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### Ethical Proceedings

#### ETHICAL PROCEEDINGS INVOLVING DENTISTS IN THE STATE OF MINAS GERAIS, BRAZIL

##### *Processos éticos envolvendo cirurgiões-dentistas no estado de Minas Gerais, Brasil*

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#### ABSTRACT

Introduction: The competition in dentistry work market is more aggressive over the time due to the growing population of professionals. Consequently, ethical proceedings become more common highlighting the importance of bioethical training and education in the routine of dentistry. Objective: To analyze ethical proceeding prosecuted and adjudicated at the Regional Council of Odontology of the state of Minas Gerais, Brazil, in the period between 2005 and 2011. Material and methods: Nine hundred fifty-five ethical proceedings were analyzed according to 1) the related reasons justifying ethical suits; and 2) its respective sentences and penalties. A retrospective observational transversal study was designed in the database of the Regional Council of Odontology of the State of Minas Gerais, Brazil. Descriptive statistics was performed. Results: The most prevalent reasons justifying ethical suits were the irregular advertising and the lack of performing the recommended technique (30.4%). Moreover, unregistered dental clinics and laboratories comprehended 25.5% of the total reasons. The investigation of sentences revealed that dentists were mostly convicted (33.8%). Conclusion: A linear growing trend of ethical proceedings is observed along the investigated period, revealing that dentists are often convicted in face of ethical infractions.

**KEYWORDS:** Professional ethics, Dental ethics; Forensic dentistry

## **INTRODUCTION**

According to the Federal Council of Dentistry, there were nearly 250,000 dentists in Brazil in 2012. Moreover, given the growing number of dentistry schools, more than 9.000 professionals enter the Brazilian market annually<sup>1</sup>. The competition in the dentistry work market is aggressive due to the growing population of dentists (around 5.7% per year) in face of the annual growth of the general population (around 1.6%.per year)<sup>2,3</sup>. On the other hand, patients became more informed, questioning the suggested treatment plans and requiring optimal outcomes<sup>4</sup>. The professionals inserted into the work market, through a continuous flow, should receive a complete dental education, based on the National Curricular Guidelines for dentistry undergraduation courses, which includes humanistic, legal and ethical principles<sup>5</sup>. However, such support is not always provided, culminating in a large number of professionals unaware of ethical obligations.

The first Brazilian Code of Dental Ethics was introduced in 1976<sup>6</sup>. It established fundamental principles of dental ethics which were gradually modified in the following years up to the present date<sup>6</sup>. Specifically, the code compiles the rights

and duties of dental professionals, as well as the ethical infringements and its respective penalties. In addition, the Code of Ethical Procedures in Dentistry was created by the Federal Council of Odontology including the procedural standards guiding the disciplinary proceedings at the Regional Councils of Odontology<sup>7</sup>. In this context, dentists must be aware of their role in society acting in compliance with their moral consciousness, not disregarding the normative ethical precepts nationally established<sup>8,9</sup>.

Despite the importance of following ethical standards during practical clinic activities, the ethical complaints are detected in an increasing trend in the archives of Brazilian Regional Councils of Odontology. Thus, the present study is justified in order to investigate ethical suits prosecuted and adjudicated at the Regional Council of Odontology of Minas Gerais, Brazil, exposing essential information to avoid the continuous increasing trend of ethical complaints in dentistry.

## **MATERIAL AND METHODS**

The present cross-sectional survey consisted of a retrospective observation on the annual statistical data from the Regional

Council of Dentistry of the State of Minas Gerais, Brazil. The sample consisted of 955 ethical proceedings prosecuted and adjudicated in the period between 2005 and 2011.

The sample was analyzed by a single investigator, considering the 1) reasons justifying ethical demands involving dentists; and 2) its respective legal sentences and penalties. The collected data was arranged in tables and submitted to univariate and bivariate analysis using the software SPSS 19 (Statistical Product and

Service Solutions<sup>®</sup>, Chicago, USA). Descriptive statistics was used to explore the information obtained. Association Chi-square test was employed to assess differences between types of complaints and legal sentences.

**RESULTS**

Table 1 shows the distribution of reasons justifying ethical demands involving dentists. The most prevalent reasons were 1) the irregular advertising (30.4%), and 2) inadequate technical performances (30.4%).

Table 1 - Sample distribution according to the reason justifying ethical proceedings.

