

53

**URBAN DEVELOPMENT, PUBLIC HEALTH AND HOUSING  
DEPARTMENT**

Sachivalaya, Bombay, 5th April 1966.

**DENTISTS ACT, 1948.**

No. ACT. 1363/11039-H.—In exercise of the powers conferred by clause (j) of sub-section (2) of section 55 of the Dentists Act, 1948 (XVI of 1948), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely:—

1. *Short title.*—These rules may be called the Dentists (Ethical Conduct) (Maharashtra) Rules, 1965.

2. *Duties and obligations of dentists towards patients.*—(a) Every dentists should be mindful of the high character of his mission and the responsibilities he holds in the discharge of his professional duties and should always remember that treatment of the patient and the cure of the disease depends upon the skill and prompt attention shown by him.

(b) He should be guided by the principle that the most worthy and effective advertisement possible is the establishment of a reputation for professional ability and fidelity.

(c) He should treat the welfare of the patient as paramount to all other considerations and should conserve it to the utmost of his ability.

(d) He should be courteous, sympathetic, friendly and helpful to, and always ready to respond to, the call of his patients.

(e) He should observe punctually in fulfilling his appointments.

(f) He should deem it a point of honour to adhere with as much uniformity as the varying circumstances will admit, to the remuneration for professional services.

(g) He should not permit considerations of religion, nationality, race, party politics or social standing to intervene between his duties and his patient.

(h) He should keep all information of a personal nature which he comes to know about, or directly from, a patient, in the course of dental practice, in the utmost confidence. He should be responsible to see that auxiliary staff also observe this rule.

3. *Duties of one dentists towards another.*—(a) Every dentist should cherish a proper pride in his colleagues and should not disparage them either by act or word.

(b) When one dentist is entrusted with the care of a patient of another dentist during the latter's sickness or absence, mutual arrangements should be made regarding remuneration.

(c) A dentist called upon in any emergency to treat the patient of another dentist should when the emergency is provided for, retire in favour of the regular dentist but shall be entitled to charge the patient for his services.

(d) If a dentist is consulted by a patient of another dentist, and if the former finds indisputable evidence that such a patient is suffering from previous faulty treatment, it is his duty to institute correct treatment at once with as little comments as possible, and in such manner, as to avoid reflection on such other dentist.

(e) No rule debars a dentist from charging another dentist for professional service; but ordinarily it should be regarded as a pleasure and privilege to render gratuitous service to another dentist, his wife and dependent children.

4. *Duties of dentist to public, etc.*—(a) It is incumbent upon every dentist, that under all conditions, his bearing towards patients and the Public should be characterised by a dignified deportment.

(b) Knowledge or information of a patient gained in the course of examination and treatment is privileged; and a dentist is not bound to disclose professional secrets, and he should not disclose any such information, except with the consent of the patient or on being ordered so to do by a Court of Law.

5. *Unethical Practices.*—(1) The following acts constitute unethical practices on the part of a dentist, namely:—

(a) Employment by a dentist in his professional practice or allowing by him any assistant (not being dental hygienist or a dental mechanic) whose name is not registered either in the Dentist's Register or in a Medical Register, to practise dentistry as defined in clause (d) of section 2.

(b) Enabling knowingly, by a dentist, by his presence, countenance, advice, assistance or co-operation, an unregistered person (not being students enrolled at a recognised dental institution), whether described as an assistant or otherwise, to practise dentistry.

(c) Styling by any dentist his dental clinic or chambers by the name of "Dental Hospital".

(d) Contravention of the provisions of the Drugs Act, 1940 and the rules made thereunder involving an abuse of privileges conferred thereunder upon a dentist, whether such contravention has been the subject of criminal proceedings or not;

(e) Signing under his name and authority any certificate which is untrue, misleading or improper.

(2) The following practices shall also be treated as unethical practices on the part of dentist, namely:—

(a) giving of false certificates.

- (b) immorality involving abuse of professional relationship.
- (c) conniving at or aiding in any illegal practice by others,
- (d) giving of testimonials directly or indirectly concerning the supposed virtues of secret therapeutic agents or medicines.
- (e) promise of radical cure by the employment of secret methods of treatment.

6. *Advertising and Convassing.*—The following practices by any dentist are considered as contrary to the public interest and discreditable to the profession of dentistry, namely:—

- (a) advertising, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage;
- (b) acquiescing in, or procuring or sanctioning or acquiescing in the publication of notices commending or directing attention to the practitioner's professional skill, knowledge, services or qualifications or of being associated with or employed by those who procure or sanction such advertising or publication.
- (c) employing any agent or canvasser for the purpose or obtaining patients; or sanctioning or being associated with or employed by those who sanction such employments.

*Explanation.*—The following amongst others, will be deemed to be advertising:—

- (a) the use or exhibition of any sign, other than a sign which in its character position, size and wording is merely such as may reasonably be required to indicate to persons seeking them the exact location of, and entrance to, the premises at which the dental practice is carried on.
- (b) the use of sign boards larger than 0.9 m. by 0.6 m. and the use of such words as "Teeth" "Painless Extractions" or the like, of notices in regard to practices on premises other than those in which a practice is actually carried on, of show cases; of large light signs, especially if intermittent; and the use of any sign showing any matter other than his name, qualifications as defined under section 2(f) of the Dentists Act, 1948, titles and the name of the speciality.
- (c) affixing sign board on a chemist shop or in places where he does not reside or work.
- (d) the insertion of all paragraphs and notices in the press and also the announcement of names in the trading lists and the display of announcements at places of public entertainment, not being announcement of a change of address;
- (e) allowing his name to be used to designate commercial articles such as tooth paste, tooth brush, tooth powders, mouth washes, liquid cleaners or the like or on circulars for such items, or permitting

publication of his opinion on any such items in the general or lay papers or journals.

(f) Printing of name in the telephone directory in any type other than that used for ordinary subscribers.

7. *Issuing Circulars.*—A dentist being, or having been, in the employ of another dentist shall not either during or after the termination of such employment send, cause or authorise to be sent any letter, notice, circular or written communication to, or interview, or cause to be interviewed, or approach any person, whom he (the employee) has professionally attended for or on behalf of his employer during such employment or any other of his principal's patients notifying such person or other patients, that he (employee) intends to leave or has left the employment of his principal or that he has commenced or will commence practice in another location.

8. *Use of Bogus Diplomas etc.*—(1) A dentist shall put after his name only the recognised dental qualifications as defined under section 2(j) of the Dentists Act, 1948.

(2) He shall not insert on any sign board, visiting card, letter head, or anywhere else an indication of his practice of any profession other than dentistry :

Provided that, a dentist who is a qualified medical practitioner may insert his medical qualifications, if any.

9. *Allowing commission.*—A dentist shall not pay or allow a commission or discount to any other person or body of persons as a return for patients being sent or recommended to him (or for dental services rendered by him to such patients, nor shall he accept any monetary or other benefit for recommending any proprietary or patented drugs, appliance and tooth paste, powder and the like.

10. *Action for unethical conduct.*—When information is received by the State Dental Council that any dentist is resorting to any unethical practice, as is mentioned in rule 5, or is committing a breach of any of the other rules, the Council may call upon him to explain and after giving him a reasonable opportunity of being heard and after making such enquiries, if any, as it may deem fit, decide whether this action is tantamount to infamous conduct in any professional respect and then determine the action to be taken under section 41 of the Dentist Act, 1948.

By order and in the name of the Governor of Maharashtra,

P. J. CHINMULGUND,  
Secretary to Government.