

(Prof.) Dr. R. D. Rekhade*, (Prof.) Dr. S. L. Das**

Abstract

The legal implications of present day medical practice need to be understood carefully. The treating doctor/dentist and the patient both have certain legal rights. These have to be respected and understood by both. The doctor - patient relationship has to be appreciated. It is the responsibility of the doctor to educate his patient about the nature of his ailment and the reasons for following a particular treatment protocol. The patient in his capacity must understand his treatment, and must give a written informed consent to the doctor concerned.

Key Words Right to information, consent to treatment, patient education, doctor – patient relationship

INTRODUCTION

The success of health care delivery depends largely on the Doctor – Patient relationship. A patient approaches the doctor with a faith that he/she can resolve the health problem bothering him. The doctor on his part must be competent, and discharge his duties in the best interest of the patient. This demands a sense of trust between the doctor and his patient. For many years this has been the modus - operandi in our country. In the contemporary world, there is a strong influence of western world thinking on our society. An Indian today, is more conscious and knowledgeable. A patient in any dental operatory has better knowledge of the treatment being offered to him. The “Right to information act” also entitles him to know the comprehensive details of the treatment being offered to him. The Dental professional on his/her part is obliged to educate the patient of the treatment options available for a particular problem. The Dentist must inform his patient the merits, demerits, possible complications, long term success probability, the possible complications which might arise, in relation to each and every treatment option. The patient on his/her part has to understand and analyze these options. Having done so, the patient should give his consent to the doctor in accepting a particular form of treatment.

THE RIGHTS OF A PATIENT¹

Any human-being suffering from any physical or mental ailment, irrespective of the severity is called a patient. Therefore every patient has the right to be treated as a human-being. Healthy life is the right of every individual. Every patient can demand and has the right to call for medical help. A physician/ doctor or Medical expert is obliged to help an ailing individual who seeks his services. It is however the prerogative of the patient on his part to seek medical help. Any sick individual who does not seek medical help is doing injustice to his own self. This argument demanded that the patient has certain rights in demanding medical help. The medical expert on his part has the right to earn money and protect his interests in the process of discharging his duties sincerely, honestly and to the best of his ability. The rights enjoyed by a patient are

1. Right to Information – Patient's can demand complete and up to date information regarding the nature of the disease. Clarification can be sought for a particular diagnosis. The concerned Doctor must provide such information. If the patient cannot be given such information directly, the concerned doctor shall make available, this

ABOUT THE AUTHORS

*Head Department Of Orthodontics, Haldia Institute Of Dental Sciences And Research

**Head Department Of Prosthetic Dentistry, Haldia Institute Of Dental Sciences And Research

information to any adult person of sound judgment, who is either a family member or a well-wisher associated with the patient. This person (patient) in turn should have been authorized by the patient to do so.

2. The patient has the right to know the name of the doctor treating him. The patient has the right to know the qualifications of the doctor, his institution of graduation and registration number.

3. A patient has the right to competent, considerate and respective care.

4. Before the commencement of any treatment or specific procedure, the patient has the right to information regarding informed consent. This is not true in case of emergencies. The consent may not be limited to, but should include the specific procedure/treatment, the risks and possible complications involved and the approximate duration.

5. In Dental Practice, as and when alternative forms of treatment for a particular problem exist, or the patient desires to gain knowledge about alternative procedures regarding the existing problem, he has the right to such information. The attending doctor should provide the patient such detailed information. Under the circumstances, if the concerned doctor does not possess such knowledge and/or is not duly qualified to undertake such alternative procedures, he/she should inform the patient about it. If the patient desires to know where and who offers these alternative forms of treatment/procedures, the concerned doctor should make available such information to his/her patient.

6. To the extent permitted by law, the patient has the right to refuse treatment. In the event the patient does refuse treatment, the attending doctor should inform the patient in detail the consequences of his decision.

7. Confidentiality is important. The patient has the right to demand that all details and records pertaining to his treatment/procedure be kept confidential.

8. Professional charges/fees are the discretion of the attending doctor. However the patient has the right to examine and in he/she feels necessary seek an explanation regarding the same. This however is regardless of the source of payment.

9. In the event, during the course of treatment /specific procedure, the patient has to shift from his current geographical location to a different location, the patient has the right to get his treatment/specific procedure transferred to the new location. The attending doctor should provide him all the records/details inclusive of radiographs, photographs, the extent to which a particular treatment has been completed. The information regarding such transfer of information should be made available to the patient before the commencement of treatment /specific procedure.