<b>Complaint</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>Total</b>	<b>%</b>
Irregular Advertising	7	8	22	39	63	38	113	290	30.4 <sup>a</sup>
Technical Performance	22	33	44	32	56	55	48	290	30.4 <sup>a</sup>
Unregistered Clinic or Laboratory	7	34	24	45	44	30	60	244	25.5 <sup>b</sup>
DS x DS*	3	3	5	2	6	3	9	31	3.2 <sup>c</sup>
Unregistered Professional	5	0	0	1	11	4	8	29	3.0 <sup>c</sup>
Irregular Practice	2	1	4	4	9	1	3	24	2.5 <sup>c</sup>
Concealment	0	7	0	2	6	4	3	22	2.3 <sup>c</sup>
Unethical Conduct	0	3	3	1	0	0	0	7	0.7 <sup>c</sup>
Relationship	3	2	0	1	0	0	1	7	0.7 <sup>c</sup>
Tax Crime	0	1	0	0	2	0	3	6	0.6 <sup>c</sup>
False Certificate	0	0	0	1	0	1	1	3	0.3 <sup>c</sup>
Sale Certificate/Receipt	0	0	0	0	0	1	0	1	0.1 <sup>c</sup>
Offense to the Council	0	0	0	0	1	0	0	1	0.1 <sup>c</sup>
<b>Total</b>	<b>49</b>	<b>92</b>	<b>102</b>	<b>128</b>	<b>198</b>	<b>137</b>	<b>249</b>	<b>955</b>	<b>100.0</b>

\*DS: Dentist. Different superscripts (a, b, c) indicate significant difference (p<0.05).

Table 2 shows the penalties incurred over the studied period, of which “confidential notice” emerged as the most

prevalent penalty (19.1%) among convicted dentists. Table 3 shows the penalties in relation to adjudication at the Regional

Council of Odontology of Minas Gerais, observed in the sentences of ethical revealing a higher amount of convictions proceedings of the Federal Council of compared to acquittals. The same trend is Odontology (Table 4).

Table 2 - Distribution of processes according to penalties.

<b>Penalties</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>Total</b>	<b>%</b>
Confidential Notice	9	17	17	28	53	17	41	182	19.1 <sup>b</sup>
Confidential Censure	1	4	4	10	18	11	13	61	6.4 <sup>c</sup>
Public Censure	1	1	3	8	16	13	1	43	4.5 <sup>c</sup>
Practice Suspension	0	0	0	1	3	1	6	11	1.2 <sup>d</sup>
Public Censure and Fine	0	1	2	1	0	0	2	6	0.6 <sup>d</sup>
Confidential Notice and Fine	0	0	3	2	0	0	3	8	0.8 <sup>d</sup>
Confidential Censure and Fine	0	0	0	0	0	0	3	3	0.3 <sup>d</sup>
Practice Suspension and Fine	0	0	0	0	0	0	1	1	0.1 <sup>d</sup>
Acquitted	38	69	73	78	108	95	179	640	67.0 <sup>a</sup>
<b>Total</b>	<b>49</b>	<b>92</b>	<b>102</b>	<b>128</b>	<b>198</b>	<b>137</b>	<b>249</b>	<b>955</b>	<b>100.0</b>

Different superscripts (a, b, c, d) indicate significant difference (p<0.05).

Table 3 - Distribution of proceedings according to penalties and sentences at the Regional Council of Odontology of Minas Gerais, Brazil.

	<b>No Answer</b>		<b>Condemned</b>		<b>Acquitted</b>		<b>P-value</b>
	<b>Freq.</b>	<b>%</b>	<b>Freq.</b>	<b>%</b>	<b>Freq.</b>	<b>%</b>	
Penalties	482	50.5 <sup>a</sup>	322	33.8 <sup>b</sup>	150 <sup>a</sup>	17.7 <sup>c</sup>	< 0.001

Different superscripts (a, b, c) indicate significant difference (p<0.05). One ethical proceeding did not report penalties (n=954).

Table 4 - Distribution of proceedings according to penalties and sentences at the Federal Council of Odontology, Brazil.

	<b>No Answer</b>		<b>Condemned</b>		<b>Acquitted</b>		<b>P-value</b>
	<b>Freq.</b>	<b>%</b>	<b>Freq.</b>	<b>%</b>	<b>Freq.</b>	<b>%</b>	
Penalties	884	100 <sup>a</sup>	48	100 <sup>b</sup>	22 <sup>a</sup>	100 <sup>c</sup>	< 0.001

Different superscripts (a, b, c) indicate significant difference (p<0.05). One ethical proceeding did not report penalties (n=954).

## DISCUSSION

The analysis of the sample (n=955) shows a larger number of ethical procedures in the State of Minas Gerais, Brazil, in comparison to the states of Santa Catarina and Ceará, Brazil<sup>7,10</sup>, and a similar amount

compared to the state of São Paulo, Brazil<sup>11</sup>.

