

**Code of Practice relating to:**

# Professional Behaviour and Ethical Conduct

Promoting transparency and enhancing public  
confidence in the dental profession

February 2012

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## Introduction

Welcome to the Dental Council's updated 'Professional Behaviour and Ethical Conduct'. We intend this booklet to be useful to both the dental profession and members of the public.

The Dental Council promotes high standards of professional conduct and professional education because society expects the dental profession to safeguard patients' health and safety and to act in their patients' best interest at all times.

Moral principles do not stay the same and need to evolve. They are influenced by the world in which we live including the changing relationship between patient and dentist. We acknowledge that evolution and invite you to reflect on the uniqueness of every patient-dentist relationship. In this booklet we set out to inform you of the moral code overseeing the care of dental patients. In doing this, we renew our commitment to high standards of patient welfare and safety while respecting the rights of those affected by this Code.

We want you to understand the ethical duties expected of dentists. Our Code does not attempt to prescribe for all possible events that may occur in the patient-dentist relationship. We encourage you to consider how the profession can serve the best interests of a patient and their communities.

**Dr Eamon Croke**  
President

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## Guiding principle of the Code

Section 66 of the Dentists Act 1985 requires the Dental Council to guide the dental profession on everything to do with ethical conduct and behaviour. As a practising dentist, we expect you to meet the highest standards of professional practice and behaviour and to uphold the good reputation of the profession in the community.

If you fail to comply with this guidance, it may result in fitness to practise proceedings being taken against you under the Dentists Act 1985

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## General principle of the Code

To promote confidence and trust between you, your patients and the wider community, you should aim to:

- safeguard the health and safety of your patients;
- promote the dental welfare of the community; and
- maintain appropriate standards in all aspects of your life, both personal and professional.

Additionally, you should never knowingly give false, incorrect or misleading information to a patient, the Dental Council or any third party.

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## Your responsibility to your patients

### Welfare

- 3.1 Your main duty is to ensure the safety and welfare of your patients no matter what their:

- gender;
- marital status;
- family status;
- sexual orientation;
- religion;
- age;
- disability;
- race; or
- membership of the Traveller community.

- 3.2 You must try to care and treat all patients and always act in their best interest.
- 3.3 You must show courtesy and respect in all your dealings with patients.

### Emergency care

- 3.4 We expect you to make reasonable arrangements to give your patients access to emergency out-of-hours care.
- 3.5 You must always respond to a dental emergency even if the emergency involves patients who do not normally attend your practice.

### Insurance

- 3.6 You must hold appropriate professional indemnity cover (insurance).

### Knowledge and skills

- 3.7 You must keep your professional knowledge and skills up-to-date and undertake continuing professional development (CPD).

## Treating your patients

### No commission

- 4.1 You must not pay or accept commission in return for obtaining patients.

### A patient's best interest

- 4.2 You must not encourage a patient to undergo any treatment that is not in their best interest.

### Unjustified or unwanted treatment

- 4.3 You should only carry out treatment which you can justify.
- 4.4 You should not carry out treatment that is against your patient's wishes. In the case of a dependant patient (for example, a child), you must respect the wishes of their parent or guardian.

### Your competence

- 4.5 You must only undertake treatments that you are competent to complete safely and to a satisfactory standard.
- 4.6 If you do not have the necessary skills to carry out a recommended treatment, you should refer the patient to another dental healthcare professional who does.

### Treatment must be completed

- 4.7 If you accept a patient for treatment, you must complete the agreed course of treatment safely and to a satisfactory standard.

### Patient information

- 4.8 You must not give your patient an unrealistic expectation about the outcome of treatment.
- 4.9 You should talk through the risks of any

treatment with your patient before carrying out the treatment.

- 4.10 If you are proposing a new or untested treatment for a patient that does not have a sound evidence base, you must tell them the treatment is new and talk through the risks associated with it.

### Patients entitled to a second opinion

- 4.11 Patients are entitled to a second opinion. If a patient requests it, you should refer them to another dental health professional.

## Communicating with your patients

- 5.1 It is essential that you maintain good communication with your patients. Before you begin any treatment, you must be satisfied that your patient understands:

- the diagnosis;
- treatment plan;
- likely outcomes; and
- the costs involved.

