

Dental ethics

Professional Ethics Review

Lec 3&4.

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What is meant by the “best interests” of our patients?

The “best interests” of our patients means that professional decisions by the dentist must consider patients’ values and personal preferences. This requires that dentists carefully communicate with their patients, and listening is of paramount importance. Sometimes patient desires conflict with professional recommendations. Patients must be informed of possible complications, alternative treatments, advantages and disadvantages of each, costs of each, and expected outcomes. Together, the risks, benefits, and burdens can be balanced. It is only after such consideration that the “best interests” of patients can be assured.

What is “paternalism?”

Interfere with a person's autonomously chosen action when that action is harming or is very likely to harm only the chooser. Such interference is often called paternalistic and the view that it is sometimes justifiable to interfere to prevent harm to the one interfered with is often called paternalism

The word paternalistic is sometimes applied to interventions with a person who does not know, or is assumed to not know, that his or her action will be harmful.

Paternalism is literally to act as a father (or parent). In dentistry, it can involve a dentist overriding the autonomous decision of a competent patient for that patient’s own benefit. It is the dentist’s responsibility to determine the decision-making capacity of each patient with the help of appropriate surrogates. The patient’s values may conflict with the dentist’s recommendations, and these conflicts may lead to paternalistic decisions.

For example, the dentist may decide to withhold information from a competent patient in order to unduly influence the patient. The dentist must consider the patient’s values and personal preferences, and the dentist must involve the patient in the decision making process if the patient is considered capable. Sometimes patients do not understand the consequences of their requests or have unrealistic expectations of outcomes. In such instances,

additional patient education or explanation to a competent surrogate is needed. For patients with compromised capacity, the dentist has an ethical obligation to inform responsible parties about treatment choices, costs, possible complications, and expected outcomes when determining what is in the patient's best interests.

Is good risk management good ethics?

Good risk management is not necessarily good ethics. Risk management decision processes often differ from decision processes based on ethical principles. Risk management decisions are typically made from the dentist's or institution's perspective—and for their benefit. Decision processes based on ethical principles always consider the patient's best interests, as well as the patient's values and preferences. Risk management processes and decisions that do not include the perspective of the patient may be unethical.

What about compromising quality?

There are times when a dentist may face the decision to compromise quality. This may be because of the limited financial resources of the patient, reimbursement restrictions imposed by dental insurance plans, patient values or preferences, or other factors. Compromise must not occur simply because the dentist is willing to "cut corners." These limitations or restrictions may divert the direction of the overall case from "ideal," but they should never affect the quality of the separate components comprising the final treatment plan. The goal should be to perform each treatment step to its highest standards.

For example, if the final decision, considering all limitations, is to place a less costly type of restoration instead of a more durable or esthetic (but more expensive) restoration, then the dentist is obligated to place the less costly restoration competently. The dentist is also obligated to collaborate with the patient during the decision-making process. It is unethical to knowingly provide substandard care.

A dentist may outline what treatments or materials are precluded, limited, or preferred. Many materials have alternatives, but to compromise quality, such

as by using products with expired dates or from dubious sources, is unacceptable.

When the treatment is unsuitable, the appropriate action is to explain the situation to the patient and offer a referral to a practice that can handle the patient's needs.

What are codes of ethics?

Many dental organizations have published codes of ethical conduct to guide member dentists in their practice. For example, the American Dental Association has had a Code of Ethics since 1866. A code of ethics marks the moral boundaries within which professional services may be ethically provided. Codes of ethics and professional guidelines have quasi-legal force; non-compliance can result in sanctions from censure to loss of professional status.

Should I care more about being legal or being ethical?

Most laws and regulations that govern dentistry do not normally prompt ethical conflicts. Many laws, such as those governing discrimination or informed consent, have inherent ethical underpinnings. There is a moral obligation to follow the law and, therefore, ethical analyses need to take into account the relevant statutes and court decisions.

When conflicts do arise, the choice between being legal and being ethical can be difficult. For any legal, legislative, or judicial resolution to a problem, one should ask, "Is the law a good one?" or "Was the court right?" It is often argued by ethicists that ethics, not law, establishes the ultimate standards for evaluating conduct. It is a professional obligation to work with colleagues to overturn unjust laws, i.e., those that are in conflict with the best interests of patients and the public. It is conceivable that a dentist's attempt to act ethically could be contrary to law. In such dilemmas, the dentist must weigh all possibilities before taking conscientious action. When ethics and law seem to be in conflict, one should consider seeking counsel from peers who have responsibility in such matters before taking action that violates legal standards. Actions that violate legal standards may prompt serious consequences.

For example, many jurisdictions have laws for the mandatory reporting of suspected child abuse. Dentists should be aware of the legal requirements for

the disclosure of patient information where they work. However, legal requirements can conflict with the respect for human rights that underlies dental ethics.

For example, it is preferable that a parent suspected of child abuse call the child protection authorities in the dentist's presence to self-report, or that the dentist obtain the parent's consent before the authorities are notified. This approach will prepare the way for subsequent interventions. If such co-operation is not forthcoming and the dentist has reason to believe that any delay in notification may put a child at risk of further harm, then the dentist ought to immediately notify child protection authorities and subsequently inform the parent or guardian that this has been done.