

DRAFTS DENTISTS (CODE OF ETHICS) REGULATIONS, 2003

1. Short title and Commencement :

- a) These regulations may be called the Dentists (Code of Ethics) Regulations 2003;
- b) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions in these regulations, unless the context otherwise requires

- a) 'Act' means the Dentists Act, 1948 (16 of 1948);
- b) All expressions used and not defined in these regulations shall have the meanings assigned to them in the Act.

3. Declaration :

Every Dentist who has been registered (either in Part A or Part B of the State Dentists Register) shall, within a period of 1 year from the date of commencement of these regulations, and every Dentist who gets registered after the commencement of these regulations be provided a copy of the declaration which they shall agree to abide by, sign duly and submit to the Registrar of the State Dental Council at the time of applying for a renewing their registration. A copy of the Declaration is provided as **Appendix 1**.

4. Responsibilities of Dentists in General :

- a) Dentists shall be mindful of the high character of their profession and the responsibilities they hold in discharging their duties. The prime objective of the profession is to render service to humanity and reward or financial gain is a subordinate consideration.
- b) Dentists shall be prompt in discharging their duty without anxiety, be diligent in caring for the sick and strive to merit patient confidence by rendering quality service with devotion. The profession ability, fidelity and personal reputation are any Dentist's best recommendations.
- c) Dentists shall display the registration number accorded to them by the State Dental Councils in all prescriptions, certificates and money receipts issued by them. In Hospitals, where there are many Dentists and patient load is heavy, it is important that the name of the prescribing Dentists be written below their signatures.
- d) Dentists shall display as suffix to their names only recognized academic qualifications as defined in *clause (j) of section 2 of the Act* and such memberships or honors that are conferred in recognition of exemplary achievements. It would be unethical to use abbreviations such as, for example, *M.I.D.A.* to designate oneself as Member of Indian

Dental Association since it is neither academic nor an exemplary achievement and can mislead patients or public to believe so.

- e) Dentists shall maintain patient records as well as a register of certificates, money receipts and official notifications issued by them such that they can be referred to and made available if requested for by the patient or legal authorities. Such registers should be maintained for a period of at least 3 years for every patient. A sample copy each of Patient Record and Certificate is provided as **Appendix 2 and 3**, respectively.
- f) Dentists shall, as far as possible, prescribe drugs rationally and using generic names. In this context, Dentists shall follow relevant rules made under (i) *Drugs and Cosmetics Act 1940*; (ii) *Pharmacy Act, 1948*; (iii) *Narcotic Drugs and Psychotropic Substances Act, 1985*.
- g) Dentists shall strive for excellence in their profession by attending at least one Continuing Dental Education Programmes annually and affiliating with at least one Dental society or association in their area.
- h) Dentists shall practice stringent infection control procedures in their operatories to control the spread of communicable diseases. Self immunization by Dentists against fatal diseases such as hepatitis B is one such, highly ethical, step in patient and public health interest.
- i) Dentists shall comply with guidelines outlined in (i) *Biomedical Waste (Management & Handling) Rules, 1998*; (ii) *Environmental Protection Act, 1986* for safe disposal of waste generated in their operatories with special emphasis on mercury, blood stained material and sharps such as needles and blades.
- j) Dentists shall observe the laws of the country in regulating the practice of their professions, i.e. (i) *Dentists' Act, 1948*; (ii) *Consumer Protection Act, 1986* and shall also not assist others in evading such laws.
- k) Dentists shall promptly inform the concerned State Dental Council about any change of address.
- l) Due to their work profile and wide public dealing, Dentists can inform and help Civil authorities control notifiable diseases such as A.I.D.S.; and human rights violations, viz. child abuse, quackery, etc.

5. **Obligations of Dentists towards Patients and Public :**

- a) Dentists shall treat the welfare of their patients as paramount to all other considerations and to the utmost of their ability. Although Dentists are not bound to treat every patient asking for care, no Dentist can arbitrarily refuse treatment in case of an emergency when patient's life could depend on the Dentists' timely attention and skill.
- b) Dentists shall not permit consideration of religion, caste, race, nationality, party politics or social standing to intervene in their duties towards the patients.

