



**NO ONE RISES SUDDENLY IN THE WORLD,
NOT EVEN THE SUN.**

Ethics & Medical Jurisprudence

- Dr. Supriya

Introduction

- **“Ethics” is derived from the Greek word ‘ethos’ meaning custom or character.**
- **Ethics is the philosophy of human conduct, a way of stating and evaluating principles by which problems of behaviour can be solved.**
- **Its considered with ideals and values.**

Definition of Ethics

- Is defined as "the science of the ideal human character and behaviour in situations where distinction must be made between right and wrong, duty must be followed and good interpersonal relations maintained".
- Moral duties and obligations of the dentist towards his patients, professional colleagues and to the society.

Definition of jurisprudence

- **Is defined as "the philosophy of the law or the science that treats the principles of the law and legal relations".**

Micro-ethical principles

- **Focus primarily on individuals' rights and duties and do not see individuals as part of a wider social order.**

Macro-ethical principles

- **Guide the conduct of population-based research and practice.**
- **These are a set of principles designed to protect the human dignity, integrity, self-determination, confidentiality, rights and health of populations and the people comprising them.**

History of Ethics

- **The "Hippocratic oath" has been regarded as a summing up of a standard professional ethics.**
- **Numremberg codes**
- **Declaration of Helinski**
- **Declaration of Geneva**

The Indian Scenario

- **‘Ethical rules for Dentists’ were initially formed by the DCI, and the Dentist Act was amended via section 17A.**
- **The code of ethics – DCI - 1975**
- **Later notified by the Government of India - Dentists Regulations – August, 1976.**

Dentistry as a Profession

- A limited group of persons who have acquired some special skill and are therefore able to perform that function in society better than the average person.
- *A professional person is expected to have respect for human beings, competence in his chosen field, integrity and primary concern with service rather than with prestige or profit.*
- Ethical codes are the result of an attempt to direct the moral consciousness of the members of the profession to its peculiar problems.

Dentistry as a Profession

- **Hippocrates is given credit for writing what could be the first voluntary code of regulations for the medical profession, protecting the right of patients and appealing to the finer instincts of the physician.**
- **In dentistry the code of ethics is ADA's Principles of Ethics and Code of Professional Conduct.**
- **This code contains five major sections**

ADA's Principles of Ethics and Code of Professional Conduct

- 1. Service to the public and quality of care.**
- 2. Education**
- 3. Government of a profession**
- 4. Research and development**
- 5. Professional announcement.**

Ethical Principles

- **Ethics is the part of Philosophy that deals with moral conduct and judgement, there are certain principles that the health care professional should be aware of in the practice of their profession.**
- **The major principles are:**
 1. **To do no harm (Non- Maleficence)**
 2. **To do good (Beneficence)**
 3. **Respect for persons**
 4. **Justices**
 5. **Veracity or truthfulness**
 6. **Confidentiality**

I. Duties and Obligations of the Dentist towards patient / population

The first principle of medicine in the Hippocratic Oath is that the doctor's first duty is to his or her patient.

To do no harm (Non-Maleficence)

- Its generally attributed to Hippocrates.
- It is considered to be the foundation of social morality.
- It is clear that although dental care professionals support this principle in theory they are at times guilty of transgressions that go beyond a limitation.
- For example : Iatrogenic diseases.
- In population based research the investigator has a dual responsibility, i.e. to the individual and to the population of which they are a part.

To do good (Beneficence)

- **The expectation of the patient is that the care provider will initiate beneficial action and that there is an agreement between the doctor and patient that some good will occur.**
- **In the process of treating a patient what has to be weighed are the consequences of treatment versus no treatment, e.g.: questionable dental caries.**
- **The attempts should be to maximize the benefits and minimize harm.**

To do good (Beneficence)

- **In population based research, the ethical question is not only whether the research is needed, but also whether it is wanted, whether it is relevant to the public health problem of the community.**
- **It is unethical to carry out screening when no treatment is possible or treatment is beyond the financial reach of the people offered the screening program.**

Respect for persons

- **This incorporates two other ethical principles –**
 - 1. Autonomy dictates that health care professionals respect the patients capacity for self determination in making decision regarding their treatment**
 - 2. Informed consent is an essential component of a patient's right to autonomy.**

