



Guidelines

Informed Consent for Dental Treatment

New Brunswick Dental Society

Board approved

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Guidelines on Informed Consent for Dental Treatment

and the Process to Obtain It

Consent is a fundamental ethical and legal requirement in a dental practice. It ensures that patients are fully informed about their treatment options and have voluntarily agreed to the proposed procedures. This standard outlines the types of consent, the process for obtaining consent, and the documentation required.

Types of Consent

Implied Consent: *Assumed when a patient voluntarily attends a dental appointment and cooperates with the examination.*

General Consent: *Obtained for routine procedures such as examinations, cleanings, and minor restorative work. This consent is usually verbal but must be documented in the patient's record.*

Informed Consent: *Required for more invasive or complex procedures. This involves a detailed discussion between the dentist and the patient about the nature of the procedure, risks, benefits, and alternatives.*

Process for Obtaining Consent

Patient Information: *Provide the patient with comprehensive information about their oral health status, the proposed treatment, and any alternatives. This must include:*

- The nature and purpose of the proposed treatment.
- The potential benefits and risks associated with the treatment.
- Alternatives to the proposed treatment, including the option of no treatment.
- The potential risks and benefits of alternative treatments.

Discussion: *Engage in a thorough discussion with the patient, ensuring they understand the information provided. Encourage questions and provide clear, honest answers. Use models, photos or video to demonstrate the procedures or the treatment recommended. Ask feedback from your patient to see if they understand.*

Voluntary Decision: *Ensure that the patient's decision to proceed is voluntary and free from coercion. The patient should have the capacity to understand the information and make an informed decision.*

Documentation: Record the consent process in the patient's dental record. For informed consent, obtain a signed consent form that outlines the discussed information.

Documentation

General Consent: Note in the patient's record that general consent was obtained verbally.

Informed Consent: Use a written consent form that includes:

- The diagnosis or the differential diagnosis,
- The exact nature and the anticipated benefits,
- A description of the proposed procedures, tests or treatments and their estimated cost,
- Reasonable and accepted alternative procedures, tests, or treatments that are generally available, including no treatment and their estimated cost,
- The consequences of not undertaking the proposed procedures, tests, or treatments,
- The risks and benefits of the proposed procedures, tests or treatments discussed,
- Special risks that may have relevance to the patient,
- Any responses or feedback from the patient about the procedures, tests or treatments proposed,
- The patient's signature and date.
- The dentist's signature and date.

Ongoing Consent: Reconfirm consent at each stage of a multi-visit treatment plan.

Dentists must recognize informed consent is not a one-time event. In the case of ongoing care, continuation of consent needs to be verified throughout the treatment period. When consent is given for a coordinated series of procedures as part of a complex treatment plan, the consent remains valid until that treatment plan is changed or the patient withdraws consent. A dentist must respect the right of the patient to withdraw consent at any time.

Special Considerations

A dentist must ensure that all the dentist's staff involved in the informed consent process are given adequate directions and training to perform their functions in the consent process and only delegate the role where there is adequate knowledge and expertise.

Minors and Incapacitated Patients: Obtain consent from a parent, guardian, or legal representative. A dentist must determine a patient's legal and mental capacity to give consent. A dentist who obtains consent from a substitute decision maker on behalf of a patient must comply with applicable laws.

In New Brunswick, the *Medical Consent of Minors Act* gives all youth who are 16 or older the right to consent the same way as if they were 19 (the age of majority in that province). Youth under 16 can make decisions if they are mature minors – according to the mature minor doctrine.

mature minor doctrine

If you are a minor (under the age of majority) in Canada, you can generally make your own medical decisions if:

- ***you are mature enough to make your own informed decisions; and***
- ***you understand the consequences of your decision.***

A dentist must determine a patient's legal and mental capacity to give consent. A dentist who obtains the consent of a substitute decision-maker on behalf of a patient must comply with applicable laws.

Language Barriers: *Use interpreters or translated materials to ensure the patient fully understands the information.*

Legal and Ethical Compliance

Ensure that the consent process complies with relevant legal and ethical guidelines, including respecting patient autonomy and maintaining confidentiality.