

RESPONSE OF THE DENTAL COUNCIL TO THE COMPETITION AUTHORITY'S REPORT ON DENTISTRY

The Dental Council was established under the provisions of the Dentists Act 1985: its general concern is to promote high standards of professional education and professional conduct among dentists.

The Council, from its establishment, has understood and accepted its role of looking after the public interest. It has discharged this remit by ensuring the highest standard of undergraduate education for students of dentistry in the State and in promoting the highest standards of professional behaviour and clinical care by qualified dentists. It also actively encourages continuing education for dentists. It carries out a similar role in relation to dental hygienists.

The Council has also encouraged the development of quality training programmes for dental technicians and dental nurses so that all members of the dental team are in a position to deliver the optimum quality of dental care to the Irish public.

The actions of the Dental Council have consumer interest and safety as their primary focus.

There are a number of aspects of the Report on which the Council would like to comment.

Recommendation 1

It would appear that the Authority has erred in its understanding the role of dental hygienists. Dental hygienists are not beauticians: they are healthcare workers. True, basic cleaning could be regarded as a cosmetic exercise but the main role of dental hygienists is in the rehabilitation of patients who have suffered from gum disease, in the oral health maintenance of patients who have had advanced prosthodontic treatment and in the placement of fissure sealants.

The recommendation that the Council should amend the Scheme for Dental Hygienists to remove the requirement for hygienists to operate under the general supervision of a dentist asks the Council to ignore the provisions of the primary legislation which requires hygienists to work under the supervision of a dentist who has first examined the patient and indicated to the hygienist the dental work to be carried out.

Recommendation 3

Since the mid 1960's dental technician or dental craftsman training in Ireland has been delivered in an apprenticeship system operated under the auspices of, originally AnCO, and subsequently FAS. Anyone who trained within this system

would be entitled to a National Craft Certificate on the completion of the three year training programme. Provision is made in the Council's Scheme for the recognition of the National Craft Certificate for the purposes of registration. It appears to the Council that this recommendation is not necessary. However, if it can be established that there are dental technicians with relevant experience who do not qualify for registration under the proposed Scheme the Council would be willing to provide an accommodation for them.

The Council will re-submit its scheme incorporating a grandfather clause for those dental technicians who do not have a formal qualification but who have attained an agreed minimum standard of competence.

The Council's understanding is that its proposed Scheme has not been approved up to now because of the reluctance of the Dental Technicians Association of Ireland to support a Scheme which under present legislation can only provide for voluntary and not mandatory registration. The Council empathises with this point of view and it too would like to see mandatory registration for dental technicians and indeed all members of the dental team.

Recommendation 4

In the event that a Register of Dental Technicians is established the Council would ensure that foreign trained dental technicians with appropriate qualifications would be admitted to registration without difficulty.

Recommendation 6

Mr Justice Gilligan in a High Court judgement delivered on 27th February 2004 in the case of *Kenny v Dental Council and others* stated:

“It appears reasonable on the evidence adduced before me to come to a conclusion that I do that it would be irresponsible of the Dental Council to compromise in any way the quality of denturist training given the public expectation of trust in healthcare professionals and the potential for harm to patients in a variety of ways”

and

“I take the view that on the basis that the Schemes as proposed by the Dental Council are rational and were proposed on the basis that the Dental Council considered it would be an abrogation of their responsibilities to the public in a matter of public health to provide a shortcut to recognition for those dental technicians currently practising as denturists I find that the Dental Council did not act unreasonably or unfairly in proposing a Scheme without a grandfather clause.”

The High Court vindicated the Council's position that persons aspiring to become clinical dental technicians must have dedicated training. No amount of experience can substitute totally for training and it should be noted that under the provisions of the Act the Council is required to determine **training** and qualifications for each class of Auxiliary Dental Worker established.

The Council would be willing to accommodate experienced dental technicians who have undergone relevant training by providing an examination that would assess their competence to carry out the duties of a clinical dental technician. The Council will re-submit its Scheme with such a provision.

Recommendation 7

In the event of the establishment of a Register of Clinical Dental Technicians the Council would ensure that foreign trained clinical dental technicians, with appropriate qualifications, would be admitted to registration without difficulty.

Recommendation 10

The Dental Council is required under Section 66 of the Dentists Act 1985 to give guidance of a general nature to the dental profession on matters relating to ethical conduct and behaviour. It is under this Section that the Council drew up guidelines on Public Relations and Communications. It recognises that these guidelines need to be changed significantly and updated. It is, however, concerned about an advertising free-for-all where the only winners will be the advertising media and the only losers the patients. Dentistry is unlike most professional services in that the client generally is not in a position to judge the necessity or the propriety of the treatment recommended or the quality of the treatment delivered. The Council will be happy to discuss this recommendation with the Authority with a view to implementing changes that will not result in any diminution of the standard of dental care delivered in Ireland or in an increase in the cost to the consumer.

Recommendation 11

Irish legislation, unlike UK legislation, does not differentiate between the business of dentistry and the practise of dentistry. UK law limited the business of dentistry to registered dentists, to the representative of a deceased dentist for a finite period and to a number of bodies corporate that were engaged in the business of dentistry prior to 1956 Dentists Act. The practice of dentistry, however, was limited to registered dentists. There does not appear to be any restriction on the business of dentistry in Ireland.

Clarifications/ Corrections

2.12 Registration of dental nurses is not mandatory. There are in excess of 2000 persons carrying out dental nurse duties in the State.

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A number of dental technicians have been prosecuted in Ireland for selling dentures directly to the public.

2.22

Non EEA nationals do not have to prove that they are proficient in English.

3.24

The Dental Council does not have the power to fine and/or strike a hygienist from the Register.