

**PROBLEMS
WITH YOUR
DENTIST**

DENTAL BOARD OF WESTERN AUSTRALIA

**Level 2, 15 Rheola Street
WEST PERTH WA 6005**

**Telephone : 08 9321 8499
Facsimile : 08 9481 4940**

PROBLEMS WITH YOUR DENTIST?

There are thousands of dental consultations in Western Australia every year and the vast majority proceed normally. In comparatively few cases, however, a patient is dissatisfied with the service received, or the behaviour of the dentist, or the fee charged.

If you or a member of your family think your dentist has charged too much, has not consulted you sufficiently over the planned treatment, has not carried out the work effectively, or has behaved badly as a professional person, you are not powerless – you can do something about it.

WHO CAN HELP?

There are several different ways of getting help or advice and this pamphlet tries to explain each one briefly. You can then decide which course of action is likely to solve your particular problem or answer your questions best.

WHAT DO I DO FIRST?

The best protection for consumers is to *try to avoid problems in the first place by getting plenty of information before you have any dental treatment.*

Ask your dentist for:-

- an estimate of treatment costs;
- the cost of consultation or examination and what you get for this;
- an outline of alternative forms of treatments; and
- an itemised account.

If you are uneasy about the proposed treatment, feel free to ask your dentist for a second opinion. This may mean a full consultation with another dentist – and paying a second consultation fee – but for major work it could be worth it.

If you want a second opinion, talk about it with your dentist. He or she may be willing to discuss your condition with another dentist or specialist.

If you think the dentist has provided poor quality or the wrong treatment for you, explain clearly what you think was wrong. If you feel embarrassed or overawed by speaking directly to the dentist, write a letter instead. Either way, make it clear what your complaint is.

Whenever you are having difficulties, **TALK IT OVER WITH YOUR DENTIST FIRST**. Your problems could be sorted out quite simply. Lack of prompt, honest communication is frequently the main reason why relatively small concerns sometimes escalate into major disputes.

If you are not happy with the outcome of your direct approach to the dentist, then consider taking more formal action, but **OBTAIN FULL INFORMATION FIRST ABOUT WHERE ANY PARTICULAR ACTION WILL LEAD YOU**.

WHERE CAN I GET HELP OR ADVICE ABOUT HOW TO MAKE A COMPLAINT?

- Australian Dental Association (WA Branch)
- Office of Health Review (OHR)
- Dental Board of Western Australia
- Health Consumers' Council (HCC)
- Dental Charges Committee
- Consumer Advisory Service
- Your dentist
- Your lawyer

WHAT ARE THE FORMAL AVENUES FOR COMPLAINTS?

Many avenues exist to help resolve consumers' complaints about dentists or their work. They each have different responsibilities and therefore the outcome in each situation is different.

IT IS IMPORTANT THAT YOU TAKE YOUR PROBLEM TO THE ORGANISATION THAT DOES HAVE THE POWER TO ACHIEVE THE RESULT YOU WANT.

1. The Australian Dental Association (ADA) (WA Branch)

This is a voluntary professional association of dentists which has branches throughout Australia.

The ADA has a number of *Committees* which can provide information on dental services. It also has a *mediation system* called *Peer Review* to examine complaints about the *quality or appropriateness of dental treatment*. Peer Review will *not* look at cases if:-

- The dentist concerned is not a member of the ADA;
- You are already taking other legal action over the complaint;
- You are asking for compensation;
- Your complaint is not about treatment, but some other matter such as an attitude or communication problem with your dentist.

It is unlikely the Peer Review Committee will consider cases if:-

- Three years have gone by since the date of treatment, or one year since you became aware of the problem;
- You are complaining about the fee only;
- You have not already discussed your complaint with the dentist concerned.

You and your dentist will be asked to sign a 'consent form' agreeing to let the Committee look at your dental records and confirming that you are willing to abide by the decision. The Peer Review Committee will appoint a consultant to examine the work subject to the complaint. After looking at all the information and evidence, the Committee will make a decision and send both you and the dentist a letter giving its reasons. (*Members of the ADA are obliged to consent to Peer Review and must abide by the decision of the Committee, which may propose various remedies – eg unsatisfactory work to be redone.*)

2. Office of Health Review (OHR)

The Office of Health Review (OHR) is an independent body set up under the Health Services (Conciliation and Review) Act which acts impartially to help resolve complaints about health services.

