

DENTISTRY AND THE LEGAL SYSTEM¹

1 Introduction

- 1.1 The primary relationship in the delivery of oral health care is between a dentist and a patient. Ideally, the dentist and patient [or the parent, guardian, or other legally responsible person] mutually develop strategies to ensure long term optimum health outcomes. Each party has obligations to each other as defined by law and ethical considerations.
- 1.2 The relationship between the dentist and the patient can also be influenced by interactions with the legal system. These may occur in relationship to:
 - consent to treatment;
 - informed financial consent;
 - dental records;
 - confidentiality in the dentist-patient relationship;
 - third party requests for assessment or reports for Courts;
 - dental certificates;
 - giving evidence;
 - witnessing legal documents;
 - regulatory authorities.

2 Definitions

- 2.1 BOARD is a Federal, State or Territory dental registration board.
- 2.2 COURT is a tribunal, authority or person having power to require the production of documents or the answering of questions and to administer a penalty.

3 Principles

- 3.1 It is essential that dentists have a basic understanding of their roles and responsibilities in interactions with the law.
- 3.2 Legal obligations are complex and dentists will often need expert assistance to fulfil these obligations.

4 Policy

- 4.1 Dentists should ensure they comply with legal obligations relating to dental practice.
- 4.2 If specific issues relating to legal obligations arise, dentists should seek advice and assistance in the first instance from the Australian Dental Association.

Policy Statement 4.11

Adopted by ADA Federal Council, November 15/16, 2007.

¹ This Policy Statement is linked to other Policy Statements: 4.7 "Regulatory Authorities", 4.9 "Dental Acts and Boards" and 5.4 "Principles of Ethical Dental Practice".