

DENTAL ETHICS AND JURISPRUDENCE – A REVIEW



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INTRODUCTION

What makes something RIGHT and what makes something WRONG? Usually, the answer lies in our religious, cultural and political heritage. Morals are ideas about right and wrong. An introduction to moral philosophy and moral reasoning provides a background for the study of ethical theories and code of ethics. Faced with ethical dilemma regarding patient care, we as a dentist should be able to use the code of ethics developed by our profession as a guide for the decisions pertaining to practice and render quality care to our patient which is ethically acceptable.

ETHICS: Derived from greek word '*ethos*' which means custom or character.²

Ethics is defined as a branch of philosophy concerned with the study of those concepts that are used to evaluate human activities, in particular the concepts of goodness and obligations.

Ethics is the process of deciding what is the right thing to do in a moral dilemma. It is about making decisions; making declaration of what is right and wrong and what ought to be right and wrong. Ethics exists in all professions be it a dental, medical, business, politics, etc.

DENTAL ETHICS:²

Dental ethics would mean moral duties and obligations of the dentist towards his patients, professional colleagues and to the society.

Ethics can be divided into two types:

1. Micro-ethics: Focus primarily on individual rights and duties and do not see individual as part of the wider social order.

2. Macro-ethics: Guide the conduct of population based on research and practice. It can be defined as a set of principles designed to protect the human dignity, integrity, self determination, confidentiality, rights and health of population and people comprising them. Health care ethics can be grouped into two theories:

1. Deontological theory: Deontological ethics emphasize duties. A duty is an obligation, an act that has to be done or ought to be done regardless of its consequences. A deontologist, for an example would expect people to tell the truth no matter what happens as a result.
2. Teleological theory: Derived from Greek word "for end or goal". A teleologist will consider the consequences of telling the truth verses the consequences of lying and may find that lying is morally justified in a specific circumstance.

ETHICAL THEORIES:¹

1. **Utilitarianism:** 1st utilitarians were the british philosophers Jeremy Bentham, John Straut Mill 19th century, it is the consequentialist theory, based on the results of actions rather than on the nature of the actions. This theory is very similar to teleological theory.
2. **Kantian ethics:** According to Immanuel Kant, 18th century German philosopher, certain acts are morally right because they are intrinsically right regardless of their consequences.
Example: if we believe that truth telling

is good, we must always tell the truth even if that leads to great harm in a particular context.

3. **Virtue ethics:** It emphasizes on character traits of individual and was advocated by the early philosophers such as Socrates, Plato and Aristotle. According to them virtue is the basis of morality. They regarded persons of excellent characters as moral persons.

ETHICAL PRINCIPLES:¹

Decisions and actions of health care providers are guided by the ethical principles and core values which are based on the Hippocratic Oath. The major principles are

- 1) Non - maleficence To do no harm to the patient
- 2) Beneficence ... to do good or benefit to the patient
- 3) Respect for persons
 - a) Autonomy.... To guarantee self determination of the patient
 - b) Informed consent... consent must be voluntary, legally competent, informed & comprehendin
- 4) Justice... to be fair to the patient; fairness
- 5) Truthfulness / Veracity... to tell the truth; not to lie to the patient
- 6) Confidentiality... to hold in confidence/ secret information entrusted by the patient
- 7) Parentalism / Paternalism
- 8) Fidelity

ETHICAL RULES FOR DENTIST: DENTAL REGULATIONS - 1975²

1. Duties of dentist towards patient.
2. Duties of dentist towards one another.
3. Duties of dentist towards public.

Duties towards Patient

- 1) Courteous, sympathetic, friendly & helpful & establish a well merited reputation for professional ability.
- 2) Punctual in fulfilling appointments.
- 3) Welfare of patient is paramount.
- 4) For benefit of patient, all possible treatment should be made available if necessary.
- 5) Personal secrecy is absolute & auxiliaries

should also follow this.

Duties towards Profession

1. Cherish proper pride in his colleagues & maintain honor, integrity & morality of profession.
2. Maintain professional knowledge & skills.
3. Care of patient during absence/ sickness of another dentist.
4. When consulted in case of emergency, should be ready to help.
5. Should not criticize / put down another dentist in front of patient.
6. Dentist have obligation to support advancement of their profession through membership of scientific & professional organizations.

Duties towards Community

- 1) Leadership in the community on matter pertaining to dental health.
- 2) Not to disclose professional secrets.
- 3) Improve general public health.
- 4) Professional reputation through professional services.

ETHICS VIOLATION IN RESEARCH

- ✓ Tuskegee Syphilis Study (1932-1972)
- ✓ Nazi Medical War Crimes (1939-1945)
- ✓ Vipeholm Dental caries study (1954 - 1959)
- ✓ Willow Brook Mental Hospital (1956 - 1972)
- ✓ Jewish Chronic Disease Hospital (1965)

Tuskegee Syphilis Study (1932-1972)
Conducted by US Public Health Service to observe natural history of syphilis.