Autonomy

- **The primary way to respect individuals is to abide by their choices whether others believe these choices to be wise or beneficial.**
- **Ethical research places the desires and needs of the subject over those of the investigator.**
- **An autonomous person is an individual capable of deliberation about personal goals and acting under the direction of such deliberation.**

Autonomy

- **A legal and an ethical concept, is an essential component of a patient's right to autonomy.**
- **Dentists are seen as a paternalistic figure and Paternalism in health care can take the form of withholding information, restricting choices, or making the choice for the patient.**

Informed Consent

- **It is the first stated and the largest principle of the Nuremberg code.**
- **The Nuremberg code identified four attributes without which a consent cannot be considered valid.**
 - **Voluntary**
 - **Legally competent**
 - **Informed**
 - **Comprehending**

Informed Consent

- **Consent should not be obtained with bribery, or misinformation.**
- **If a person cannot give informed consent it is desirable to obtain proxy consent.**
- **In Cohort study, subjects can opt out of the entire study or out of parts that they find objectionable.**
- **Witness is required.**

A two step process -

- **First information is presented to the subject by the investigator.**
- **Secondly, the subject satisfies himself or herself that he or she understands and based upon this understanding either agrees or refuses to participate in the research projects.**

Justice - UHC / Health for all

- **The primary duty of the health professional is service irrespective of class, creed etc.**
- **Justice demands that each person be treated equally.**
- **It calls for an obligation to protect the weak and to ensure equity in rights and benefits, both for groups and individuals.**
- **The principle of justice in relation to health care calls for community participation in decisions and care which is effective and affordable.**

Truthfulness

- **The patient – doctor relationship is based on trust.**
- **Lying shows disrespect to the patient and threatens relationship.**
- **Nowadays, in certain areas, there is a reversal of this dominant physical pattern.**

Confidentiality

- **Is a principle that can be traced to the Hippocratic Oath and exists today in the International code of Medical Ethics.**
- **Every patient has the right to expect that all communications and records pertaining to his/her care will be treated as confidential.**
- **It is very natural to want to gossip about a patient, particularly if it is someone special or possibly a neighbor, but to do so would break a bond of trust between dental professional and patient.**

Confidentiality

- **In no instance other than in the court of law or the patient changes the dentist, should confidentiality be breached.**
- **In epidemiological studies, information about subjects is generally divisible into**
 - **Unlinked information: tabulated results**
 - **Linked information: information linked to the subject by a code or by name.**

II. Towards profession / professional colleagues

- **Treatment and cure of the disease depends on the skill and prompt attention showed to the patient.**
- **The dentist has to be sober, courteous, sympathetic, helpful, modest and punctual.**
- **He has to be morally, mentally and physically clean.**
- **Its obligatory to enroll in societies and be updated in knowledge and skills.**
- **It is not duty-bound on the dentist to treat the family of his fellow professionals without charge, but it is professional courtesy.**

III. Towards the society

- **The dentist has to assume leadership in the community on matters pertaining to dental health.**
- **People should be urged to seek care without influencing choice of dentists.**

Ethical Rules for Dentists (Prescribed by the DCI)

- **The duties and obligations of dentist towards the patients:**
 1. **Every dentist should be courteous sympathetic, friendly and helpful.**
 2. **He should observe punctuality in fulfilling his appointments.**
 3. **He should establish a well merited reputation for professional ability.**

Ethical Rules for Dentists (Prescribed by the DCI)

- 4. The welfare of the patient should be conserved to the almost of the practitioners ability.**
- 5. A dentist should not permit consideration of religion, nationality, race, party politics to intervene between his duties and his patients.**
- 6. Information of a personal nature, which may be learned about or directly from a patient in the course of dental practice, should be kept in utmost confidence.**

Duties of Dentist Towards One Another

- 1. Every dentist should cherish a proper pride in his/her colleagues and should not disparage them either by act or word.**
- 2. When the dentist is entrusted with the care of the patient of another, during sickness or absence, mutual arrangement should be made regarding remuneration.**

Duties of Dentist Towards One Another

3. **If a dentist is consulted by the patient of another dentist and the former find that the patient is suffering from previous faulty treatment, it is his duty to institute correct treatment and in such a manner as to avoid reflection on his predecessor.**
4. **A dentist called upon in any emergency to treat the patient of another dentist, should when the emergency is provided for, retire in favor of regular or but shall be entitled to charge patient for his services.**

Duties of the Dentist to the Public: Police and Law courts

- **A dentist is not bound to disclose professional secrets unless called upon by the magistrate or judge to do so.**
- **Knowledge of a patient gained in the course of examination and treatment is privileged and should not be disclosed without the consent**
- **Accepted measures to improve the general and dental health of the public should be promoted by the dentist.**
- **Dentists may only advance their professional reputation through professional services to the patients and to society.**

Doctor-Patient Contract :

When the relationship begins

- The legal foundation of the doctor - patient relationship is contract law.
- At the moment a dentist expresses a professional opinion or performs a professional act, to an individual who has reason to rely on it, the doctor patient relationship begins and the doctor is burdened with implied warranties.

