

PRESS RELEASE



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ENSURE VALID CONSENT IN TREATING VULNERABLE PATIENTS, WARNS MDDUS.

Dentists should not assume competence in any patient and should always offer assistance in clinical decision-making.

The UK-wide medical defence organisation MDDUS is warning dental professionals that for some patients the capacity to follow the consent process is lacking, such as in dementia, challenging behaviour or severe learning disability.

MDDUS highlights that if this capacity is lacking, it is important for the clinician to respect the legislation that governs the process of dental care for incapacitated individuals. Dentists must also remember that capacity may also vary over time, for example in recovery from neurological injury/disorder.

In England, the Mental Capacity Act 2005 was introduced to provide a legal framework and comply with the best interests of those adults who do not have the capacity to consent. In Scotland, the Adults with Incapacity (Scotland) Act 2006 was one of the first pieces of social legislation laid before the new Scottish Parliament.

Aubrey Craig, head of the dental division at MDDUS, warns: "Irrespective of whatever jurisdiction one practises in, the best interests of the patient must be at the forefront of everyone's thinking when dealing with individuals incapable of consenting.

"If a clinician is concerned about their proposed treatment, it would be prudent to consult a colleague who could provide a second opinion. All of these discussions must be clearly recorded in the patient's dental record.

Craig adds: "The relevant legislation and accompanying Codes of Practice aim to support and protect vulnerable adults and it is imperative that the treating clinicians follow these as closely as possible."

Ends

For further information contact Colin Calder on 0141 616 2677 or 07850 510881.

Note to editors

MDDUS (Medical and Dental Defence Union of Scotland) is a medical defence organisation providing access to professional indemnity and expert medico- and dento-legal advice for doctors, dentists and other healthcare professionals throughout the UK.

For further information on MDDUS go to www.mddus.com.