- c) Dentists shall not refuse treatment to any patient on the grounds that the patient suffers from communicable diseases such as Hepatitis B or A.I.D.S.
- d) Dentists shall play an impartial role when it comes to rendering or not rendering treatment to any patient since results can not always be guaranteed. It would be unethical to enter into a contract of “no cure, no payment” for the same reason. Hence influencing the choice of Dentists rests best in public’s hands.
- e) Dentists, once having undertaken a case, shall neither neglect the patient nor withdraw from the case without giving adequate notice to the patients or the patients’ representative.
- f) Dentists shall neither exaggerate nor minimize the gravity of patients’ condition and communicate to the patients or their representative any relevant information that is in best of their health interest.
- g) Dentists shall announce their fee to the patient before rendering service and adhere with as much uniformity as the varying circumstances may admit to the remuneration for professional services. Display of information pertaining to facilities offered and fee structure by the Dentists in their chambers is, for example, a recommended step for the same.
- h) Dentists shall always keep all the information of a personal nature that they get to know about a patient, directly or indirectly in the course of their professional practice, in utmost confidence and be mindful that all other staff employed by them also observes this rule. This is so since the information gained from a patient is privileged and a Dentists is not bound to disclose professional secrets, except; (1) with the consent of the patient, or (2) on asked for by a court of law, or (3) in circumstances where there is a serious and identified risk to a specific person and/or community, or (4) patient suffers from a notifiable disease.
- i) Dentists shall take the informed consent of their patients or patients’ representative before:
 - (i) performing high-risk Dental procedures, (ii) subjecting them to clinical trials, and (iii) publishing such photographs or case reports by which their identity can be revealed. Consent of a nearest relative/guardian is required in case the patient is a minor or when patient is physically or mentally incompetent. Such informed consent shall be preferably written and taken after explaining the purpose, methodology, riskd involved, alternative strategies and prognosis of the procedure. A sample copy of the Consent Form is enclosed as **Appendix 4.**
- j) Ethical guidelines prescribed by Indian Council of Medical Research must be stringently followed in cases of research involving human subjects.
- k) Dentists shall avoid seeking unnecessary consultation for their patients. However in doubtful or difficult conditions the Dentists shall request consultation and all statements to the patient of their representatives should take place in the presence of the consulting Dentists, except as otherwise agreed.

- l) When Dentists' have any incapacity that is detrimental to their patients' health or when skills required lie outside the scope of their training then the patients may be referred by them to a competent Dentist.
- m) When patients are referred to specialists by the attending Dentist then a case summary of the patient shall be given to the specialists who may communicate their opinion in writing. The specialists may also prescribe medicines in case of emergency or in case the attending Dentist is on leave.
- n) Dentists shall prescribe antibiotics, radiographs and laboratory investigations judiciously and not in a routine manner.
- o) Dentists shall can make variations in the treatment plan if any unexpected change occurs in-between, provided that the reasons for variations are explained to the patients or patients' representatives during subsequent consultation.
- p) Dentists, as good citizens and possessed of special training, can disseminate advice and build consensus on health issues. Community service is a social obligation of the professionals that makes both the Dentists and the profession respected, and should be looked upon as complimentary and not competitive to private practice.
- q) Dentists shall observe punctually in fulfilling their appointments and be courteous, empathetic as well as dignified when dealing with their patients.

6. **Duties of the Dentists towards each other :**

- a) Dentists shall consider it as a pleasure and privilege to render gratuitous service to other Dentists and their immediate family members.
- b) Dentists have the obligation of not referring disparagingly to the care provided by another Dentist. However justifiable criticism of incompetent or corrupt, dishonest or unethical conduct on the part of any member of the Dental profession is obligatory in health interest of the patient and public.
- c) A Dentist can institute correct treatment on a patient who is suffering from previous faulty treatment. A dentist may further report to the State Dental Council about instances of gross and continued faulty treatment performed on patients by another Dentist.
- d) When a Dentist is invited for consultation, the Consultant shall not take charge of the case on the solicitation of the patient alone, unless asked to do so by the Dentist-in-charge. In official cases when a Dentist is deputed to see and report about a particular patient, he/she shall communicate to the Dentist in attendance the option of being present at that time.
- e) A Consultant shall discuss the diagnosis as well as treatment plan with the referring Dentist and not indulge in criticism or rivalry in front of the patient.

