

Statement Regarding Employment of a Dentist*

These guidelines provide guidance for practice owners or management companies (collectively “employers”) in their working relationships with dentists associated with their practices, either as employees or independent contractors, except for postdoctoral education programs where a resident dentist is an employee of the educational program (collectively “employees”). The purpose of these guidelines is to protect the public in the provision of safe, high-quality and cost-effective patient care. Employers and employees should recognize and honor each of the guidelines set forth in this policy statement.

- I. As described in the *ADA Principles of Ethics and Code of Professional Conduct*, dentists’ paramount responsibility is to their patients. An employee dentist should not be disciplined or retaliated against for exercising independent professional judgment in patient assessment, diagnosis, treatment and comprehensive management, including with respect to but not limited to:
 - a. The use of any materials, or the delivery of a prosthetic device, that represents an acceptable standard of care or the refusal to use materials or deliver a prosthetic device that does not represent an acceptable standard of care;
 - b. The use of techniques that are reasonably believed to be within the standard of care and are in the patient’s best interest or the refusal to use techniques that are not within the standard of care and are not in the patient’s best interests (recognizing the patient’s right to select among treatment options);
 - c. The mandated provision of treatment that the employee dentist feels unqualified to deliver; and
 - d. The provision of treatment that is not justified by the employee dentist’s personal diagnosis for the specific patient.
- II. Because all employers and employee dentists must conform to applicable federal, state, and local laws, rules and regulations, an employed dentist should not be disciplined or retaliated against for 1) adherence to legal standards and 2) reporting to appropriate legal authorities suspected illegal behavior by employers. Employers should make certain that, for example:
 - a. Appropriate business practices, including but not limited to billing practices, are followed;
 - b. Facilities and equipment are maintained to accepted standards;
 - c. Employment contractual obligations are adhered to.
- III. Because a dentist is functioning within a professional domain, anyone employing a dentist should, for example:
 - a. Guard against lay interference in the exercise of a dentist’s independent professional judgment in patient assessment, diagnosis, treatment and comprehensive management;
 - b. To the extent permitted by law, promptly provide the dentist access to all relevant patient records in the event of peer review, board complaint or lawsuit, both during and subsequent to the dentist’s

- c. employment; and
- d. Recognize and honor the dentist's commitment, as an ADA member, to comply with the *ADA Principles of Ethics and Code of Professional Conduct*.

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