This is particularly important if your patient's first language is different to your own.

### Patients' questions

- 5.2 You must be prepared to respond to your patients' questions:
- professionally;
  - openly;

- honestly; and
- using language they can understand.

### Give patients a full explanation

5.3 You have a duty to explain to your patients the range of treatment options available and the risks associated with each option. You must give your patients enough information, in language they understand, so they can make informed decisions about their care.

### Complaints procedure

5.4 We expect your practice to have a complaints procedure on public display which clearly outlines how:

- to make a complaint; and
- how your practice would deal with it.

This procedure should identify by name the person who deals with patients' complaints.

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### Professional fees

6.1 You must present your fees:

- in an open and transparent way; and
- in accordance with the Dental Council's Code of Practice relating to the Display of Private Fees.

You must:

- provide an estimate of the cost of treatment options;
- get your patient's agreement before the treatment commences; and
- give receipts for payments made.

### Estimates

6.2 We recommend that you give an estimate of costs in advance and in writing. If the estimate needs to be revised as treatment progresses, you should give a full explanation of the revised costs as early as possible.

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### Patient consent

7.1 You must get the informed consent of your patient before you begin any treatment.

### Approach to consent

- 7.2 You must obtain verbal or written consent, including consent to treatment costs, before starting treatment. Getting written consent is recommended when the patient is undergoing extensive treatment.
- 7.3 You **must get written consent** if the treatment is being carried out under sedation or general anaesthesia.
- 7.4 You must get the consent of a parent or guardian for a patient under 16 years of age. This is required by law. We recommend, though, that you talk to a child or young adult about their treatment and give them enough information to help them be part of the consent process.

### Vulnerable adults

7.5 If you believe that an adult patient does not have the mental capacity to give informed consent, you should reach an agreement about treatment with the person who is closest to the patient – for example, a relative or carer.

- 7.6 This agreement with a third party has no legal basis under current Irish law. The legal position around consent and vulnerable adults requires legislation. But in exercising a duty of care to your patient, you must, at all times, act in the patient's best interests. If it's appropriate, you may look for a second opinion before you begin treating an adult patient who you believe to have reduced capacity.

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## Adverse events

A patient may be injured as a result of the treatment of a condition rather than the condition itself – something unplanned sometimes happens during the care of a patient. Management of a patient's treatment includes all aspects of care, including diagnosis or failure to diagnose and treatment or failure to treat.

An unforeseen event may also happen due to a problem arising in the system of care or the equipment used in the delivery of care. Most adverse events in dentistry are minor, such as the fracture of a file in a tooth when performing a root canal treatment. However, they can be very significant, for example:

- a patient can have a significant allergic reaction to a medication or to an anaesthetic; or
- an X-ray machine can develop a fault resulting in a patient receiving more radiation than had been intended.

Adverse events may be preventable or non-preventable.

- 8.1 In the event of an adverse incident you must do all that is needed to ensure the safety and health of your patient.

### You must tell your patient

- 8.2 You must tell your patient of the nature and possible consequences of an adverse event should one occur in the course of treatment.
- 8.3 You must respond openly, honestly and professionally to any questions from your patient or, where appropriate, a parent, guardian or carer, in language they can understand.

### Communicate with third parties

- 8.4 Where there has been a system or equipment failure resulting in an adverse event, you should notify all relevant authorities as soon as possible.
- 8.5 You must co-operate with a third-party investigation of an adverse event, including reporting such an incident to the appropriate authority, when legally required to do so.

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## Patient records

- 9.1 You must keep accurate and up-to-date records for all your patients. You must keep these records in a safe place and, in the case of adults, for eight years after the last treatment.

### Child and young adult records

- 9.2 In the case of children and young adults,

records must be kept until the patient's 25th birthday; or their 26th birthday if the young person was 17 when they finished treatment. If a patient dies before their 18th birthday, records must be kept for eight years.

### You must transfer records when asked

- 9.3 You must transfer your patient records to another practice if you get clear instructions from a patient to do so.

