

Code of Ethics Regulations (Regulation No. 3)

made under Sections 33, 45 and 52 of the

Dental Act

S.N.S. 1992, c. 3

O.I.C. 93-858, N.S. Reg. 165/93

as amended by O.I.C. 97-588, N.S. Reg. 119/97

September 3, 1997

Consolidation prepared by
the Registry of Regulations
Halifax, Nova Scotia

Code of Ethics Regulations (Regulation 3)
made under Sections 33, 45 and 52 of the
Dental Act

- 1** The Canadian Dental Association Code of Ethics, revised August, 1991, shall be the Code of Ethics to be observed by licensed dentists in Nova Scotia.
 - 2** In addition to Section 1, the sale of consumer oral care products for profit in or from a dental office is unprofessional and unethical.
- Section 2 added: O.I.C. 97-588, N.S. Reg. 119/97.**

CANADIAN DENTAL ASSOCIATION CODE OF ETHICS

PREAMBLE

PURPOSE

This Code of Ethics is a set of principles of professional conduct to which dentists must aspire to fulfill their duties to their patients, to the public, to the profession, and to their colleagues. This Code affirms or clarifies principles that are definitive of professional and ethical dental care. For those about to enter the profession, this Code identifies the basic moral commitments of dentistry and will serve as a source for education and reflection. For those within the profession, this Code provides direction for ethical practice; in so doing, it also serves as a basis for self-evaluation. For those outside the profession, this Code provides public identification of the profession's ethical expectations of its members. Therefore, this Code of Ethics is educational, guides behavior and expresses to the larger community the values and ideals that we espouse by reason of trust and commitment.

PRINCIPLES

This Code is the national guideline of, and expresses the values shared by, the dental profession across Canada. In each province, the licensing bodies have adopted comparable or similar Codes of Ethics to guide and set standards for their jurisdictions.

A dentist's foremost responsibility is to the patient. Dentistry is a profession, in part, because the decisions of its members involve moral choices. Every dental practitioner makes decisions that involve choices between conflicting values while providing care for patients. These values should be carefully considered by a dentist and decisions regarding them should be made prior to providing treatment. Among these are the particular values to which the dental profession is especially committed. These are listed here in the order of priority beginning with the most important and include:

Life and Health: The primary concern is the life and general health of the patient.

Appropriate and Pain
Free Oral Function: The specific nature of dental health for each individual patient depends on variables including the patient's age, general health, underlying anatomy, and compliance with oral hygiene.

Patient Autonomy: The patient has the right to choose, on the basis of adequate information, from alternate treatment plans that meet professional standards of care. The treatment plan chosen by the patient may or may not be that which the dentist would prefer.

Practice Preferences: Dentists vary in the range of services performed and the method of delivery of those services.

A dentist's individual preference in the delivery of dental care plays an important role in treatment recommendations and decisions. This preference should be acknowledged by the patient.

Aesthetic Values: Oral and facial appearance is important to the self-image of the patient and an important consideration of dental practice.

Cost: Dentistry often offers treatment choices with a range of costs. Appropriate treatment alternatives are to be presented each with its associated costs and benefits.

Under certain circumstances, a lower ranked value may justifiably be chosen over the next higher. These circumstances will depend upon the clinical situation that may arise. Other external factors may be present but rarely be of such ethical significance as to outweigh the prioritized values, particularly the higher values.

SUMMARY

This Code is intended to guide a dynamic process of interaction between a dentist and patient, and the dental profession and the larger community. It reflects not only current thought on issues, but is also an ethical framework that is responsive to changing needs and values. While change is inevitable - certain truths will always remain for us to identify in our response to the human condition.

To emphasize, the dentist's primary responsibility is to the patient. In fulfilling this responsibility, the dentist shall uphold the honor and the dignity of the profession and shall adhere to professional codes and obligations as well as the required applicable legislation.

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RESPONSIBILITIES TO PATIENTS

ARTICLE 1: SERVICE

As a primary health care provider, a dentist's first responsibility is to the patient. As such, the competent and timely delivery of quality care within the bounds of clinical circumstances presented by the patient, shall be the most important aspect of that responsibility.

ARTICLE 2: COMPETENCY

The privilege of dentists to be accorded professional status rests primarily in the knowledge, skill, and experience with which they serve their patients and society. All dentists, therefore, must keep their knowledge of dentistry contemporary, and must provide treatment in accordance with currently accepted professional standards.

A practitioner should inform the dental licensing authority when a serious injury, dependency, infection or any other condition has either immediately affected, or may affect over time, his or her ability to practice safely and competently.

ARTICLE 3: CONSULTATION AND REFERRAL

Dentists shall provide treatment only when qualified by training or experience; otherwise a consultation and/or referral to an appropriate practitioner is warranted.

ARTICLE 4: EMERGENCIES

A dental emergency exists if professional judgment determines that a person needs immediate attention to relieve pain, or to control infection or bleeding. Dentists have an obligation to consult and to provide treatment in a dental emergency, or if they are unavailable, to make alternative arrangements.

ARTICLE 5: PROVISION OF CARE

A dentist shall remember the duty of service to the patient and therefore is responsible to provide for care to all members of society. A dentist shall not exclude, as patients, members of society on the basis of discrimination which may be contrary to applicable human rights legislation. Other than in an emergency situation, a dentist has the right to refuse to accept an individual as a patient on the basis of personal conflict or time constraint.

