Ethical, Legal, and Professional Foundations of the Autonomous Regulation of the Dental Profession, the Case of Bulgaria

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Abstract

Autonomy as a core feature of dentistry was reestablished along the reestablishment of democracy and market economy in Bulgaria. This process comprises moral, legal and professional aspects.

The purpose of this study is to analyze interdependence between professionalism and ethics and to define a model of ethical system of the dental practitioner.

The need for consensus on formulating the rules of professionalism in dentistry taking into consideration the complex values' and institutions' impacts was reviewed. Integration of ethical education in the dental curriculum and continuing education in dentistry is suggested.

Key words: ethics, dentistry, professional autonomy, ethical system, professional conduct.

Introduction

Autonomous regulation and professional ethics are the most important social features of the professionalism [1, 3, 5, 10, 11]. The social contract between the profession[1] and the society is based on the acceptance by the society of the freedom for self-management of the profession and professionals on one hand and the acceptance by the profession the duty to prioritize the society's good, on the other [2, 7].

The Dental Profession in Bulgaria, during its centenary history[2] passes through periods of blossom and declines comprising stabilization of the liberal professional status (till 1944), autonomy limitations (1944-1973) and complete loss of autonomy (1973 -1991) [3].

[1] Dentistry has been recognized as a *profession* for less than two centuries [3];

[2] Foundation of a dental professional association in 1905 Start of national university dental education course (1942); Stabilization of the liberal professional status (till 1944); Autonomy limitations (1944-73) and complete loss of autonomy (1973 -1991); Reestablishment of the professional autonomy (1991 and now)[2].

As a result of the **radical social transformation**, by the end of 20th century, the dental profession in Bulgaria, as well as all over former communist countries of Central and Eastern Europe did, got the unique chance to determine such ethical frames of the professional standards that to obtain again its adequate place in the society for its members and the confidence of the public based on respect to professional competence without any political restrictions [4].

This fact should be undertaken with attention and consideration. During the **transitional period** some voices among dental community in Bulgaria insisted in "Let us establish rules that would accommodate us by avoiding the strong organization this way". This is not surprising. After a long period of forced centralized and over-supervised organization, people now tend to go to the other extreme – **from a total lack of choices towards a total lack of centralized governance.**

Other opinions were also very popular such as: "Nowadays dentists only care about their income and new curative methods, yet they are not interested in **philosophical matters**". Of course there is a simple explanation for this phenomenon too – not that long ago the professional ethics used to be abused by manipulative institutions in order for them to fully control doctors' interests in the name of the public interest. This practice created a rather absurd paradox – the above mentioned appeals for self-abnegation took over the need for minimum freedom of taking an autonomous and competent professional decision, which actually would be harmful for the patients. [6, 7, 8]

Those times irreversibly went after the law for the medical professions was enforced [8]. Dentists in Bulgaria, have now the opportunity to demonstrate their professional best. For the time being, two very important changes that directly affect the professional and social situation could be clearly outlined:

1. **The professional activities** become evidently based on **contracts**;

2. The product dentists deliver to the public increases its **complexity**.

Undoubtedly, knowledge of clinical methods and their appropriate application represents a sound basis for successful dental practice. The research and experience of all the professionals from the last few decades yet show that knowing the technology aspects is only a prerequisite rather than a sufficiency in building a successful practice. Professionalism consists of more than that kind of components. **The everyday practice of a dentist offers various precedents of legal and ethical nature where the lack of preparedness to solve those proves to be a draw back even to the best technical solutions** [9, 12, 27, 39, 40].

In today's new conditions, a dentist actually enters a whole bunch of contracts every day. At first glance those contracts reflect the relation between patients and dental doctors. In reality, however things are much more complicated than that. Relationship with patients and the contracts signed therefore are modeled at a significant level by third parties - public and financial institutions and public's expectations. Patients' and society's satisfaction as well as professional prestige heavily depend on dentists' preparedness to work in those conditions.

The universal ethical norms are a common regulator in social relations, including the professional relations' field. Why do some professions require a special ethical framework for professional behavior? For the last twenty years dentists in Bulgaria demonstrated that they ultimately identify themselves as liberal practitioners. Today they have **the freedom of taking independent professional decisions and to turn them into effect in their own practices**. On the other hand, the broken tradition of professional autonomy, the dynamics of the legal frame, and the economic limitations and specific viewpoints of the general public require a strict determination of dentists' rights and duties. Those should be specified as both a liberal practitioner's rights and duties and also autonomous structural determinants for the right balance of personal, group and social interests in any public health activities [13, 26].