Doctor-Patient Contract :

When the relationship begins

- Dentist may refuse to treat a patient for any reason except race, creed, color or national origin.
- The refusal to accept a patient based upon a persons disability may be in violation of the law.
- ***Patients suffering from AIDS, fall into the category of disabled persons and may not be refused care.***
- The law declares that all health care providers' offices are places of public accommodation and therefore subject to antidiscrimination laws.

When the doctor-patient relationship ends

- **Both parties agree to end it.**
- **Either the patient or dentist dies**
- **The patient ends it by act or statement**
- **The patient is cured**
- **The dentist unilaterally decides to terminate the care.**

Express terms

- **An express term is one in which both parties are in agreement.**
- **Usually the express terms define items such as fee, the treatment and the manner in which payments are to be made.**
- **These may be written in separate form, because the treatment record should contain only treatment notes and patient reactions to treatment.**
- **Guarantees made by the dentist constitute an express term in the agreement.**

Implied Duties Owed by the Doctor

- **In accepting a patient for care the dentist warrants that he or she will do the following:**
 - 1. Use reasonable care in the provision of services as measured against acceptable standards set by other practitioners with similar training in a similar community.**
 - 2. Be properly licensed and registered and meet all other legal requirements to engage in the practice of dentistry.**
 - 3. Employ competent personnel and provide for their proper supervision.**

Implied Duties Owed by the Doctor

4. **Maintain a level of knowledge in keeping with current advances in the profession.**
5. **Use methods that are acceptable**
6. **Not use experimental procedures**
7. **Obtain informed consent before treatment**
8. **Not abandon the patient**
9. **Ensure that care is available in emergency situations.**
10. **Charge a reasonable fee for services based on community standards.**

Implied Duties Owed by the Doctor

- 11. Not exceed the scope of practice authorized by the license or permit any person acting under his or her direction to engage in unlawful acts.**
- 12. Keep the patient informed of his or her progress.**
- 13. Not undertake any procedure for which the practitioner is not qualified.**
- 14. Complete the care in a timely manner.**
- 15. Keep accurate records of the treatment rendered to the patient.**

Implied Duties Owed by the Doctor

- 16. Maintain confidentiality of information.**
- 17. Inform the patient of any untoward occurrences in the course of treatment.**
- 18. Make appropriate referrals and request necessary consultations.**
- 19. Comply with all laws regulating the practice of dentistry.**
- 20. Practice in a manner consistent with the code of ethics of the profession.**

Implied Duties Owed by the Patient

1. **Home care instructions will be followed**
2. **Appointments will be kept**
3. **Bills for services will be paid in a reasonable time**
4. **That the patient will co-operate in the care.**
5. **That the patient will notify the dentist of a change in health status.**

Nuremberg Code

- In 1948 the Nuremberg Code laid down 10 standards for physicians to conform to when carrying out experiments on human participants.
- The Nuremberg Code was the result of judgment by an American military war crimes tribunal conducting proceedings against 23 Nazi physicians and administrators for their willing participation in war crimes and crimes against humanity.
- The doctors had conducted medical experiments on concentration camp prisoners who died or were permanently affected as a result.

