



EFOSA

EUROPEAN FEDERATION OF ORTHODONTIC SPECIALISTS ASSOCIATIONS
FEDERATION EUROPEENNE DES ASSOCIATIONS DE SPECIALISTES EN ORTHODONTIE

CODE of ETHICAL PRACTICE AND PROFESSIONAL CONDUCT

Introduction

This document is published by the European Federation of Orthodontic Specialist Associations to provide a guide to the ethical obligations of its member societies and their individual members and to describe the role of the EFOSA Council in Ethics.

With changes in public expectations and constant developments in clinical techniques and professional requirements, new situations leading to future changes of this narrative will inevitably arise.

Members of EFOSA accept the principles of ethical practice and professional conduct expressed in this code and must assume a responsibility to support their individual members in the maintenance of these principles.

Whilst the primary purpose of this Code of Ethical Practice and Professional Conduct is to protect the public and our patients, we must also recognise our responsibilities and obligations to colleagues and other health care professionals.

Competent Dental Authority

In all countries in the European Union there exists a national body which administers the dental profession. This body is the same as the “Competent Dental Authority” as defined in the EC Dental Directives 78/686/EEC or the equivalent body in non-European Union States. It is under these bodies that all practitioners of orthodontics are registered and subject to regulation and disciplinary procedures.

Ethical Obligations and Duties of the Members of EFOSA.

1. EFOSA expects that all member societies will give active concern to the ethical behaviour of their individual members.
2. All member societies should as a minimum requirement adopt the EFOSA Code of Ethical Practice and Conduct in Orthodontics as set out in this document as well as the ethical guidance of their own Competent Dental Authority.
3. **National Ethics Committee.** EFOSA recommends that member societies should establish a national Ethics Committee to draw up a code of ethical behaviour and to consider all matters relating to ethics and the ethical behaviour of their members in the practice of orthodontics.
4. The Member Societies of EFOSA have a public and professional responsibility to report to the appropriate Competent Dental Authority any credible evidence that may

come to their attention involving the alleged misconduct of any of their individual members relating to the practice of dentistry.

5. Where a member society is made aware of and later finds evidence that there has been serious disregard of the Code they may recommend that advice and counselling be made available to the individual member. The member society may also propose that the member undergoes an appropriate course of supervised appraisal.
6. Any action taken by an individual member relating to quality of care issues as encompassed by these Codes of Ethical Practice and Professional Conduct and which breach guidelines on Professional Conduct and Fitness to Practice of the Competent Dental Authority should be reported to the Competent Dental Authority; and this could ultimately result in suspension or curtailment of the right to practice.
7. In appropriate cases member societies may considering the suspension or expulsion of a member from their society.
8. All member societies have an obligation to bring to the attention of the Council of EFOSA any circumstance when a member of their society is found guilty of unprofessional behaviour or fraudulent conduct leading to any form of sanction or penalty imposed by their Competent Dental Authority.
9. When the Council of EFOSA informs the Members that an individual member has been found guilty of unprofessional behaviour or fraudulent conduct leading to any manner of sanction or penalty by the Competent Dental Authority, every member society has a duty to advise their own Competent Dental Authority and to recommend that registration and the right to practice in their Country should be denied to that individual..

Ethical Obligations and Duties of the Council of EFOSA.

1. The Council of EFOSA has an obligation to ensure that all Members comply with the ethical requirements and duties.
2. The Council of EFOSA on behalf of its constituent members shall establish and maintain the Federation's Code of Ethical Practice & Professional Conduct'.
3. When the Council of EFOSA receives credible information that an individual member of a member society has been found guilty of unprofessional behaviour or fraudulent conduct leading to any manner of sanction or penalty by their Competent Dental Authority, the Council shall advise all member societies as well as the Competent Dental Authority of every EU Member Country which does not have a member society and to recommend that registration and the right to practice in that Country should be denied to that individual.

EFOSA CODE OF ETHICAL PRACTICE & PROFESSIONAL CONDUCT IN ORTHODONTICS

An ethical standard of professional conduct demands a level of personal performance at least as high as that required in law and sufficient to conform with the profession's own generally accepted codes of good practice.

