



Legal and Professional Issues in Dental Hygiene

An overview of the ethical, legal, and professional standards that guide dental hygiene practice, including patient relationships, workplace protections, and employment law.

DENTAL HYGIENE PROFESSIONAL DEVELOPMENT

Learning Objectives

By the end of this lecture, you should be able to:

- 1 Employer-Employee Relationship**
Describe the legal parameters of the employer-employee relationship and state the two general categories of employment.
- 2 Interview Preparation**
Identify the recommended strategies for preparing for a dental hygiene employment interview.
- 3 Legal Interview Questions**
Differentiate between items that can and cannot be legally asked during the application and interview process for a dental hygiene position.
- 4 Federal Anti-Discrimination Laws**
Describe the federal laws prohibiting discrimination and protecting worker safety.
- 5 Sexual Harassment & Hostile Work Environment**
Explain the concepts of sexual harassment and hostile work environment in the dental practice setting.

PART 1

The Rights and Responsibilities of the Dental Hygienist in the Provider-Patient Relationship

This section covers the core ethical and legal duties that shape patient care, including autonomy, informed consent, and professional accountability.

Professional Obligations & the Provider-Patient Relationship

The dental hygienist-patient relationship is built on trust, skill, and accountability.

Trust Foundation

Mutual trust supports treatment outcomes and follow-through.

Professional Boundaries

Boundaries protect professionalism in conduct and care decisions.

Fiduciary Duty

The patient's best interests must come first.



Rights & Responsibilities of Dental Hygienists

Dental hygienists have professional rights and responsibilities that support ethical, high-quality care.

Rights

- **Provide Quality Care:** Practice to professional standards; do not compromise quality
- **Maintain Professional Competence:** Access continuing education and stay current
- **Uphold Ethical Standards:** Refuse requests that conflict with ethical or professional duties

Responsibilities

- **Patient Education:** Explain key concepts; confirm understanding
- **Confidentiality:** Protect patient information under HIPAA
- **Accurate Record-Keeping:** Document thoroughly, precisely, and on time

Patient Autonomy, Rights & Informed Consent

Patients have legally and ethically protected rights in dental care. Informed consent is the right to make their own healthcare decisions.

Respect & Dignity

Compassionate care that honors values and preferences

Privacy & Confidentiality

HIPAA-protected information; private care discussions

Access to Information

View records; plain-language communication

Information (Consent)

Procedures, risks, benefits, alternatives

Voluntary Choice

No coercion; may refuse treatment anytime

Authorization

Documented consent for legal protection



Patient Responsibilities & Communication

The provider-patient relationship is a two-way street. Patients help shape care quality, and hygienists use strong communication to support them.

Provide Accurate Health Information

Share complete medical history, medications, allergies, and conditions.

Follow Treatment Plans

Follow home care and treatment recommendations to support outcomes.

Attend Appointments

Maintain continuity of care and give notice for cancellations.

Non-Verbal Communication

Body language, eye contact, and posture signal empathy and respect.

Active Listening

Listen closely; patient feedback guides individualized care.

Verbal Skills & Documentation

Use plain language and document key conversations.

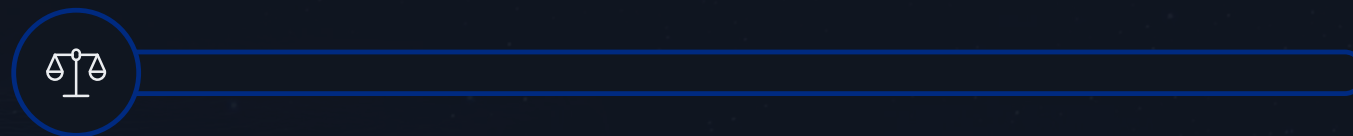
Ethical Decision-Making in Dental Hygiene

When ethical dilemmas arise in clinical practice, a clear framework helps guide principled action. This four-step process offers a reliable approach:



Identify the Problem

Recognize the dilemma and who it affects: patient, employer, colleagues, and the public.



Consider Alternatives

Review possible actions and weigh short- and long-term consequences for all parties.



Gather Information

Collect key facts and perspectives. Check ethics codes, policies, and trusted colleagues.



Make Decision and Act

Choose the most ethical path and carry it out with integrity and transparency.

Legal Framework: Aspects, Civil vs. Criminal Law

Dental hygiene practice follows state and federal law. Hygienists should also know the difference between civil and criminal exposure.

1. State Practice Acts

Define scope, supervision, and licensure.

2. Federal Regulations

HIPAA and OSHA apply to all practices.

3. Standard of Care

The baseline for competent practice; deviation can mean negligence.

4. Documentation

Clinical records are the legal record and key malpractice protection.