Briefly, the 10 standards of the Nuremberg code are as follows:

- 1. Volunteers freely consent to participate**
- 2. Researchers fully inform volunteers concerning the study**
- 3. Risks associated with the study are reduced where possible**
- 4. Researchers are responsible for protecting participants against remote harms**
- 5. Participants can withdraw from the study at any time**
- 6. Qualified researchers conduct the study**

Nuremberg code :

- 7. Cessation of the study if adverse effects emerge**
- 8. Society should benefit from study findings**
- 9. Research on humans, should be based on previous animal or other previous work**
- 10. A research study should never begin if there is a reason to believe that death or injury may result**

THE WORLD MEDICAL ASSOCIATION'S DECLARATION OF HELSINKI:

- **The most widely accepted guidance worldwide on medical research involving human subjects.**
- **The cornerstone of biomedical research for the last 30 years and the largely unquestioned anchor for ethical decision-making in clinical trials”**
- **The World Medical Association has developed the Declaration of Helsinki as a statement of ethical principles to provide guidance to physicians and other participants in medical research involving human subjects.**

Declaration of Helsinki

- **In 1964, the World Medical Association developed ethical principles as guidance for medical doctors in biomedical research involving human subjects.**
- **The World Medical Association adopted the Declaration of Helsinki in response to concerns with research on patient populations.**
- **The primary purpose of the accord was to declare individual patient interests before those of society.**
- **The Declaration of Helsinki was revised in 1975, 1983, 1989, 1996, and 2000.**

Briefly, the basic principles of the Declaration of Helsinki include the following:

- **Physician's duty in research is to protect the life, health, privacy, and dignity of the human participant**
- **Research involving humans must conform to generally accepted scientific principles and thorough knowledge of scientific literature and methods**
- **Research protocols should be reviewed by an independent committee**
- **Research protocols should be conducted by medically/scientifically qualified individuals**
- **Risks and burden to the participant should not outweigh benefits**
- **Researcher should stop study if risks are found to outweigh potential benefits**

Declaration of Helsinki

- **Research is justified only if there is a reasonable likelihood that the population under study will benefit from the results**
- **Participants must be volunteers and informed in research project**
- **Every precaution must be taken to respect privacy, confidentiality, and participant's physical and mental integrity**
- **Assent must be obtained from minors, if child able to do so**
- **Investigators are obliged to preserve the accuracy of results; negative and positive results should be publicly available**

Post-Nuremberg Code

- **There continued to be abuses and exploitations of humans in research, after the Nuremberg Code.**
- **For example:**
 - **Tuskegee Syphilis Study, 1932-1972**
 - **Willowbrook School Study, 1963-1966**
 - **Jewish Chronic Disease Hospital Study, 1963**
 - **Milgram Obedience Study, early 1960s**
 - **Tearoom Trade Study, mid 1960s**

Ethical Guidelines for Biomedical Research on Human Subjects- ICMR 2000

- In February 1980, the Indian Council of Medical Research released a **'Policy Statement on Ethical Considerations involved in Research on Human Subjects'**.
- In 1982, the World Health Organization (WHO) and the CIOMS issued the **'Proposed International Guidelines for Biomedical Research involving Human Subjects.'**

STATEMENT OF GENERAL PRINCIPLES

- Any research using the human beings as subjects of medical or scientific research or experimentation shall bear in mind the following principles –
 1. **Principles of essentiality**
 2. **Principles of voluntariness, informed consent and community agreement**
 3. **Principles of non-exploitation**
 4. **Principles of privacy and confidentiality**
 5. **Principles of precaution and risk minimization**
 6. **Principles of professional competence**

- 7. Principles of accountability and transparency**
- 8. Principles of the maximization of the public interest and of distributive justice**
- 9. Principles of institutional arrangements**
- 10. Principles of public domain**
- 11. Principles of totality of responsibility**
- 12. Principles of compliance**

Some Unethical Practices by Dentists

- Practice by unregistered persons employed by the dentist.
- Dentists signed under his name and authority issuing any certificate, which is untrue, misleading or improper.
- Use of bogus diplomas.
- Allowing commission
- Dentists advertising whether directly or indirectly for the purpose of obtaining patients or promoting his own professional advantage.

Some Unethical Practices by Dentists

- Practice without a dental qualification
- Use of Dentist's name who is no longer practicing (can continue only for 1 year)
- A dentist practicing medicine
- A dentist's clinic termed as hospital
- Dentist's board displays a membership
- Use of terms like tooth puller, Denture maker etc
- Not informing patients regarding change of ownership, change of address
- Dentists name in dental health education pamphlet which is distributed to public.

Conclusion

- **Prevention is always better than cure**
- **Not all the ethical dilemmas that arise in daily practice can be foreseen**
- **The ethical dentist needs a core of knowledge and working methods**
- **This knowledge expresses a high standard of approach to ethical matters in an area where there is no absolute right and wrong.**
- **It is incumbent on all professionals to embrace the principles in everyday working life.**

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In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.

THANKYOU