Specific traits of the interaction between professions and society

1. Professions are **autonomous**, which gives the professional a considerable freedom in the choice of methods and means within his/her professional activities and meanwhile it makes **impossible a constant supervision** of his/her professional conduct.
2. Professionals actualize their product in the most part as a result of **individual interactions**. People are positioned physically close to each other during a treatment, consultation, teaching, or a legal defense. Only the **professional's self-consciousness** can be a warranty for the patient against an abuse with his/ her **trust**.
3. Professions bring **social prestige** to their members. The hopes and expectations that society puts on them gives them a **great power** in terms of influencing the public opinion and developing a public value system.

Professional ethics carries somewhat specific features yet it cannot differ considerably or contradict in any way with the acceptable social moral norms. The professional moral demands

additional responsibility for the professional without waiving the basic moral virtues. **The rights of all participants in a given professional field are being defended, balanced, and coordinated by the norms and standards of professional ethics** [9, 12, 13].

The purpose of this paper is to discuss traditional and contemporary views on autonomous management of the dental profession in the context of current social and economic impacts of European integration and health reforms in Bulgaria. It features the autonomous regulation of the dental profession as a real social practice based on ethical, legal, and professional prerequisites and directives.

1. Moral prerequisites for regulation of the interactions in professional activities

Society is generally ruled through institutions of power authority and **institutions of moral authority.** Professional organizations are mostly governed by the second group of institutions. Moral represents a field of internal individual freedom, in which social and human requirements overlap with the internal individual motives to do well. The social moral is a function of the moral of individuals' activities [14, 15, 16].

Society gradually and constantly develops a system of criteria for evaluation of motives, actions and results of those actions for individuals and social groups. The most important **values** stemming from the moral of all developed societies are: justice, veracity, equality, freedom and autonomy. These values should be kept in their unity both for the individuals and for society as a whole [17, 18].

(**1)**. Principle of the **equal freedom**: Each individual's' freedom should be protected from other party's intervention, and it should be equal to the freedom given to anybody else. Yet since every society produces inequality of some form, it should deal with accordingly to:

1.1. Principle of the **equal opportunity**: every post-industrial society should assure equal minimum opportunities for participation in social life and goods' distribution for all of its members. The principle of equality excludes any double standards as well as any use of individuals in the name of hypothetical humanistic goals setting [6, 19].

1.2. Principle of the inequality's correction **(justice)**: since every post-industrial society produces inequality of some form, it has to insure improving the positions for the ones that lag behind since it is in the best interest for all [2, 20].

(2). Principle of **veracity** is the foundation of trust between different participants during the professional interaction in the processes f health services delivery.

(**3).** Principle of **autonomy** for the individuals means freedom of action and freedom of choice. Being autonomous is the most important prerequisite for moral conduct because if people

do not act in a morally acceptable way under circumstances which threaten them it would not be fair and equitable to judge their morality. On the other hand even best conditions were created for individuals' autonomy protection in the society it is not obvious that every one will respect the other's people autonomy. That is why there should be various incentive mechanisms that could potentially protect society from possible immoralities, preceded by ethical debate. Therefore, consent is needed on evidence based approach implementation [17, 18, 19, 37].

(4). The above principles applied to social model in Bulgaria resulted in **transformation of the "society of privileges"** for some governing social groups to a **"society of protected universal human rights"** for citizens. We can observe a model of change from a centralized state system of goods distribution, including health care, to a decentralized, pluralistic system, based on market demand and supply of health care and considerations for freedom of choice and self-determination for any participant in the market [21].

On a moral level, the acceptance of superiority for human rights means defining their nature whether individual or collective, common or special. Common are the rights that are valid for everybody regardless of conditions; special rights apply to a two-party individual or group agreement. The essence of each right stems from the fact that it defines activities, behavior and interests for the people who can use it through their freedom of choice. It is very important that a contradiction between individual and group rights be avoided. Rights represent a basis for justification of a given behavior of an individual, as well as a protection in case of undertaking or not undertaking of actions. Rights are closely related to duties. Usually the moral right of an individual is actualized through the moral duties of other individuals to the first one. Duties are the other side of the medal so to speak. For instance, the rights of our patients should correspond to the duties that we have assumed professionally [23, 24, 25].

2. Legal prerequisites in regulation of the professional community interactions

In today's society interactions between individuals are regulated, in the most cases, by institutions authorized to uphold the fair distribution of mutual consideration of rights. The most intensive development of Human rights came after World War II in both international and domestic plan. Today, human rights are in the basis of most European constitutions and therefore in those national legislation. **The acceptance of human rights as a major guideline by the European countries is a prerequisite for the harmonization of the European legislation.** Changes in Bulgarian legislation are mostly represented by those principles. Dental profession in Bulgaria elaborated adequate directions to keep the right balance between social, personal and institutional requirements [8, 13].

