of Health and Sports may issue rules, regulations and bye-laws with the approval of the Union Government;
 - (b) the Council may issue notifications, orders, directives and procedures.
53. The Myanmar Dental Council Law (The State Peace and Development Council Law No. 15/ 2011) is hereby repealed.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

(Sd.) Win Myint

President

Republic of the Union of Myanmar