

The motivation to be ethical

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Ethics is knowing the difference between what you have a right to do and what is right to do.

Potter Stewart (1915 -1985)

Most would agree that in the dentist -patient relationship it is the professional who must carry the major burden of ethical responsibilities, ensuring that at all times the rights of the patient are respected and upheld. It is to this end that the HPCSA has set the statutory requirement that health care workers must acquire a minimum number of Ethical points to satisfy the CPD regulations. Pertinently, it has been suggested that because a right may be regarded as an entitlement to something valuable, a claim to that right requires no justification.¹ Central to this philosophy is the Patients' Rights Charter, which is based on the Bill of Rights, appearing as Chapter Two of the Constitution.

Moodley and Naidoo² explore the somewhat paradoxical situation wherein one person may well be entitled to enjoy a particular right, and another person may have an obligation to ensure that the right may be enjoyed, BUT that the person enjoying the privilege also has obligations related to claiming that right. A patient legitimately expects certain rights, such as competent and confidential treatment, but also carries in turn a responsibility to heed the professional advice of the dentist.

The South African Department of Health has addressed this intriguing balance and has formulated two documents which succinctly clarify the duality of the relationship, the Patients' Rights Charter and the Responsibility Charter. Consider the lists developed in that enterprise, as they appear in *Ethics and the Dental Team*:²

THE PATIENTS' RIGHTS

Every patient or client has the right to the following:

- A healthy and safe environment
- Access to health care
- Confidentiality
- Informed consent
- Be referred for a second opinion
- Exercise choice in health care
- Continuity of health care
- Complain
- Participate in decision making that affects his or her health
- Be treated by a named health care provider
- Refuse treatment
- Knowledge of their health insurance /medical scheme policies.

A rider is added: This Charter is subjected to the provisions of any law operating within South Africa and to the financial means of the country.

The reciprocal relationship between care giver and patient is crucial to the success of the delivery of health care. By expecting and accepting these Rights, the patient assumes responsibilities, an action which is central to achieving a sound partnership between dentist and patient. Moodley and Naidoo² continue with a summary of the Responsibilities of the Patient.

Every patient or client has the responsibility to do the following:

- Take care of his or her life and live a healthy lifestyle
- Care for and protect the environment
- Respect the rights of other patients and health providers
- Utilise the health system optimally without abuse
- Get to know his or her local health services and what they offer
- Provide health care workers with relevant and accurate information for diagnostic, treatment, rehabilitation or counselling services
- Advise the health providers of his or her wishes with regard to death
- Comply with the prescribed treatment and/or rehabilitation procedures
- Ask what the related costs of the treatment and/or rehabilitation will be and arrange for payment
- Take care of his or her own health records

At the outset it was suggested that it was the professional who must set the standards, and that remains a firm principle. Ethical behaviour resides with and commences with the dentist. There may however be occasion when it is justified that a reminder be given to the patient of the shared partnership responsibilities to ensure successful treatment of a high standard. That may be an action "*what is right to do*"!

References

1. Schwartz L, Preece PE, Hendry RA. Medical Ethics: a case based approach. 2002; Saunders Edinburgh, London, New York.
2. Moodley K, Naidoo S. Ethics and the Dental Team. 2010. Van Schaik, Pretoria