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American Dental Association Principles of Ethics and Code of Professional Conduct

Council on Bylaws and Judicial Affairs

The American Dental Association House of Delegates at its 1979 session adopted a comprehensive revision of the Association's *Principles of Ethics*. The new document is entitled *Principles of Ethics and Code of Professional Conduct*. The *Principles* are set out separately from the *Code*. The *Principles* are general goals toward which dentists should aspire and are not intended as enforceable rules of conduct. The *Code* sections are designed for enforcement through appropriate disciplinary actions.

The new *Principles* and *Code* were developed by the Council on Bylaws and Judicial Affairs on the basis of recommendations from representatives of constituent dental associations and national dental groups produced at a workshop early in 1979. The Council's proposed version of the new *Principles* and *Code* was extensively reviewed and debated by the Board of Trustees, a special House of Delegates reference committee, and by the House itself at its October 21-25 annual session.

The new *Principles* and *Code* have an added dimension: they are fashioned to conform with the Federal Trade Commission's Order of September 6, 1979, that reflects a settlement agreement between the Association and FTC on ethical restraints on advertising and related promotional activities of dentists. The footnote at the end of the *Principles* and *Code* identifies the essential requirement of that settlement agreement.

The maintenance and enrichment of professional status place on everyone who practices dentistry an obligation which should be willingly accepted and willingly fulfilled. While the basic obligation is constant, its fulfillment may vary with the changing needs of a society composed of the human beings that a profession is dedicated to serve. The spirit of the obligation, therefore, must be the guide of conduct for professionals. This obligation has been summarized for all time in the golden rule which asks only that "whatsoever ye would that men should do to you, do ye even so to them."

The practice of dentistry first achieved the stature of a profession in the United States when, through the heritage bestowed by the efforts of many generations of dentists, it acquired the three unfailing characteristics of a profession: the primary duty of service to the public, education beyond the usual level, and the responsibility for self-government.

Principle—section 1

SERVICE TO THE PUBLIC AND QUALITY OF CARE. The dentist's primary obligation of service to the public shall include the delivery of quality

care, competently and timely, within the bounds of the clinical circumstances, presented by the patient. Quality of care shall be a primary consideration of the dental practitioner.

Code of professional conduct

1-A. PATIENT SELECTION. While a dentist, in serving the public, may exercise reasonable discretion in selecting patients for his practice, a dentist shall not refuse to accept a patient into his practice or deny dental service to a patient because of the pa-

tient's race, creed, color, sex or national origin.

1-B. PATIENT RECORDS. The dentist is obliged to safeguard the confidentiality of patient records. The dentist shall maintain patient records in a manner consistent with the protection of the welfare of the patient. Upon request of a patient or another dental practitioner, a dentist shall provide any information that will be beneficial for the future treatment of that patient.

1-C. COMMUNITY SERVICE. Since the dentist has the obligation to use his skills, knowledge and experience for the improvement of the dental health of the public and is encouraged to be a leader in his community, the dentist in such service shall conduct himself in such a manner as to maintain or elevate the esteem of the profession.

1-D. EMERGENCY SERVICE. The dentist shall be obliged to make reasonable arrangements for the emergency care of his patients of record.

The dentist shall be obliged when consulted in an emergency by a patient not of record to make reasonable arrangements for emergency care. If treatment is provided, the dentist, upon completion of such treatment, is obliged to return the patient to his regular dentist, unless the patient expressly reveals a different preference.

1-E. CONSULTATION AND REFERRAL. The dentist shall be obliged to seek consultation, if possible, whenever the welfare of the patient will be safeguarded or advanced by utilizing those who have special skills, knowledge and experience.

When a patient visits or is referred to a specialist or consulting dentist for consultation:

1. The specialist or consulting dentist upon completion of his care shall return the patient, unless the patient expressly reveals a different preference, to the referring dentist, or if none, to the dentist of record for future care.

2. The specialist shall be obliged when there is no referring dentist and upon a completion of his treatment to inform the patient when there is a need for further dental care.

1-F. USE OF AUXILIARY PERSONNEL. The dentist shall be obliged to pro-

tect the health of his patient by only assigning to qualified auxiliaries those duties which can be legally delegated. The dentist shall be further obliged to prescribe and supervise the work of all auxiliary personnel working under his direction and control.

1-G. JUSTIFIABLE CRITICISM AND EXPERT TESTIMONY. The dentist shall be obliged to report to the appropriate reviewing agency instances of gross and/or continual faulty treatment by another dentist. If there is evidence of such treatment, the patient should be informed. A dentist shall be obliged to refrain from commenting disparagingly without justification about the services of another dentist. The dentist may provide expert testimony when that testimony is essential to a just and fair disposition of a judicial or administrative action.

1-H. REBATE AND SPLIT FEES. The dentist shall not accept or tender "rebates" or "split fees."

Principle—section 2

EDUCATION. The privilege of a dentist to be accorded professional status rests primarily in the knowledge, skill and experience with which he serves his patients and society. Every dentist, therefore, has the obligation of keeping his knowledge and skill current.

Principle—section 3

GOVERNMENT OF A PROFESSION. Every profession owes society the responsibility to regulate itself. Such regulation is achieved largely through the influence of the professional societies. Every dentist, therefore, has the dual obligation of making himself a part of a professional society and of observing its rules of ethics.

Principle—section 4

RESEARCH AND DEVELOPMENT. The dentist has the obligation of making the results and benefits of his investigative efforts available to all when they are useful in safeguarding or promoting the health of the public.