Medical professionals as citizens of a given country should have the same exact rights as the rest of the citizens of this country. Until recently it was considered normal for medical professionals – doctors and dentists – to only have duties with no rights. The reestablishment of private medical practices in Bulgaria brought back the essential professional rights for all medical professionals. **The essential right of the profession and its members is the freedom to take professional decisions, independently from political or any other authorities based on power rather than on competence [4].**

In the Enabling Act for the World Health Organization from 1948[3] is written that "Using the highest possible standard of health is one of the basic rights for any human being regardless of race, religion, political views, economic or social background". The rights of the patient are based on the basic human right of living, non-application of violence or torture and non-violation of the physical and psychical wholeness of the human being[4]. **This fact links with the recognition of social and economic rights of society as well as its duties of assuring of an adequate environment for professional activity** [26].

3. Moral and Legal Aspects of Professional Responsibility

Responsibility ethics could be called a social phenomenon. The responsibility of the individual could and should not be juxtaposed to the ethical responsibility of society. Responsible behavior should be based on a mixture of moral and legal rights and duties in accordance with the already assumed personal, professional and social obligations. Professional responsibility means upholding the contract between the dentist and the patient in the course of the medical treatment. That also includes economic responsibility for the fair and adequate expense management for the patient's treatment. Deontological requirements for the medical professional have been defined ever since Hypocrites (IV c.b.c.) Those are in the bases of the declaration of Geneva and the International Code for Medical ethics from London. Resulting from the above distribution of rights and responsibility the deontological requirements for dental professions are influenced by the patient autonomy. Thus the responsibility of decision making is shared between dentist and patient. **The "partners" model in doctor/patient relationship is now the regulatory frame of the law** [25, 27, 36].

4. Professional prerequisites – development of dentistry as a profession

The concept of profession is deeply rooted in the notion of making a promise to society and to individual members thereof "Professional ethics" is not a simple system of ideal social

[3] After World War II, the public sector in most developed countries deals with organizing and financing the health care [3].
[4] The patient's rights are fully formulated in the Declaration of Lisbon from 1981 [3].

interaction neither it is a special area of social life. It is rather an essential element of the social group identity. Thus the unconditional acceptance of professional ethics as a social group criterion unifies all the different professions in the same social stratum. This mechanism is an important prerequisite for a sustainable social development [1, 3, 32].

5. Core content of the Ethical Professional Conduct. Ethical system of Dentists

The directives for improving the professional regulations in the conditions of self-management and in the framework of a democratic society follow a hierarchy of the above mentioned prerequisites – professional moral norms, professional legal guidelines, specific relations due to a given work, tradition or social background. The professional moral is a role model that sets the norms for a given profession. In general there are two main regulatory documents relevant to it.

Professional Moral in regulatory documents:

1. Code of Professional Ethics: To regulate the relations inside the professional community and in between the people of that profession as well as the institutions outside of it.
2. Rules for Good Practice: To formulate the professional standards such as quality, skills, habits, approaches in the professional community.

Regarding the specific profession, professional ethics such as an adequate formulation of professional moral norms, has **integrating, harmonizing, and protective functions.** Such a Code reflects the values shared by participants in the professional group, consent on the rules stated and regulations for controlling the following of rules. This document is a collective work of the dental community but is focused on the individual dentist. **It is a part of the complex ethical system of practicing doctor dental medicine** [3] (Fig.1.).

The model in figure 1 represents a values' oriented construct including social and personal elements. The process of ethical decision making in private life, social practices, and professional activities (marked in the concentrated circles) is directed by the science and public law. The moral philosophy matters are lightened by the science of Ethics, respectively Bioethics and Medical ethics. The social practices are sanctioned by the defense of human rights and liberties as basis of public law. The specific professional duties are subject of the deontology. **The entire range of interactions are shaped by the leading moral authority in a given culture, family, and social environment.**