An unethical standard of professional conduct implies a level of personal performance which fails to satisfy the profession's own generally accepted concepts of good practice. In extreme cases, standards of conduct may fall below those required in law.

The Council and Members of EFOSA have a duty to take action over unethical standards of professional conduct where these might threaten the well being of patients or the good reputation of the profession.

Principles of Ethical Practice in Orthodontics

1. In the following "Members" means an individual member of any orthodontic society which is a member of EFOSA.
2. Members shall recognise and uphold the principles regulating the ethical practice of orthodontics as laid down by this "Code of Ethical Practice & Professional Conduct".
3. Members shall deal honestly with patients and colleagues and discharge their contractual obligations to patients, to payment agencies and to their employers. This duty should recognise the spirit, as well as the letter, of the relevant national regulations.
4. Members shall ensure that they make no false or misleading statements to patients. This shall include any misleading claims of competence which cannot be supported by the generally accepted standards of orthodontic practice.
5. Members shall not give false or misleading statements in their professional advertising including any information given on the Internet.
6. Members shall refrain from submitting misleading accounts to their patients or to payment agencies. In this respect, members are reminded that they are equally and ethically responsible for false or misleading claims for payment whether they be made by the member directly or on the member's behalf by a clinical colleague or employee.
7. Members shall ensure that their clinical colleagues and employees are aware of the legislation regulating their various activities in an orthodontic practice. It is incumbent upon a member to ensure that clinical colleagues and ancillaries do not extend their duties beyond those permitted in the relevant legislation in their Country.
8. Members shall ensure that they have the full and informed consent of their patients for all aspects of a proposal for treatment. That consent should be accurate and comprehensive and the onus rests with the member to ensure that it is understood and acknowledged by the patient. Written and signed consent is considered advisable. Mandatory?
9. Members do not have to provide treatment that they feel is not in a patient's best interests. Notwithstanding the right to exercise discretion over the provision of treatment, members shall not refuse to accept any patient for treatment on the grounds of race, colour, creed, gender, age, disability or medical status.

10. Members shall ensure that the standard of treatment they dispense is of the highest quality compatible with individual circumstances of, or the express wishes of, the patient.
11. Members shall ensure that reasonable arrangements are made for their patients to receive any necessary emergency care and that their patients are properly aware of such arrangements.
12. Members shall, at their own discretion, or at the request of a patient, seek a second opinion on the management of a clinical situation before, during or after a course of orthodontic treatment. Such an opinion should be sought from an appropriate source and any financial interests whatsoever should be declared to the patient at that time.
13. Members shall ensure that continuity of clinical management is maintained for a patient who moves away from the local cover offered by the practice. A written referral is obligatory, and whenever possible this should be made to an appropriately qualified colleague. Acceptance of the transfer by the receiving practitioner should be confirmed to the referring practice and all relevant clinical records should be made available.
14. Members should equally be willing to accept transfers from colleagues under financial arrangements similar to those already in existence and in compliance with the regulations that apply in the country of the accepting member.
15. Members, as health care professionals, have a duty of care to all of their patients and an ethical responsibility to provide continuing and emergency care unless such patients no longer wish them to do this. The duty of care, so far as it is reasonably possible, extends beyond members' own patients to any member of the public seeking their help. Thus, members, even if they are not providing treatment, should make every effort to assist a member of the public to obtain treatment both routinely and in emergency situations.
16. The rule of confidentiality in the patient/clinician relationship has been accepted throughout the history of medicine and dentistry. Information discussed in the course of consultation and treatment is confidential and should not be disclosed. This applies not only to clinicians but also to supporting staff. Therefore Members should not disclose information about patients without appropriate consent except to those with a genuine concern for a patient's welfare, such as other health care professionals or where there is a requirement in law. In the case of minors, information may only be disclosed to parents and/or legal guardians where it is in the interest of the patient. If there is doubt over specific issues, members are strongly advised to seek advice from their national professional association.
17. "Whistle blowing". If a Member becomes aware that another orthodontist is performing poorly in a consistent manner to the detriment of patients, whether because of impairment, incompetence, unethical conduct or illegal practice it is the member's ethical duty to inform the appropriate person and/or authorities with a view preventing continuing harm to others.

31st March 2003