

PRESS RELEASE



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SEEK ADVICE BEFORE RELEASING CHILDREN'S NOTES, WARNS MDDUS.

Dentists are being warned they should seek advice and exercise caution before complying with requests to release children's dental records to authorities where valid consent has not been obtained.

The UK-wide medical defence organisation MDDUS is reminding dentists that non-consensual release of patient records could be in breach of the law, as well as falling foul of the General Dental Council.

MDDUS emphasises that normally, sensitive information which is contained in dental records should not be released to a third party without the patient's explicit consent. In cases involving children who have yet to reach the age of legal capacity, the consent of the child's parent or court appointed guardian is usually required.

In recent months, however, a number of members have contacted MDDUS following requests by various authorities for release of children's notes in circumstances where valid consent has not been obtained.

In one instance, the police actually arrived at a dental practice, seeking clinical records as part of an ongoing investigation into suspected child neglect.

While MDDUS is entirely sympathetic to the intuitive desire to assist in matters of such gravity, dental practitioners are, nonetheless, warned to exercise great caution before complying with requests of this nature.

Doug Hamilton, dental advisor, warns: "Non-consensual release of records, however well-intentioned, may be in breach of the Data Protection Act, the common law duty of confidence as well as GDC regulations."

MDDUS advises that when authorities such as the police ask for the notes of a child who is not competent to provide or withhold consent, it is reasonable for the practitioner to request sight of written consent from the person with parental rights and responsibility. Where this is not forthcoming, then disclosure could be justified by the production of a court order. Alternatively, if the request is pursuant to a statutory power, then this must be specified prior to disclosure.

Hamilton adds: "It is important to emphasise to the authority in question that these assurances are being sought solely in order to avoid legal and regulatory censure. The practitioner should

make it clear that they are eager to provide all lawful cooperation, and, to this end, might offer to contact the child's mother in order to secure consent."

Situations may also arise where it is the dentist that suspects mistreatment of one of his young patients. MDDUS says that once again it is advisable to seek parental consent before releasing information to the relevant authorities unless such action would place the patient in danger. It is also important to attend to the child's immediate dental needs.

Hamilton says: "While any caring professional will be anxious to assist in the protection of vulnerable patients, it must be remembered that non-consensual release of records is fraught with potential dento-legal difficulties.

"Therefore, MDDUS strongly advise members to contact us for expert advice before disclosing any confidential information."

Ends

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

Note to editors

MDDUS is a medical and dental 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.