

**Information, consent and standard of dental care
(10HDC00671, 26 June 2012)**

Dentist ~ Crown ~ Preparation ~ Treatment plan ~ Information ~ Informed consent ~ Standard of care ~ "Cooling off" period ~ Documentation ~ Rights 4(1), 4(2), 6(2), 7(1)

A woman complained about the treatment provided by two dentists, and the information provided to her regarding her options for treatment, the proposed treatment, and the treatment costs. The woman consulted a dentist who recommended she have ceramic crowns put on her back teeth (initially five teeth). During the initial consultation, a second opinion was obtained from another dentist within the practice. He confirmed the first dentist's diagnosis and agreed with the treatment plan. The dentists stated that this was on the basis that the woman had expressed a wish to have work on her front teeth, to improve her appearance.

The woman was told that the cost of the five crowns would be \$7000. The dentists stated that the woman was also told that after the crowns had been fitted, other molars and premolars would need to be built up, and that she could then have veneers on her front teeth. The woman denies being told this during this consultation. She and her husband left to discuss the proposed treatment.

The woman, who lived in another city, returned the same day having decided to proceed with the treatment. Two other patients were rescheduled in order to commence the woman's treatment. The first dentist began preparing the woman's teeth for the crowns. Study models and diagnostic wax-ups were not made. The dentist stated that the woman agreed to have a sixth tooth crowned, although the woman denied this. The second dentist finished the preparation and fitted temporary crowns on six teeth.

The woman consulted a dentist in her home town after losing part of a temporary crown. She became increasingly concerned that she had commenced a course of treatment that was unnecessary.

The woman returned to the practice a fortnight later to have the permanent crowns cemented into place. A dispute arose with regard to the information and standard of care provided at the first appointment. It was agreed that the woman would not have permanent crowns fitted that day but, as an interim measure, a new set of temporary crowns was fitted. The woman completed her treatment at another dental practice.

There were multiple discrepancies between the accounts of events provided by those present.

It was held that the first dentist failed to give sufficient, accurate or consistent information about the selected treatment and its cost. As the woman was not provided with adequate information, she was unable to give informed consent to the treatment. This was exacerbated by the fact that treatment, which was extensive and entailed considerable personal expense, was commenced on the same day it was proposed, which did not allow the woman sufficient time to consider the proposed treatment. The first dentist did not make study models and diagnostic wax-ups, and her

documentation was not in accordance with professional standards. In these circumstances, the first dentist breached Rights 4(1), 4(2), 6(2), and 7(1) of the Code.

The second dentist should not have agreed to provide treatment without first ensuring the woman had had sufficient time to consider any information provided and give fully informed consent. He should also have ensured that adequate planning and preparation had taken place. In failing to do so, the second dentist breached Rights 4(1) and 7(1).