ARTICLE 6: DELEGATION OF DUTIES

Dentists must protect the health of the patients by delegating duties or procedures only to those persons qualified by skill, training and licensure.

ARTICLE 7: ARRANGEMENTS FOR ALTERNATE CARE

A dentist having undertaken the care of a patient shall not discontinue that care without first having given notice of that intention and shall endeavor to arrange for continuity of care with colleagues.

ARTICLE 8: CHOICE OF TREATMENT

A dentist must discuss with the patient treatment recommendations including benefits, prognosis and risks, reasonable alternatives and associated costs to allow the patient to make an informed choice.

A dentist shall inform the patient if the proposed oral health care involves treatment techniques or products which are not in general recognized or accepted by the dental profession.

ARTICLE 9: CONFIDENTIALITY

Patient information acquired in the practice of dentistry, shall be kept in strict confidence except as required by law.

ARTICLE 10: GUARANTEE

A dentist must, neither by statement or implication, warrant or guarantee the success of operations, appliances or treatment. A dentist has the responsibility to provide a high standard of care and accept responsibility for treatment rendered.

ARTICLE 11: PROVISION OF INFORMATION

A dentist is obligated to provide to the patient fair comment and opinion of their oral health.

ARTICLE 12: RECORDS

A dentist must establish and maintain adequate records of medical-dental history, clinical findings, diagnosis and treatment of each patient. Such records or reports of clinical information must be released to the patient or to whomever the patient directs, when requested by the patient. Original records should be retained and a duplicate provided.

RESPONSIBILITIES TO THE PUBLIC

ARTICLE 1: REPRESENTATION

Dentists should represent themselves in a manner that contributes to the esteem of the profession. Dentists shall not represent their education, qualifications or competence in any way that would be false or misleading.

ARTICLE 2: CONTRACTUAL SERVICES

A dentist, by entering into a contract with an organization or other party involving the practice of dentistry, neither reduces personal professional responsibilities nor transfers any part of those ethical or legal responsibilities to that organization or other party.

ARTICLE 3: CHOICE OF DENTIST

A dentist shall at all times respect and support the public's right to a free choice of dentist. A dentist must not participate in any plan, scheme or arrangement which might limit or interfere with a person's freedom or ability to choose a dentist.

ARTICLE 4: FEES AND COMPENSATION FOR SERVICE

A dentist is responsible to establish justifiable fees for professional services performed. While a dentist is entitled to reasonable compensation for services performed, a dentist may not enter into an arrangement with another dentist, or person, whereby one receives part of the fee paid to the other, or by way of commission or discount, for the referral of patients.

ARTICLE 5: THIRD PARTY FEES

Dentists must ensure that any claims for services to third party insurers accurately reflect the services rendered. A dentist must not increase fees to a patient solely because that patient has a dental plan or third party coverage, nor shall a dentist decrease fees to a patient solely because that patient does not have a dental plan or third party coverage.

ARTICLE 6: COMMUNITY ACTIVITIES

Dentists by virtue of their education and role in society, are encouraged to support and participate in community affairs, particularly when these activities promote the health and well-being of the public.

ARTICLE 7: MARKET ADVOCACY

Dentists must not lend their name or provide written testimonial for reward or not, to any product or material offered to the public.

RESPONSIBILITIES TO THE PROFESSION

ARTICLE 1: SUPPORT OF THE PROFESSION

Society provides the profession the privilege of self-regulation. This responsibility is borne and

implemented by professional associations and licensing bodies. Therefore, dentists have an obligation to participate in the advancement of the profession, support of its professional organizations and to observe applicable Codes of Ethics.

ARTICLE 2: INAPPROPRIATE CONDUCT

A dentist has an obligation to report to the appropriate review body, unprofessional conduct or failure to provide treatment in accordance with currently accepted professional standards.

ARTICLE 3: ADVERTISING

Dentists should build their reputation on their professional ability and integrity. Dentists should participate in health promotion programs that are in the best interest of the public and supported by the profession. Dentists shall conduct any promotional activity in accordance with acceptable professional standards and within applicable legislation.

ARTICLE 4: PROFESSIONAL EQUALITY

The profession should be viewed as a partnership of equals. Although interests and expertise may vary, all dentists are colleagues that have equal moral status and obligation in the decision making process of the activities of the profession.

ARTICLE 5: PATENTS AND COPYRIGHTS

Dentists have the obligation of making the results of their investigative efforts available to all when they are useful in safeguarding or promoting the health and well-being of the public.

Patents and copyrights may be secured by a dentist provided that they and the remuneration derived from them are not used to restrict research, practice, or the benefits of the patented or copyrighted material.

RESPONSIBILITIES TO COLLEAGUES

ARTICLE 1: CONSULTATION AND REFERRAL

When a patient is referred to another dentist for consultation and/or treatment, a dentist, upon completion of the care contemplated in the referrals, shall return the patient to the referring dentist.

ARTICLE 2: JUDGEMENTS IN PEER RELATIONS

A dentist should not make disparaging comments of the procedures or qualifications of a colleague to a patient or the public. In the interest of the public dentists are encouraged to consult with a previous dentist, concerning treatment rendered. Through discussion, it should be possible to advise a patient how to achieve an appropriate resolution.