

GDC statement on the practice of dentistry by non-GDC registrants

Background

The Dentists Act 1984 (the Act) defines the practice of dentistry as ‘the performance of any such operation and the giving of any such treatment and advice or attendance as is usually performed or given by dentists’.

Prior to 2005, the Act allowed both registered dentists and registered medical practitioners to practise dentistry. Following a judgement¹ of the European Court of Justice that this was incompatible with the European directives², the Dentists Act was amended. This amendment was not procured by the General Dental Council but by the Department of Health in order to ensure UK compliance with European law.

As amended, the Act restricts the practice of dentistry to registrants of the General Dental Council. However, ‘the practice of dentistry’ is deemed not to include the performance of any *medical task* by a person who:

- Is qualified to carry out such a task; and
- Is a member of a profession regulated by a regulatory body listed in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

A medical task is not defined in the legislation.

Definition of the practice of dentistry

The aims of the dental legislation include ensuring that dental patients access dental care from dental professionals. It is therefore the GDC’s view that, in principle, the performance of dental treatment by anyone other than a GDC registrant is unlawful, and deliberately so. This general proposition is subject to the ‘medical task’ exception as properly understood.

The Act does not define ‘medical task’. However, there may be situations where a task that would otherwise constitute the practice of dentistry might be considered a medical task for the purposes of the Act (for example in the course of emergency care or Oral and Maxillofacial treatment). In determining this, the context of care will be an important factor.

The General Dental Council considers that suitably qualified and registered healthcare professionals may take whatever action is necessary to deal with dental emergencies, such as stitching wounds or removing debris from the mouth, or re-implanting an avulsed tooth. We would regard such treatment as a ‘medical task’, when provided in a medical context, and therefore within the terms of the Act. However, the Council would expect any non-emergency dental treatment to be carried out by a GDC registrant.

A medical procedure might also require the performance of a task that would otherwise constitute the practice of dentistry. Whilst the dental legislation intends that dental patients should access dental care from dental practitioners, the Act should not prevent patients from accessing medical care from medical practitioners. Therefore, the Council would have no difficulty with suitably qualified and registered medical practitioners performing certain tasks, which would in a different context be restricted to GDC registrants (for example the extraction of teeth) if they are an essential part of a necessary medical or surgical procedure and are performed in that context.

This applies equally to Oral and Maxillofacial trainees and specialists.

¹ Vogel, case C-35/02

² Directives 78/686/EEC and 78/687/EEC now replaced with Directive 2005/36/EC