



**D**entists are educated and trained in a specific body of knowledge, spending years acquiring and refining the demanding technical skills necessary to practise the profession.

In recognition of this expertise, society grants the profession self-regulatory status, permitting its members to enjoy tremendous privileges. In return, however, society expects that the profession will pledge itself to maintaining high standards and that its members will deliver competent, safe, and ethical dental services to patients.

Dentists have certain legal obligations when treating their patients that may arise from the legislation or regulations governing the profession or from common law as interpreted by the courts.

For example, dentists have a duty to:

- diagnose and treat patients in a competent manner;
- inform patients and obtain their consent before initiating treatment;
- maintain adequate treatment records;
- maintain confidentiality of patient information.

The book *Dental Law in Canada* was published in May 2004. It provides an in-depth look at the subject, covering such topics as human rights law, employment law, the regulation of dentistry, dental negligence and malpractice, informed choice, and privacy and confidentiality. The College's Registrar Irwin Fefergard contributed a chapter called Recordkeeping in Dentistry.

# Duty to Treat

From this book, the advisory board to PEAK is pleased to offer members the following: Chapter 9 – Duty to Treat by Fiona Bergin, Assistant Professor of Law and Medicine at the Dalhousie Health Law Institute.

The chapter uses actual case examples to explore the nature and extent of dentists' legal duty to:

- accept patients;
- not to discriminate;
- provide emergency treatment;
- provide treatment in a timely manner;
- provide coverage (e.g., when the office is closed);
- complete or continue treatment;
- transfer care/provide notice of termination of care;
- refer/consult.

The advisory board to PEAK hopes that the enclosed reprint will assist members in understanding their obligations.

PEAK (Practice Enhancement and Knowledge) is a College service for members, that's goal is to regularly provide Ontario dentists with copies of key articles on a wide range of clinical and non-clinical topics from the dental literature around the world.

It is important to note that PEAK articles may contain opinions, views or statements that are not necessarily endorsed by the College. However, the PEAK advisory board is committed in its desire to provide quality material to enhance the knowledge and skills of member dentists.

If you have any suggestions for subjects to be addressed by PEAK or questions about this membership service, please contact:

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