Code of professional conduct

4-A. DEVICES AND THERAPEUTIC METHODS. Except for formal investigative studies, the dentist shall be obliged to prescribe, dispense or promote only those devices, drugs and other agents whose complete formulae are available to the dental profession. The dentist shall have the further obligation of not holding out as exclusive any device, agent, method or technique.

4-B. PATENTS AND COPYRIGHTS. Patents and copyrights may be secured by a dentist provided that they shall not be used to restrict research or practice.

Principle—section 5

PROFESSIONAL ANNOUNCEMENT. In order to properly serve the public, the dentist should represent himself in a manner that contributes to the esteem of the profession. The dentist should not misrepresent his training and competence in any way that would be false or misleading in any material respect.*

Code of professional conduct-

5-A. ADVERTISING. Although any dentist may advertise, no dentist shall advertise or solicit patients in any form of communication in a manner that is false or misleading in any material respect.*

5-B. NAME OF PRACTICE. Since the name under which a dentist conducts his practice may be a factor in the selection process of the patient, the use of a trade name or an assumed name that is false or misleading in any material respect is unethical.

Use of the name of a dentist no longer actively associated with the practice may be continued for a period not to exceed one year.*

5-C. ANNOUNCEMENT OF SPECIALIZATION AND LIMITATION OF PRACTICE. This section and Section 5-D are designed to help the public make an informed selection between the practitioner who has completed an accredited program beyond the dental degree and a practitioner who has not completed such a program.

The special areas of dental practice approved by the American Dental Association and the designation for ethical specialty announcement and limitation of practice are: dental public health, endodontics, oral pathology, oral and maxillofacial surgery, orthodontics, pedodontics (dentistry for children), periodontics and prosthodontics.

A dentist who chooses to announce specialization should use "specialist in" and shall limit the practice exclusively to the announced special area(s) of dental practice, provided at the time of the announcement the dentist has met in each approved specialty for which he announces the existing educational requirements and standards set forth by the American Dental Association.

A dentist who uses his eligibility to announce as a specialist to make the public believe that specialty services rendered in the dental office are being rendered by qualified specialists when such is not the case is engaged in unethical conduct. The burden of responsibility is on the specialist to avoid any inference that general practitioners who are associated with the specialist are qualified to announce themselves as specialists.

GENERAL STANDARDS. The following are included within the standards of the American Dental Association for determining the education experience and other appropriate requirements for announcing specialization and limitation of practice:

1. The special area(s) of dental practice and an appropriate certifying board must be approved by the American Dental Association.
2. The dentist must have successfully completed an educational program accredited by the Commission on Dental Accreditation of two or more years in length, as specified by the Council on Dental Education or be a diplomate of a nationally recognized certifying board.
3. The dentist's practice shall be limited exclusively to the special area(s) of dental practice in which he has announced.

STANDARDS FOR MULTIPLE-SPECIALTY ANNOUNCEMENTS. Educational criteria for announcement as a specialist in additional recognized areas are the successful completion of an educational program accredited by the Commission on Dental Accreditation in each area for which the dentist wishes to announce.

Dentists who completed their advanced education in programs listed by the Council on Dental Education prior to the initiation of the accreditation process in 1967 and who are currently ethically announcing as a specialist in a recognized area may announce in additional areas provided they are educationally qualified or are certified diplomates in each area for which they wish to announce. Documentation of successful completion of the educational program(s) must be submitted to the appropriate constituent society. The documentation must assure that the duration of the program(s) is a minimum of two years in duration except for oral and maxillofacial surgery which must have been a minimum of three years in duration.*

5-D. GENERAL PRACTITIONER ANNOUNCEMENT OF SERVICES. The general dentist who wishes to announce the services available in his practice is permitted to announce the availability of those services so long as he avoids any communications that express or imply specialization. The dentist shall also state that the services are being provided by a general dentist. No dentist shall announce available services in any way that would be false or misleading in any material respect. The phrase "practice limited to" shall be avoided.*

*Advertising, solicitation of patients or business, or other promotional activities by dentists or dental care delivery organizations shall not be considered unethical or improper, except for those promotional activities which are false or misleading in any material respect. Notwithstanding any ADA Principles of Ethics and Code of Professional Conduct or other standards of dentist conduct which may be differently worded, this shall be the sole standard for determining the ethical propriety of such promotional activities. Any provision of an

ADA constituent or component society's code of ethics or other standard of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities which is worded differently from the above standard shall be deemed to be in conflict with the ADA Principles of Ethics and Code of Professional Conduct.

Interpretation and application of Principles of Ethics and Code of Professional Conduct

The preceding statements constitute the *Principles of Ethics and Code of Professional Conduct* of the American Dental Association. The purpose of the *Principles and Code* is to uphold and strengthen dentistry as a member of the learned professions. The constituent and component societies may adopt additional provisions or interpretations not in conflict with these *Principles of Ethics and Code of Professional Conduct* which would enable them to serve more faithfully the traditions, customs and desires of the members of these societies.

Problems involving questions of ethics should be solved at the local level within the broad boundaries established in these *Principles of Ethics and Code of Professional Conduct* and within the interpretation by the component and/or constituent society of their respective codes of ethics. If a satisfactory decision cannot be reached, the question should be referred on appeal to the constituent society and the Council on Bylaws and Judicial Affairs of the American Dental Association, as provided in Chapter XI of the Bylaws of the American Dental Association. Members found guilty of unethical conduct as prescribed in the American Dental Association Code of Professional Conduct or codes of ethics of the constituent and component societies are subject to the penalties set forth in Chapter XI of the American Dental Association Bylaws.