



ETHICS IN PRACTICE








Case

A 12-year-old girl is driven to a routine dental appointment by her 17-year-old sister. During the appointment, the dentist determines that two of her deciduous teeth need to be extracted. The dentist discusses findings with the patient and her sister. They collectively agree to extract the teeth. The dentist extracts the two teeth. The patient goes home and informs her mother about the extractions. The mother contacts both their dental insurance carrier and the Board of Registration in Dentistry (BORID) to file a complaint against dentist because “the dentist did not have our consent to do this treatment.”

A case was opened by BORID, and disciplinary action follows that may result in license sanctions.

Red Flags

-  Neither the patient nor her sister was of the age or had the authority to consent to extracting teeth since it falls outside the scope of general informed consent.
-  No specific informed consent form was presented to the patient and or her sister. (Note: They still would not have been able to authorize it.)
-  The parents were not informed of the dentist’s treatment recommendations
-  No specific informed consent was obtained from the parents by the dentist.
-  The dentist violated Massachusetts regulations by not getting specific consent prior to performing extractions on minor.

Massachusetts Regulations

General and informed consent MUST be obtained in writing, signed and dated from the patient or legal representative prior to treatment, and shall not be obtained fraudulently from a patient under duress or one who is not mentally competent, **the age of majority**, or an emancipated minor.

General Consent

Each licensee shall obtain from the patient or legal representative general informed consent allowing the licensee to examine, diagnose, and treat the patient. Procedures covered by general informed consent include basic restorative or preventive procedures, and permission to bill the patient’s insurer, if any.

Specific Informed Consent

Each licensee shall obtain from the patient or the patient’s legal representative a specific informed consent allowing the licensee to perform specialized treatment, including but not limited to administration of anesthesia other than local anesthesia, periodontal, endodontic, orthodontic, prosthetic, oral and maxillofacial procedures, and specialized treatment for pediatric patients, including behavioral management.

Know the Law

As a licensed dental professional, you are required to know the Massachusetts regulations on dentistry.