### You must give patients their records when asked

- 9.4 You must, in keeping with the Data Protection Acts, give a patient a copy of their dental records if they request this in writing. This includes their dental X-rays or copies of them. You may do this free of charge or there might be a nominal charge. You must provide this information even if the patient's account is outstanding.
- 9.5 You must respond to a patient's request for information under the Data Protection Acts within 40 days.
- 9.6 To minimise the use of ionising radiation, you can lend or give copies of a patient's radiographs to another dentist, but only if you have the patient's consent.

### If your practice closes or changes ownership

- 9.7 If your practice is closing or changing ownership, you must arrange for the safekeeping and storage of patient records.

Records must be available when requested by patients and given to them within a reasonable period of time.

### Data protection

- 9.8 You must comply with Data Protection legislation in relation to the storage and disposal of dental records. Records should be disposed of using a secure method of destruction. Certification of the destruction should be kept in the practice.

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## Confidentiality

- 10.1 All dental healthcare workers and staff within your dental practice must respect patient confidentiality. Disclosing information about a patient's attendance or any other aspect of their care should only happen with the patient's consent, except in the following circumstances:
- when disclosure is required by law;
  - when it is directed by a court of law, tribunal or other body established by an Act of the Oireachtas;
  - when it is necessary to protect the interest of the patient; or
  - in exceptional circumstances, when it is necessary to protect the public interest.
- 10.2 If a patient's information is disclosed for any of these reasons, the patient should be told about the disclosure and the reason for it.
- 10.3 Patient confidentiality should be respected even after the patient has died.

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## Patient welfare

11.1 Your duty to act in the best interests of patients means that you must engage with the relevant authorities to promote the provision of appropriate healthcare resources and facilities.

### Suspected abuse

- 11.2 You must be familiar with the national guidelines for the protection of children. You must report your concerns to the appropriate authority if you have reasonable grounds to suspect that a child:
- may have been abused;
  - is being abused; or
  - is at risk of abuse.
- 11.3 You should also notify the appropriate authorities if you have reasonable grounds to suspect that vulnerable adults or elderly patients are being abused.

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## Professional relationship with patients

12.1 You must respect the special professional relationship that exists between a dentist and patient. You must not do anything that takes advantage of, or abuses, that relationship.

### Presence of third person is recommended

12.2 When you are treating a patient, we strongly recommend that you have a third person present in the surgery throughout the procedure and, if necessary, in the recovery room.

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## Other professional responsibilities

### Health and safety

13.1 You must keep your practice premises to a safe and acceptable standard and they must comply with Safety, Health and Welfare at Work legislation and other relevant statutory regulations.

### Infection control

- 13.2 All dental healthcare professionals must comply with the latest Dental Council code of practice on infection control.
- 13.3 You are responsible for standards of hygiene

12.3 If you employ other dental healthcare professionals, you should make sure that a third person is present when they are treating patients.

### You do not have to put yourself at risk

12.4 You are not obliged to put yourself or other dental practice staff at risk of undue harm in circumstances where a proper professional relationship cannot exist, for example if a patient is drunk or becomes abusive towards you or your staff.

### Referring a patient if your relationship breaks down

12.5 You must, with your patient's agreement, refer your patient to a competent colleague if the professional relationship between you breaks down during the course of treatment.

and infection prevention and control undertaken by support staff.

### Delegated staff

- 13.4 You are responsible for any service or treatment that you have delegated staff to carry out.
- 13.5 You must make sure that any person giving a service or treatment on your behalf is professionally competent and is qualified to do so.

### Staff training

- 13.6 You should encourage all members of your dental healthcare team to avail of relevant training and to obtain relevant qualifications. You should provide reasonable assistance to them so they can achieve this.

### Your own health

- 13.7 You must maintain your own health, both physical and mental, so you are fit enough to satisfactorily carry out your duties as a dentist.

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## Ceasing practice

- 14.1 You must arrange to look after your patients if you leave your dental practice.
- 14.2 You must make reasonable efforts to tell patients if your practice is closing or changing ownership.

### After your death

- 14.3 You must make sure that, in the event of your death, adequate instructions and

arrangements exist within the practice to allow access to patient records and provide continuity of care.

