

Dental insights

Is your radiology equipment registered and your radiology licence up-to-date?

The use and licensing of radiology equipment in South Australia is controlled and managed by the South Australia Environment Protection Authority (EPA), which administers the *Radiation Protection and Control Act 1982* and the *Radiation Protection and Control (Ionising Radiation) Regulations 2015*.

The EPA's Radiation Protection Branch deals with radiology equipment within healthcare, which includes regulating the acquisition, licensing, safe use, transport, storage and disposal of radiation equipment.

Dental practitioners are reminded to be vigilant about compliance with registration and licence requirements for onsite radiology equipment.

Meridian Lawyers has assisted practitioners in statutory investigations regarding lapses in licences and unregistered equipment, in circumstances where the renewal or transfer of the radiation licence to a new owner following the purchase of a dental practice was omitted.

These circumstances created potentially strict liability offences:

- on the part of the practice vendor, who was no longer managing the radiology equipment sold with the practice but was still registered to the vendor; and
- on the part of the practice purchaser, who was using and managing the practice's radiation equipment but omitted to renew its registration.

The issue came to a head when the practice vendor returned from overseas to find radiation licence and equipment renewal documents from the regulator, which he forwarded to the practice purchaser to deal with.

The legislation in South Australia

The legislative provisions relating to use of radiology equipment in a dental practice in South Australia are contained in the following legislation:

- *The Radiation Protection and Control Act 1982*
- *Radiation Protection and Control (Ionising Radiation) Regulations 2015*

Consequences of non-compliance

Breaches of legislation and regulations for use and licence of radiology equipment are punishable by prosecution, which carries a risk of criminal conviction as well as prison sentence and substantial civil penalty.



By Tamir Katz, Special Counsel
T 03 9810 6745
E tkatz@meridianlawyers.com.au

Such matters, irrespective of whether the regulator decides to prosecute, can be notified to the Australian Health Practitioner Regulation Agency for the Dental Board of Australia to investigate the responsible dentist's professional conduct and to pursue disciplinary action as appropriate.

What should dentists do?

The South Australia Environment Protection Authority has a website page dedicated to radiology for dental professionals, as follows:

http://www.epa.sa.gov.au/business_and_industry/radiation/dental_professionals

Dentists are encouraged to review the website and to remain vigilant about their responsibilities and obligations in connection with radiology in the dental practice.

Practitioners are especially reminded to remain aware of these requirements and obligations during the course of a sale or purchase of a dental practice where, in our experience, such matters can be forgotten or neglected, and only discovered some time later when an adverse event sheds light on the issue.

The radiology requirements are ongoing. This update should serve as a reminder to practitioners to check that their radiology equipment, licenses and procedures are current and compliant, and to ensure that a robust system is in place to track and manage ongoing compliance.

FOR FURTHER INFORMATION PLEASE CONTACT:

TAMIR KATZ, SPECIAL COUNSEL
E: TKATZ@MERIDIANLAWYERS.COM.AU
T: 03 9810 6745

KELLIE DELL'ORO, PRINCIPAL
E: KDELLORO@MERIDIANLAWYERS.COM.AU
T: 03 9810 6775

Disclaimer: This information is current as of March 2017. This update does not constitute legal advice. It does not give rise to any solicitor/client relationship between Meridian Lawyers and the reader. Professional legal advice should be sought before acting or relying upon the content of this update.