



PEAK

Legal and Human Rights Ramifications of Serology Testing for Dental Professionals



PEAK (Practice Enhancement and Knowledge) is a College service for members, whose 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, PEAK is committed to providing quality material to enhance the knowledge and skills of member dentists.

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Infection prevention and control is an important part of safe patient care. Concerns about the possible spread of blood-borne diseases require dentists to establish, evaluate, continually update and monitor their infection prevention and control strategies and protocols. The best means of protecting both health care workers and patients from the risk of transmitting blood-borne pathogens is adherence to standard precautions.

Standard precautions are based on the concept that all patients are potentially infective, even when asymptomatic, and that the same safe standards of practice should routinely apply to contact with blood, body fluids and secretions (e.g. saliva), mucous membranes and non-intact skin. Standard precautions include immunization against hepatitis B virus (HBV) and subsequent verification of immunity.

Hepatitis B is the single most important vaccine preventable infectious disease for all health care workers. The risk of being infected is a consequence of the prevalence of virus carriers in the population receiving care (approximately 350 million carriers worldwide), the frequency of exposure to blood and other body fluids, and the contagiousness of HBV. Therefore, immunization against HBV is strongly recommended for all health care workers who may be exposed to blood, body fluids or injury involving sharps.

From the patient's perspective, however, the seroconversion rate for an unprotected individual after significant exposure to a hepatitis B e-antigen positive health care worker is 19 to 30%.

Dentists have a fiduciary duty to ensure that patients are treated in a safe and healthy office environment – but how far does this duty extend? Do patients have a right to expect that dentists will submit to serological testing for infectious diseases and disclose their status? What about the competing rights of dentists to personal privacy and protection from discrimination? What about the rights of applicants and students to pursue the profession of their choosing?

To examine these questions, PEAK offers members the following



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article: “The Legal and Human Rights Ramifications of Serology Testing for Dental Professionals,” by Raj Anand and Carrie Bowker, who researched this important topic for a presentation to the Canadian Dental Regulatory Authorities Federation on October 24, 2008 in Montreal.

The article begins by reviewing the rationale and existing policies for serological testing among regulators and dental schools. It then discusses the applicable human rights principles and legality of such testing.

As noted in the article, the College has a confidential and compassionate process for members who may be infected with blood-borne diseases to assist them in their particular practice situation. For more information about this process, please call the College’s Registrar Irwin Fefergrad at 416-934-5625 or toll-free at 1-800-565-4591.

KEY POINTS

- All dentists should conscientiously and rigorously adhere to the principles of standard precautions in their practice.
- All dentists should be immunized against hepatitis B for the protection of themselves and their patients.
- All dentists who perform exposure-prone procedures have an ethical obligation to know their serological status with respect to HBV, HCV and HIV.
- If infected, dentists should seek guidance from the College with respect to the potential for transmission of their infection to their patients.

ON THE WEB www.rcdso.org

- *Guidelines for Infection Control in Dental Health-Care Settings from the Centers for Disease Control and Prevention, Atlanta, Georgia*
- *Best Practices for Cleaning, Disinfection and Sterilization in All Health Care Settings from the Provincial Infectious Diseases Advisory Committee, Ontario Ministry of Health and Long-Term Care*

PROFESSIONAL PRACTICE/IMPORTANT HEALTH NOTICES