- f) Differences of opinion between Dentists shall not be divulged unnecessarily but when there is irreconcilable difference of opinion the circumstances should be frankly and impartially explained to the patients or patients' representatives. It would be left to the patients to seek further advice if they so desire.
- g) Whenever Dentists request another Dentist to attend their patients in time of temporary absence from practice, it is professional courtesy to accept such appointments and honour mutual agreements made regarding remuneration. The acting Dentist should retire in favour of regular Dentists upon their return.
- h) Practicing Dentists shall encourage and help newcomers in the field to float in the spirit of healthy competition rather than sink others.
- i) Dentists shall use the range of usual, customary and reasonable fee for service that is being charged in their area of practice as a guide to establish a fee profile which is fair and justifiable in conjunction with their expertise and facilities offered by them. Charging under or over that range shall be construed as highly unethical.

7. **Responsibilities of Dentists towards Dental Auxiliaries :**

Dentists shall recognize and promote the practice of such Dental Auxiliaries, viz. Dental Hygienists and Dental Mechanics, who are registered in Part "B" of State Dentists Register.

8. **Unethical Practices :**

Dentists shall not aid or abet or commit any of the following acts which shall be construed as unethical:

- a) Violate any of the aforementioned ethical codes of conduct.
- b) Employ such Dentists and Dental Auxiliaries who are not registered in State Dentists Register to practice Dentistry as defined in *clause (d) of section 2* of the Act.
- c) Sign under their name and certificate that is untrue or misleading, and prescribe or endorse testimonials of any drug, medicine, nostrum remedy, apparatus or secret therapeutic agents. However they may patent appliances and medicines or copyright procedures so long as benefits of the same are readily available in large public health interest.
- d) Solicit patients directly or indirectly by employing agents or by making use of their personal names in advertisements that are of such a character that would ordinarily result in self-aggrandizement or false claims of any nature. Dentists are, however, permitted to make a formal announcement in press regarding the following: (i) On starting practice, (ii) On change of type of practice, (iii) On changing address, (iv) On temporary absence from duty, (v) On resumption of another practice, (vi) on succeeding to another practice, and (vii) Public declaration of charges.

- e) Print self-photograph, or any such material of publicity in the letterhead or on signboard. It is also improper to use unusually large signboards as may reasonably be required to indicate the premises at which Dental practice is carried on; and write on them anything other than name, qualifications with titles and registration number.
- f) Receive, give or offer any commission or gift in consideration of or return for referring, recommending or procuring patients.
- g) Sell medicines or appliances that are prescribed by Dentists other than the Dispensing Dentist.
- h) Affix signboards on a Pharmacy or shop where the Dentist does not reside or practice.
- i) Promise radical cure using secret methods or deceptive words such as "*Painless extraction of teeth, Laser light (for light cure), etc*"
- j) Conduct immoral acts involving abuse of professional relationship.
- k) Connive or aid in any kind of illegal or unfair practice of trades by agreeing to accept undue favours in cash or kind.
- l) Inflict, aid, abet or conceal torture in clear violation of human rights, e.g. practice euthanasia.
- m) Name their solo or multi-specialty private Dental clinic as a "*Research Centre*" or "*Hospital*".
- n) Enable or issue certificates of efficiency in performing Dental procedures to untrained persons.
- o) Contribute lay articles or give deceptive interviews in press that draw attention to the Dentists skills or their opinions on commercial articles and secret therapeutic techniques that contravene provisions made under ***Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954***. However Dentists may bring to public notice any matter that may serve the Oral Health interest of the community. Dentists are also encouraged to conduct research and development activities related to indigenization of technology and help the country achieve its national goal of self-reliance.