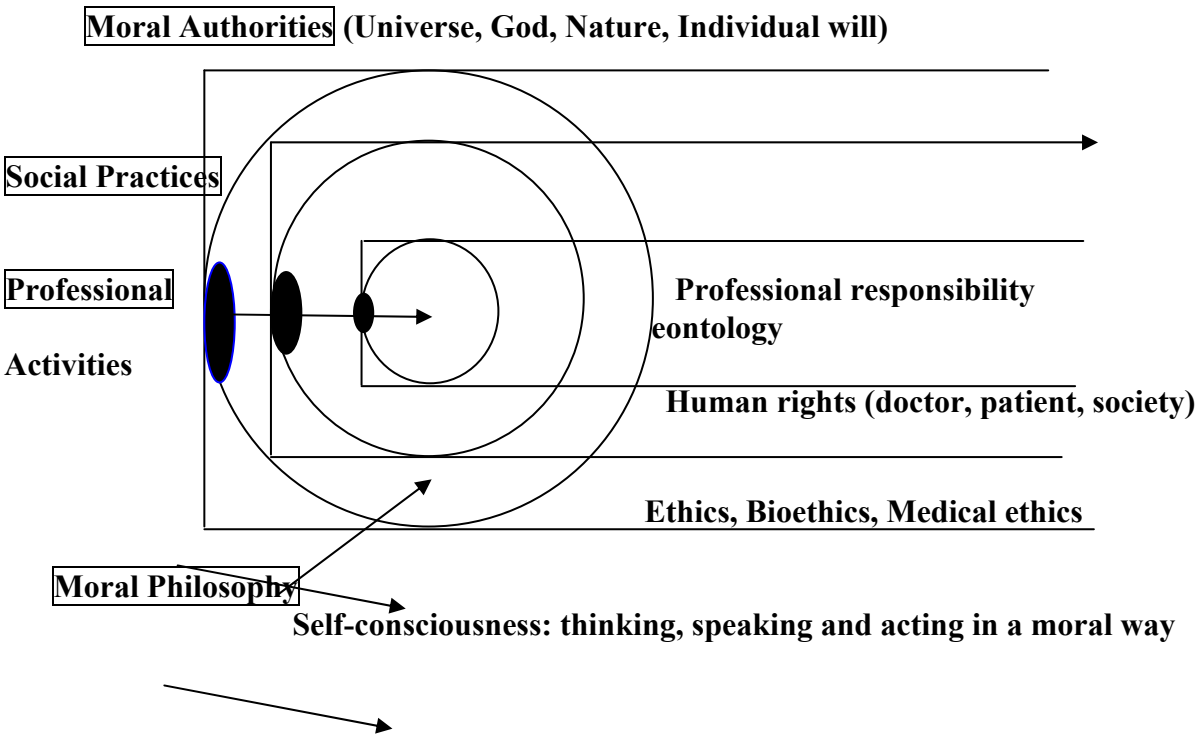


Fig. 1. System of ethical decision making and professional act performance process for the Doctor of Dental Medicine

We can see that the act of healing and the interrelationship with patient being the focus of professional activity is subject of moral and professional control (central axis), but this is much more complex than a concrete practical application of scientific knowledge or skills obtained through education [32, 34]. **It represents the result of the whole personal and social experience with ethical dilemmas solving of the dental practitioners**. Their integral moral, social and professional identity is strongly influenced by the moral authorities.

In the globalizing reality numberless combinations of individual virtues, social values and previous experiences both in doctors and patients' communities will challenge their professional conduct and trust. This should support once again the need for basic ethical education for professionals [31, 32, 33].

6. Need for ethical education during the process of re-professionalization:

Ethical principles such as respect for persons, informed consent and confidentiality are basic to the dentist-patient relationship. However, the application of these principles in specific situations is often problematic, since dentists, patients, their family members and other oral health personnel may disagree about what is the right way to act in a situation. Moreover, developments in dental science and technology and changes in societal relations and structures

are constantly posing new ethical challenges. The study of ethics prepares dental students and practicing dentists to recognize and deal with such issues in a rational and principled manner, whether in their interactions with patients, society or their colleagues and in the conduct of dental research [27, 30, 33].

According **to the major competence "Ethics and jurisprudence" stated in the recommendations of the Association for Dental Education in Europe** [28] "graduating dentist must have knowledge and understanding of the moral and ethical responsibilities involved in the provision of care to individual patients and to populations, and have knowledge of current laws applicable to the practice of dentistry. In particular, the graduating dentist must: Have knowledge of the ethical principles relevant to dentistry and be competent at practicing with personal and professional integrity, honesty and trustworthiness; Be competent at providing humane and compassionate care to all patients; Have knowledge and understanding of patients' rights, particularly with regard to confidentiality and informed consent, and of patients' obligations; Have knowledge and awareness that dentists should strive to provide the highest possible quality of patient care at all times; Be competent at selecting and prioritizing treatment options that are sensitive to each patient" [28].

In addition we would suggest the systematic training in problem solving and decision making process taking into consideration the ethical system model. The ethical education should start from the very beginning of the undergraduate course and continue during the professional life through long-life learning [29, 30, 31, 34].

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Етични, законови и професионални основи на самоуправлението на зъболекарската професия в България

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Резюме

Автономията, като съществена черта на зъболекарската професия, беше възстановена успоредно с възстановяването на демокрацията и пазарната икономика в България. Процесът се характеризира с морални, законови и професионални аспекти.

Целта на изследването е да анализира зависимостта между професионализъм и етика и да дефинира параметрите на модел на етична система за практикуващите зъболекари.

Направен е преглед на необходимостта от единно формулиране на правила на професионализъм в зъболечението като се вземат предвид комплексните ценностни и институционални влияния. Обсъжда се включването на професионалната етика както в учебната програма за студентите така и в програмите за непрекъснатото образование на практикуващите лекари по дентална медицина в България.

Ключови думи: етика, дентална медицина, професионална автономия, етична система, професионално поведение.