Specifically, table 1 indicates an increasing linear trend in the number of ethical proceedings at the Regional Council of Odontology of Minas Gerais throughout the years of the studied period. The same trend

was observed in the Regional Councils of Odontology of the states of Ceará and São Paulo<sup>10,11</sup>. It is potentially explained due to the unprepared professionals unaware of the ethical standards of daily clinics<sup>12</sup>. Table 1 also reveals a high percentage of ethical demands regarding dental treatment itself (technical performance: 30.4%), suggesting an incomplete academic formation of undergraduate students. In addition to the technical performance, irregular advertising is accountable as one of the most recurrent ethical complaints at the Regional Council of Odontology of Minas Gerais<sup>13</sup>.

Concerning the irregular advertising, the number of infringements has increased on an annual basis revealing the lack of knowledge regarding the regulations of the national Code of Dental Ethics<sup>12</sup>. However, in the state of Minas Gerais this percentage is about 20% lower compared to the state of Santa Catarina, in which 50% of the total complaints concerned the advertisement in dentistry in the period between 1994 and 2006<sup>7,12,14</sup>. Despite that, the present study analyzed a sample from a more recent period, justifying the decreased percentage of irregular advertising due to the updated changes made on the chapters related to

communication in dentistry, in the Code of Dental Ethics.

Complaints regarding technical performance are still frequent among ethical infringements, with 30.4% of the total proceedings, which may be associated to a new professional/patient relationship. Similarly, in the state of Ceará, technical performance represents almost half (43.59%) of the complaints at the Regional Council<sup>10</sup>. Yet in the state of Santa Catarina, the most frequent complaints were: irregular advertising, representing 56.5% of the cases; followed by concealing illegal and irregular practice, representing 11.0%; and possible inaccuracy of technical performance, representing 7.9% of the cases<sup>7</sup>.

Moreover, the present study also investigated the prevalence of unregistered clinics and laboratories. The results show that some professionals still insist on disrespecting the Code of Dental Ethics, proliferating irregular clinics and laboratories, directly harming the public oral health. These infringements are potentially solved improving the ethical and bioethical knowledge in the undergraduation courses, creating a solid basis for the education of dental professionals<sup>8,12,15</sup>.

Further on, the analysis of judgments revealed a trend for the conviction of accused dentists<sup>16</sup> as it was observed in similar studies both in Brazilian northern (57.14%)<sup>10</sup> and southern regions (62.3%)<sup>7</sup>. These data differ in the northeastern region, specifically in the state of Paraíba, in which only 8.46% of all the registered proceedings received penalties. The variation into the amount of ethical convictions in the Regional Councils of Brazil, is highly related to the general results for ethical convictions considering the Federal Council of Odontology (table 4), which is also divided, reporting 48% of convictions.

In this context, the obtained outcomes highlight the need for more

structured undergraduate courses, in which ethical and bioethical aspects of dentistry should be constantly exposed in face of the clinical routine.

## **FINAL CONSIDERATIONS**

Throughout the years, there was a linear growing trend in the number of proceedings at the Regional Council of Dentistry of Minas Gerais, Brazil. The prevailing reason for ethical complaints was the irregular advertising, condemning a large number of dentists. Based on that, the undergraduate courses of dentistry should improve the ethical and bioethical support provided during the professional formation, creating a solid basis for further clinical practice.

## **RESUMO**

Introdução: O mercado de trabalho se torna mais agressivo e competitivo em Odontologia ao passo que a população de profissionais de torna cada vez maior. Consequentemente, processos éticos se tornam mais comuns destacando a importância da bioética na esfera odontolegal. Objetivo: Analisar 955 processos éticos instaurados e julgados, no período entre 2005 e 2011, no Conselho Regional de Odontologia de Minas Gerais, Brasil. Material e método: Objetivou-se estudar a evolução anual dos processos éticos; os motivos que originaram suas demandas; e as suas respectivas sentenças. Uma investigação observacional transversal foi realizada na base de dados do Conselho Regional de Odontologia do estado de Minas Gerais, Brasil, abordando as informações obtidas de forma descritiva. Resultados: Novecentos e cinquenta e cinco processo éticos foram detectados no período entre os anos de 2005 e 2011. Os motivos mais prevalentes para a instauração dos processos foram a publicidade irregular e o erro na realização de determinado procedimento técnico (30.4%). Clínicas odontológicas e laboratórios de prótese não registrados no conselho representaram 25.5% do total amostral. Em sua maioria, os Cirurgiões-dentistas foram condenados (33.8%). Conclusão: Observa-se uma tendência de crescimento linear no número de processo éticos instaurados no Conselho Regional de Odontologia de Minas Gerais durante o período estudado, no qual Cirurgiões-dentistas são frequentemente condenados por suas condutas antiéticas.

**PALAVRAS-CHAVE**

Ética profissional; Ética odontológica; Odontologia legal.

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