

# What's a Dentist to Do? Are You Open to Interpretation?

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Since I started writing this report/column, I have been increasingly amazed at how often readers send me good material. (Please, keep them coming.) The following situation came from one of our members, and presents a very good example of how complicated a dentist's day can become.

### An Emergency Appointment

A new patient, Joan, visits Dr. B for the first time on an emergency basis with the following problem.

"I cracked my tooth," she said.

Joan is completely deaf. She is accompanied by her husband, who is partially deaf. They are both in their twenties. The husband wears a hearing aid and is able to translate for his wife during this appointment.

Joan has broken the DLI cusp of #19. The loose fragment is broken below tissue and is still held on by the tissue.

Dr. B anesthetizes the area, extracts the loose fragment, and deems the tooth saveable. He then elects to take out the existing amalgam in order to temporize. In so doing, he exposes the pulp. All along informing the patient through her husband, Dr. B maintains the tooth is saveable, starts root canal therapy, temporizes, and dismisses the patient.

While at the reception desk, Joan's husband asks if Dr. B "would arrange for an interpreter" for future visits at the doctor's expense. The receptionist informs Dr. B of this request. Dr. B comes out and speaks with the husband, refusing to cover the cost of an interpreter. Joan and her husband leave the office. Subsequently the

husband faxes Dr. B a copy of the Americans With Disabilities Act and a cover letter insisting the doctor pay for an interpreter. Otherwise, he himself would be available as his wife's interpreter at a reasonable fee.

### The Ethical Response

How should Dr. B respond? Is he responsible for providing an interpreter? What does the Disabilities Act say concerning this issue? Simply, what is the right thing to do?

The Americans With Disabilities Act became law on July 26, 1990 and guides us as to how to handle this case. The Act's purpose is to provide a national mandate for the elimination of discrimination against individuals with disabilities, in this case hearing impairment.

Dentists must communicate as effectively with those who are disabled as with those who are not. To ensure this, we occasionally need to enlist auxiliary aids and/or services such as interpreters. Often without these interpreters we may not understand the patient's needs and risk misdiagnosing and/or mistreating. Likewise, the patient may not understand his or her treatment options, prognoses, and so on, and may make misinformed decisions.

### Our Example

Is the dentist required to pay for the requested interpreter? The answer is yes, unless it could be proven to result in an undue burden either financially or for some other reason. However, dentists are required to do this only for those appointments which are deemed to contain information sharing which is sufficiently lengthy

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or complex, information that would significantly affect the dentist's treatment for a given patient.

Examples are appointments which would involve the following:

- informed consent
- consultation appointments
- comprehensive examinations, as with a new patient
- emergency visits where important decisions are made

Once the informed consent decisions are made and treatment is underway, an interpreter may not be needed.

Therefore, Dr. B should pay for an interpreter at a subsequent consultation appointment to discuss Joan's options for #19, but once she decides through her interpreter what she wants to do — i.e., RCT and crown — Dr. B does not have to hire an interpreter for the actual procedure.

Dentists cannot charge the patient for interpreters' services, either

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directly or through his or her insurance carrier. Keep in mind that Medical Assistance does provide benefits for an interpreter for the hearing impaired and those who are not English-speaking. However, make sure that this is done directly between the patient and Medical Assistance and not through the dental office.

## **Family Matters**

Now to the question of allowing Joan's husband to act as her interpreter. Be careful. Family members often do not have sufficient skills to sign properly. Even if they do, they are often too emotionally or personally involved to interpret impartially. As well, using family members or friends as interpreters can cause problems in maintaining patient confidentiality.

## **A Golden Rule**

Communication is key in our profession. Persons with hearing impairments deserve nothing less than we provide to any other dental patient. The aim of the Americans With Disabilities Act is a good one: to help those who are less fortunate. Let's keep that in mind and know the rules at the same time. ■