Failed to provide information to subjects.
Unethical (possibly criminal) behavior.

Nazi Medical War Crimes (1939-1945)

Nazi physicians committed human atrocities in the name of "medical research".

Resulted in prosecution of 23 German Physicians and Administrators for allowing / performing experiments' like injecting prisoners with gasoline.

Vipeholm Dental caries study (1954 - 1959)

Vipeholm Hospital, Lund, in Sweden, reported in 1954 - Gustafson et al.

More than 400 mental pts were placed on controlled diets & observed for 5 yrs.

Various groups: Some ate complex and simple carbohydrates at mealtimes only, while other supplemented mealtime food with between meals - snacks, sweetened with sucrose, chocolate, caramel or toffee.

Failed to obtain consent.

Willow Brook Mental Hospital (1956 - 1972)

The objective of the study was

- o To follow the natural history of viral hepatitis.
- o To test the effectiveness of γ globulin against hepatitis.

Study was carried on 320 mentally incompetent children from the residential treatment center.

Children were infected with hepatitis and only some were treated with gamma globulin.

Jewish Chronic Disease Hospital (1965)

Aged and senile patients were injected with live Cancer cells to determine their rejection response and the patients had been told they were receiving a skin test.

CODES OF RESEARCH ETHICS

The 4 International Guidelines for the prevention of unethical clinical research

- ✓ The Nuremberg Code (1947)
- ✓ The Declaration of Helsinki (1964)
- ✓ The Belmont Report (1978)

The Nuremberg Code (1947)

1. Voluntary consent of the subject.
2. The experiment should yield fruitful results.
3. Animal experimentation should justify the study.
4. Avoid all unnecessary physical / mental suffering / injury.
5. No experiment should be carried out resulting in death / disabling injury.
6. Risk never exceeds the importance of the benefit.
7. Proper preparations to protect against injury, disability, / death.
8. Research to be carried only by scientifically qualified persons.
9. The human subject should be at liberty to stop the experiment.
10. The scientist must terminate the experiment if it is likely to result in injury, disability or death.

The Declaration of Helsinki (1964)

- ✓ Research with humans should be based on the results from laboratory and animal experimentation.
 - ✓ Research protocols should be reviewed by an independent committee prior to initiation.
 - ✓ Informed consent from research participants is necessary.
 - ✓ Research should be conducted by medically / scientifically qualified individuals.
 - ✓ Risks should not exceed benefits.
- The Belmont Report (1978)
- ✓ Named after the Belmont Conference Center at the Smithsonian Institution.
 - ✓ Sets forth the basic ethical principles underlying the acceptable conduct of research involving human subjects like
 1. Respect for person.
 2. Beneficence.
 3. Justice.

INSTITUTIONAL REVIEW BOARD [IRB]

Authority to approve, modify, or disapprove all research activities that fall within its jurisdiction
Mission:

- Reviewing protocols & consent forms.
- Approvals.
- Monitoring the progress of the studies.

All studies must have IRB approval prior to initiation of protocol

IRB Membership

At least 5 members, including both men & women, of whom:

- A) At least 2 members have broad expertise in the methods or in the areas of research
- B) At least 1 member is knowledgeable in ethics.
- C) At least 1 member is knowledgeable in the relevant law

D) At least 1 member has no affiliation with the institution, but is recruited from the community served by the institution.

The Common Rule 1981: In response to the Belmont Report, FDA revised their human subjects regulations, which became formalized as:

"Title 45 Part 46 of the Code of Federal Regulations"

Revisions in 1983 & 1991 finalized the federal

policy & became known as "the common rule", establishing regulations for all relevant federal agencies.

- ✓ Defines "research" & "human subjects"
- ✓ Tells what activities must be reviewed vs. what can be exempted
- ✓ Mandates the IRB & specifies its composition
- ✓ Indicates procedures for review & approval of research
- ✓ Specifies requirements for obtaining informed consent
- ✓ Defines special procedures for "vulnerable populations"

JURISPRUDENCE¹

It is a science/ philosophy of law which may also include the establishment, regulation, & enforcement of legislation

Statutory law: Enacted by legislation through U.S. congress, state legislature/ local legislative bodies.

2 types of law

1. Criminal law.
2. Civil law.

Item	Criminal Law	Civil Law
Initiator of Legal action	Govt. (state, country etc.)	Individual
Crime is against	Society	Individual
Agreement of Jurors	Unanimous (all jurors)	51% (majority of jurors)
Payment of Damages	Life, Liberty, Fine	Nominal, Compensatory, Punitive
Guilty of Crime	Beyond a reasonable doubt	Responsible for the crime

CONCLUSION:

Throughout life, we are faced with both personal and professional decisions. An ethical dilemma occurs when there is a conflict between moral principles. The capability to solve ethical dilemmas is acquired from the individual's progression through levels and stages of moral development and also by following these ethical principles in our day to day practice.

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