9. **Controlling unethical practices :**

Professionalism brings with it an ethical responsibility. Although all ethical issues may not be clear-cut, the Ethical Code of Conduct for Dentists serves as guidelines to be followed when distinction has to be made between right and wrong and duty has to be followed without spoiling the spirit of good interpersonal relations. Every Dentist must take care that the code is not violated in letter or spirit. Upon any complaint of breach of regulations as mentioned in ***Regulation 8***, the concerned State Dental Council shall hold an inquiry and give equal opportunity to the patients or patients' representative as well as the Dentists to be heard. A peer group shall decide whether the reported complaint tantamounts to in-famous conduct in any professional respect or contravenes any of the provisions of the regulations. The decision on

the complaint shall be taken in a fixed time frame of 6 months and in case a Dentist is found guilty of committing any unethical act, the Registrar of State Dental Council may award such disciplinary action as deemed necessary under **section 41 of the Act**.

APPENDIX 1

SCHEDULE

FORM OF DECLARATION

(See Regulation 3)

1. I solemnly pledge myself to devote my life to the cause of serving humanity in the field or Dental care;
2. I shall not use my Dental knowledge contrary to the laws of humanity;
3. I shall permit consideration of religion, nationality, race, caste and creed, party politics or social standing to intervene in my duty towards my patient and the profession;
4. I shall look after the Dental health of my patient as my first consideration;
5. I shall honour the secrets which are confided in me by my patients during the professional services;
6. I shall always maintain the honour and noble traditions of the Dental profession;
7. I shall deem it an honour to cherish a proper pride in my colleagues and shall not disparage them by my actions. Deeds or words;
8. I shall give to my teachers the respect and gratitude which is their due;
9. I shall practice my profession with conscience and dignity and desist from using a degree/diploma or an abbreviation indicating or implying a Dental qualification, which is not in accordance with the definition of 'recognized Dental qualification';
10. I shall abide by the various provisions of the Dentists Code of Ethics Regulations (2003) as enunciated by the Dental Council of India under Dentists' Act 1948, and not indulge in any activity that might bring discredit to the Dental profession.

DATE:

Signature: _____

PLACE:

Name of Dentist:

Registration No.:

State:

APPENDIX 2

FORMAT FOR PATIENT RECORD

PATIENT'S NAME : CARD NO. :
AGE : DATE :
SEX :
OCCUPATION :
MARITAL STATUS :
ADDRESS :

CHIEF COMPLAINT :

RELEVANT CASE HISTORY :

CLINICAL EXAMINATION :

PROVISIONAL DIAGNOSIS :

LAB INVESTIGATION & RESULTS :

FINAL DIAGNOSIS :

TREATMENT PLAN :

FOLLOW UP :

DATE	CLINICAL NOTES

Signature: _____

Name of Dentist:

APPENDIX 3

FORM OF CERTIFICATE RECOMMENDED FOR LEAVE AND FOR FITNESS

Signature of Patient or thumb impression: _____
(To be filled in by the applicant in the presence of Dentist or Govt. Medical Attendant)

Identification marks:

1. _____

2. _____

I, Dr. _____, after careful examination of the case certify hereby that Mr./Mrs./Ms. _____ Whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ days with effect from _____ is absolutely necessary for the restoration of his/her health.

I, Dr. _____, after careful examination of the case certify hereby that Mr./Mrs./Ms. _____ Whose signature is given above, is now fit to join back for work.

DATE: _____ Signature: _____

PLACE: _____ Name of Dentist: _____
Registration No.: _____
State: _____

Note: The nature and probable duration of illness should also be specified. The certificate must be accompanied by a brief resume of the case giving the nature of illness, its symptoms, causes and duration.

APPENDIX 4

CONSENT FORM

AUTHORIZATION FOR DENTAL TREATMENT &/OR PROCEDURE

I, _____, the undersigned hereby authorize Dr. _____ to administer such treatment as necessary and to perform the following Dental treatment &/or procedure: _____

I also consent to the administration of such anesthesia as if considered necessary for any of the purposes.

I consent to the aforementioned Dental treatment &/or procedure by my will and not by force or under fear.

I hereby certify that I have read and fully understood the above authorization for Dental treatment &/or procedure; the reason why the above named treatment/procedure is considered necessary, its advantages and possible complications, if any, as well as possible alternative modes of treatment and my responsibilities towards the same which have been explained to me by Dr. _____

I also certify that no guarantee or assurance has been made about the results that may be obtained.

(Patient's signature, date & place)

(Dentist's countersign, date & place)

Note: Authorization must be signed by the patient or by the nearest relative/guardian in case of minor or when patient is physically or mentally incompetent.