

Ethics, AHPRA and indemnity in dentistry

<https://www.adcguidance.com>

<https://www.facebook.com/RazaAbbas28>

adc.academy.melbourne@gmail.com

Webster's dictionary defines business as "a commercial or mercantile activity engaged in as a means of livelihood" while a profession is defined by the Australian Council of Professions as "a disciplined group of individuals who adhere to ethical standards and who hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interests of others".

In a recent article in ADA Inc newsletter (Nov 2020), George Beaton listed as some of the characteristics of a profession; altruism, autonomy, collegiality, and an ethical code. It is these characteristics, among others, that differentiate the profession from the business of dentistry.

As an association of professionals ADAVB Inc. has promulgated a by-law, compliance with which is required by all members.

This by-law regulates the:

ATTITUDE OF MEMBERS TOWARDS THEIR COLLEAGUES

(a) Members shall behave considerately and courteously towards their professional colleagues. They shall also be prepared to freely share any scientific, clinical or technical knowledge available to them, and be willing to help a colleague if their advice or assistance is sought.

(b) Members shall not, in view of their obligations under Clause (a) unreasonably criticise a colleague's opinion, treatment or fees.

(c) When Members are acting as consultants, their obligation is to give a considered and honest opinion.

(d) Members acting as consultants shall not embark upon any treatment, emergency treatment excepted, outside the realm of their consultancy, or upon

any treatment not requested by the referring dentist without prior consultation with that dentist.

(e) Members acting as consultants shall not refer a patient to another dentist or medical practitioner for consultation or treatment without prior consultation with the referring practitioner or agency, where possible.

A number of instances have been brought to the attention of the ADAVB Inc. Community Relations Officers where inadvertent or thoughtless comments by practitioners have the potential to bring their colleagues and indeed the profession as a whole into disrepute. This generally involves practitioners making adverse comments on treatment or treatment plans that the patient tells them was provided by another practitioner, without knowing the full circumstances in which that treatment or plan was provided. Such comments can lead to a complaint against a dentist which, when fully investigated, proves to be without foundation but results in a patient who has lost confidence in the profession as a whole.

While it is entirely appropriate and indeed necessary to fully inform the patient of their dental state at the time of consultation, it is inappropriate and perhaps unethical to speculate on the possible causes of their current condition when there may be multiple contributing factors. If you have concerns about treatment provided by another practitioner, you can easily clarify or communicate these concerns by contacting the practitioner and discuss them in a collegiate manner. Failure to do so could lead to a breach of the Branch's Code of Ethics.

If, however, a dentist, in the course of practising his profession, forms **reasonable belief** that another health practitioner has placed the public at risk of harm because that practitioner has practised the profession in a way that constitutes a **significant departure from acceptable professional standards**, he or she is required, pursuant to Section 141(2) of the Health Practitioner Regulation Law Act 2009, to make a mandatory notification to the Australian Health Practitioner Regulation Agency (AHPRA). The obligations of practitioners to make a mandatory notification are outlined in the *"Guidelines for mandatory notifications"* published on the Dental Board of Australia website. Although there are no penalties prescribed under the National Law for a practitioner who fails to make a mandatory notification, any practitioner who fails to make a mandatory

notification when required may be subject to health, conduct or performance action.

An unnecessary comment about a colleague's performance can often lead to a claim against his or her insurance, either directly or via a patient notification to AHPRA, and has the potential to impact on the premiums that the profession as a whole pays for professional indemnity.

Dr Raza Abbas