CONSIDERATIONS FOR THE ORTHODONTIC PATIENT

General considerations

Orthodontic practice uses a wide range of procedures for treating problems of malocclusion, Facial imbalances, birth and congenital defects of the face². The variation of the age, when and why an orthodontic procedure should be commenced is also large. Different types radiographs, a variety of photographs are a requirement before initiating orthodontic treatment. Good models of the dentition of the patient are also required. The orthodontist must inform the patient the importance of such records. The orthodontist must inform the patient /parent/guardian that such records may be, if required, used as patient education material. He must reassure the patient/parent/guardian that he shall at all times maintain and respect the confidentiality of the patient. The need for extraction of certain teeth as a requirement of treatment must be explained to the patient/parent/guardian in detail. If the patient needs the services of any other dental specialist, the orthodontist should explain and inform the patient/parent/guardian regarding the same. With the resources available to the orthodontist, he should explain to the patient the possible result/outcome of the treatment⁴. The orthodontist must explain the limitations of orthodontic treatment. The reason and need for surgical intervention or assistance to orthodontic treatment should be informed to the patient in detail. The need and importance to follow all the instructions regarding the maintenance of oral hygiene, care of the orthodontic appliance, caution to be exercised during sporting activities, care to be taken during consumption of food, importance of the appointment schedule. The fact that the retention period after active orthodontic treatment is of vital importance in relation to the stability and long term success of orthodontic treatment, should be explained exhaustively to the patient. Any information desired by the patient regarding the charges/ fees concerned for such orthodontic treatment should be made available. All such information related to the orthodontic treatment should be given to the patient prior to treatment and in writing. The orthodontist should retain a copy of such a document duly signed by the patient stating his consent for treatment.

Consideration in a child patient

Orthodontic practice is largely concerned with the treatment of children. The parents/legal guardians make the decisions for the child³. The Orthodontist must provide all information regarding the treatment requirements for the child. The Orthodontist should be clear in explaining to the parents/guardians the time when treatment should be started and why. Orthodontic treatment in children is closely related with the growing child. The Orthodontist must give a detailed explanation to the parent/guardian the

effects of the treatment on growth. The orthodontist must explain to the parents/guardians the need for assessment the growth status of the child and its importance in treatment planning. Esthetics is an important and integral part of orthodontic practice. The orthodontist should explain and demonstrate to the parent/guardian the possible effect on the facial esthetics of the child using modern technology if available. If such facilities are not available to the Orthodontist, he must do so with the help of detailed pre treatment and post treatment records of patients treated by him earlier. The orthodontist should not use commercially available promotional material, or records of patients treated by other any other doctor. The parent/guardian has the right to communicate with a patient or his parent/guardian treated earlier by the orthodontist⁵. The Orthodontist must explain to the parent/ guardian the variety of materials used in the child's mouth during the treatment procedure. The special consideration in orthodontic practice is the wide range of commercially available products used during orthodontic treatment. There is a wide

ranging price variation among a similar product manufactured by different companies. The quality control of these products varies from one manufacturer to another. The Orthodontist should explain to the patient or the parent/guardian these details, in simple words. Variations in cost of these materials, and their effect on the treatment procedure.

A vital period in orthodontic treatment is the retention phase after active orthodontic treatment. The need for and the importance of the retention protocol must be explained. Relapse after treatment and the reasons for it should be made available to the patient, parent/guardian in written form. The patient, parent/guardian must know that the orthodontist is not responsible for a relapse in treatment result due to non compliance of the retention protocol.

The responsibilities of the patient should be clearly explained. The importance of oral hygiene maintenance and proper care of the orthodontic appliance should be clearly defined and given in written format. The possible complications, and the

A possible format for an informed consent for orthodontic treatment could be:-

INFORMED CONSENT FORM FOR ORTHODONTIC TREATMENT

Name of Patient

Name of Parent/ Guardian

Address

Telephone numbers

I/We have fully understood the need, reason for and the nature of treatment my child will undergo.

1. The risks and complications of Orthodontic treatment have been fully and thoroughly explained to me/us.
2. The immunization status of my child is regular.
3. I/we have understood that extraction of teeth may be required for treatment.
4. I/we understand that The Doctor/ Orthodontist is not responsible for problems arising due to improper oral hygiene maintenance.
5. The risks involved during sporting activities have been fully and thoroughly explained to me.
6. The Doctor / Orthodontist is not responsible for problems arising due to non-compliance with the appointment schedule. The patient will make every effort to keep the appointment schedule.
7. I/we understand that the doctor/orthodontist is not responsible for the problems arising due to repeated damage of the orthodontic appliance.
8. The nature of charges/ fees for Orthodontic Treatment is well understood by me.
9. The fee charged is only for Orthodontic Treatment only, and does not include charges for extraction of teeth, fillings, Radiographs etc.
10. I/We understand that additional charges may be incurred if the Orthodontic appliance is frequently and repeatedly damaged and requires repair or replacement.
11. The importance of the retention phase has been thoroughly explained to me.
12. The Orthodontist will not be responsible for relapse caused by improper use of retainers.

I/ We have fully understood the above and are getting the Orthodontic treatment done for our Child after being well informed by the Doctor/ Orthodontist about the prognosis, risks and complications of such a treatment.

Name of parent	Signature, place & date
1. _____	
2. _____	

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effect on the final result of the treatment, due to repeated damage to the orthodontic appliance should be clearly defined. The consequences of not following the instructions given by the concerned orthodontist should be highlighted. The orthodontist should make the patient, parent/guardian that an informed consent form needs to be signed by the patient, parent/guardian before commencement of the treatment procedure.

CONCLUSION

Such an informed consent understood and signed by the patient, parent/ guardian ensures a better understanding between the doctor and the patient, parent/guardian. The transparency in the dealings of the doctor is ensured. Furthermore it also protects the doctor from possible medico legal issues. It helps in building a sense of trust between the doctor and his patient.

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