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## Your responsibility to the community

- 15.1 As a practising dentist, you should take on a responsible role in the community and try to promote measures to improve the health, and especially the oral health, of the community. You should be prepared to get involved in oral health promotion programmes, but in so doing, you must not promote your own practice or canvass for patients.

### Professional conduct

- 15.2 Your conduct should not lower the public's opinion of the profession. The abuse of alcohol and other drugs by a dentist is not acceptable and could leave you liable to proceedings for professional misconduct.

### Social media

- 15.3 Your use of social media (such as Facebook, Twitter and so on) should be responsible and discreet. Indiscretion in the use of social media is not acceptable and could leave you liable to fitness to practise proceedings.

## Your responsibility to the profession

16.1 You must maintain the honour, morality, dignity and integrity of the dental profession.

### Respecting other dental health professionals

16.2 You must not make disrespectful or derogatory comments about the skills and services of other dental health professionals or about the profession in general.

16.3 You must not criticise the treatment offered by a colleague simply because there is a difference of clinical opinion between you and it is not the treatment you would provide.

16.4 If in the course of your work you believe that the treatment provided by another dentist is unsatisfactory, you should inform the patient using factual and objective terms.

### Patients have a right to choose

16.5 Patients have a right to choose the dentist from whom they wish to receive treatment.

### You must not canvass for patients

16.6 You must not canvass for patients or try to persuade patients to leave another dentist or practice. This is particularly important when a dentist is leaving a practice.

### Referral for other treatment

16.7 Where a dentist refers a patient to a specialist, or other suitably competent colleague, they should be referred back when that treatment has been completed. If

further care is required this should be arranged in the best interest of the patient and with the consent of the patient. The original referring dentist must be advised.

16.8 You must tell the patient if there is a need for further dental care, and if appropriate, advise the patient that it is good practice to attend a general practice dentist regularly.

### Register of dentists

16.9 As a practising dentist you must ensure that your name, as registered in the Register of Dentists maintained by the Dental Council, is visible and accessible to your patients.

### Legitimate qualifications

16.10 You must not give any false impressions about your qualifications. For example, your practice stationery or your practice wall sign should only list the qualifications you hold and the services you are qualified to offer. Your listed qualifications should be the same as those recorded in the Register of Dentists maintained by the Dental Council.

## Your relationship with the Dental Council

17.1 You cannot practise dentistry unless you are registered in the Register of Dentists maintained by the Dental Council.

### Concern about a colleague

17.2 If you are concerned that a colleague may be putting a patient's safety at risk or may be unable, because of physical or mental problems (either temporary or permanent), to provide a competent service to patients, you must report the matter to the Dental Council.

### Employing dental healthcare staff

17.3 If you employ or engage other dentists, you must make sure they:

- are registered on the Register of Dentists;
- remain registered while employed; and
- have adequate professional indemnity cover.

17.4 If you employ or engage dental hygienists, orthodontic therapists or clinical dental technicians, you must make sure that they:

- are registered on the appropriate register maintained by the Dental Council;
- remain registered while employed; and
- have adequate professional indemnity cover.

17.5 You must make sure that the regulations relating to the carrying out of duties and the conditions under which the duties are performed are observed, if you employ or engage:

- dental hygienists;

- orthodontic therapists;
- dental nurses; or
- clinical dental technicians.

### Communicating with the Dental Council

17.6 You must reply in a timely manner to a communication from the Dental Council or any of its committees. You may wish to consult with your professional indemnity provider or legal advisor before so doing.

17.7 You must tell the Dental Council about any disciplinary matters you were involved in, or convictions against you, even if they may have happened in another country after you registered as a dentist in Ireland.

## General

### Codes of practice

- 18.1 You must comply with all Codes of Practice and Guidance issued by the Dental Council.
- 18.2 You must comply with the terms of all Codes of Practice issued by the Radiological Protection Institute of Ireland.

### National regulations

- 18.3 You must comply with the national regulations regarding prescribing, controlling and the safe storage of drugs. You have a right to prescribe drugs, but you must only do so in the course of your practice as a dentist.

### Legal requirements

- 18.4 You must comply with all legal requirements that relate to your practice as a dentist.

## Acknowledgements

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