The OHR can deal with complaints alleging that a dentist has acted unreasonably:-

- in the manner of providing a service;
- in providing a service;
- by denying or restricting the patient's access to records;
- in disclosing or using the patient's records or confidential information about the patient;
- concerning a fee (including charging an excessive fee).

The OHR always encourages patients to try to resolve the complaint directly with the dentist. If that is not successful, the OHR contacts the dentist and provides him/her with a copy of the patient's complaint. If the complaint is not resolved, it is assessed to determine what action, if any, will be taken by the OHR. The OHR have a number of options to resolve a complaint including:

- conciliation – this is a voluntary, confidential process involving the help of a neutral third party;
- investigation – the Director of the OHR may choose to investigate the complaint and ask the dentist to remedy the situation;
- referral to the Dental Board of Western Australia.

3. The Dental Board of Western Australia

A system is set up under the Dental Act which allows for the *discipline of dentists* after enquiry into:-

- certain convictions;
- acts or omissions in the practice of dentistry which were or could have been detrimental to the patient's welfare;
- allegations of professional misconduct, including professional negligence.

It cannot however, order the dentist to refund fees, redo unsatisfactory work or pay compensation.

4. The Health Consumers' Council (HCC)

The Health Consumer Council is a community based health consumer advocacy organisation that can provide assistance to dental consumers with compiling a complaint and/or progressing a complaint about dental care.

5. Dental Charges Committee

It is not uncommon for a complaint to be concerned about two issues at the one time. For example, a person may complain that the dental treatment he or she received was carelessly done and, in addition, it was overcharged for by the dentist.

In the case cited above, the issue of carelessness or incompetence should be addressed by the Dental Board. However, the question of fees should be referred to the Dental Charges Committee, which exists to handle the complaints specifically about dental charges.

6. Consumer Advisory Service

This service is provided by the Ministry of Fair Trading. It gives information and advice to consumers with complaints about goods and services they have bought, and will tell you where to take complaints about dentists.

IF I ELECT TO LODGE A COMPLAINT WITH THE DENTAL BOARD, WHAT IS THE PROCESS THE BOARD FOLLOWS TO INVESTIGATE MY COMPLAINT?

- Your complaint is required to be provided in writing.
- Copy of your complaint is forwarded to the practitioner, requesting all relevant records, and a written response. (Under Rule 30 of the Dental Act, responses are required within 14 days of receipt of the complaint by the practitioner).
- On receipt of the practitioner's response, a copy is forwarded to you (the complainant), enquiring whether you have anything further to add to your complaint and inviting comment on the practitioner's response.
- The file is then referred to an investigating Board member who investigates the matter.
- The investigating Board member may request you to be examined by an independent practitioner. (Such an examination and report is at the Board's cost.)
- The investigating Board member then provides a report to the Board.
- The Board then reviews the report and determines whether disciplinary action will be instigated against the practitioner.
- Disciplinary action can be in the form of the Board dealing with the matter, or for the more serious matters, for the matter to be referred to the State Administrative Tribunal.
- You will be advised in writing of the outcome of your complaint.

HOW DO I OBTAIN MORE INFORMATION ABOUT THESE SERVICES?

Telephone advice can be obtained by contacting:-

The Dental Board of Western Australia

Level 2, 15 Rheola Street
WEST PERTH WA 6005

Telephone: 08 9321 8499
Facsimile: 08 9481 4940

P O Box 263
WEST PERTH WA 6872

The Australian Dental Association (WA Branch)

54-58 Havelock Street
WEST PERTH WA 6005

Telephone: 08 9211 5600
Facsimile: 08 9321 1757

P O Box 34
WEST PERTH WA 6872

Health Consumers' Council

Unit 14, Wellington Fair
Cnr. Wellington & Lord Streets
PERTH WA 6000

Telephone: 08 9221 3422
Facsimile: 08 9221 5435
Country toll free : 1800 620 780

GPO Box C134
PERTH WA 6839

Dental Charges Committee

Dental Health Services
43 Mt Henry Road
COMO WA 6152

Telephone: 08 9313 0555
Facsimile: 08 9313 1302

Locked Bag 15
BENTLEY DC 6983

Office of Health Review

Level 17, 44 St Georges Terrace
PERTH WA 6000
Box B61
PERTH WA 6838

Telephone: 08 9323 0600
Facsimile: 08 9221 3675