Civil Law

Private disputes with monetary damages.

- Standard: preponderance
- Example: malpractice
- Goal: compensation

Criminal Law

Offenses against society, with fines or imprisonment.

- Standard: beyond a reasonable doubt
- Example: healthcare fraud
- Goal: punishment, deterrence

Torts in Dental Practice & Intentional Torts Against Persons

A **tort** is a civil wrong that causes harm and is usually remedied with damages. Torts are either intentional or unintentional (negligence).

Battery

Unauthorized touching of a patient; performing a procedure without informed consent.

Assault

Creating fear of harmful contact; e.g., threatening gestures or an instrument.

False Imprisonment

Unlawfully restricting a patient's freedom; e.g., preventing them from leaving.

📌 **Prevention:** Follow standards of care, document thoroughly, and obtain valid informed consent.

Intentional Torts Against Property & Negligence

Hygienists must understand property torts and negligence, the most common basis for malpractice claims.

Intentional Torts Against Property

- Trespass: unauthorized interference with property
- Conversion: taking, using, or altering another's property
- Examples: unauthorized record access, sharing records, misusing belongings
- Property torts may also trigger HIPAA violations

Negligence (Unintentional Tort)

The most common basis for malpractice claims. Four elements must be proven:

- Duty: professional obligation
- Breach: failure to meet the standard of care
- Causation: breach caused harm
- Damages: measurable harm

If one element is missing, the claim fails.

Informed Consent: Elements & Documentation

Informed consent is a patient right, a legal requirement, and an ethical duty. It must be documented properly.

Disclosure of Information

Purpose, risks, benefits, and alternatives — including refusal.

Capacity & Voluntary Nature

Patient must be competent and not coerced. Minors and impaired patients need special protocols.

Authorization & Documentation

Document in the record. No consent can mean **battery**, even if care was flawless.

Written Consent Forms

Signed standard form; most common; strong presumption of validity.

Progress Notes

Record the conversation, not just “consent obtained.”

Digital Consent Systems

Electronic signatures and multimedia education tools.





Summary and Best Practices: Part 1

→ Build Trust Through Communication

Clear, compassionate communication builds trust and improves adherence and satisfaction.

→ Document Everything Thoroughly

Keep records complete and timely. If it isn't documented, it didn't happen.

→ Stay Current on Legal Requirements

Laws and standards change often. Ongoing education helps protect your license and your patients.

→ Practice Ethical Decision-Making

Consult colleagues or mentors when dilemmas arise. Use multiple perspectives for tough calls.

PART 2

Legal Parameters of the Employer- Employee Relationship

This section shifts from patient care to the workplace. It covers the legal frameworks shaping how dental hygienists are hired, protected, and treated.



Legal and Professional Issues in Dental Hygiene

Legal and professional issues are essential to dental hygiene. They protect patients, practitioners, and professional standards.

Part 2 covers four key topics: malpractice and contributory negligence, interview preparation, federal hiring laws, and workplace protections against discrimination and harassment.

What is Malpractice?

Malpractice is a type of negligence where a licensed professional fails to meet the standard of care and causes harm. All four elements must be proven.

1

Duty

A professional relationship creates a duty of care.

2

Breach

Care falls below the standard of a competent peer.

3

Causation

The breach directly caused the harm.

4

Damages

The patient suffered measurable harm.

☐ Best defenses: documentation, informed consent, and consistent standards of care.



Contributory Negligence & Prevention Strategies

Contributory negligence occurs when a patient's actions help cause the harm. Proactive habits are the best defense in malpractice cases.

Contributory Negligence

- **Patient Actions:** Ignoring advice, refusing treatment, or withholding history.
- **Shared Responsibility:** Document when patients decline recommended care.
- **Legal Consequences:** In some jurisdictions, even 1% fault can bar recovery.

Prevention Strategies

- **Informed Consent:** Explain risks, benefits, and alternatives; document the discussion.
- **Meticulous Documentation:** Record findings, treatment, responses, and refusals.
- **Continuing Education:** Stay current with standards; ignorance is no defense.

Preparing for a Dental Hygiene Interview

Landing the right role takes more than clinical skill. Preparation, presentation, and legal awareness matter.

Preparing for a Dental Hygiene Interview

A strong interview requires more than a polished resume. Employers look for skilled clinicians who are professional, self-aware, and a good fit.

- 1 Research the Practice**
Review services, patient base, technology, mission, and team. Check social media for culture and communication style.
- 2 Practice Common Questions**
Prepare answers for: “Why dental hygiene?”, strengths/weaknesses, anxious patients, and perio philosophy.
- 3 Dress Professionally**
Dress conservatively and arrive 10–15 minutes early.
- 4 Prepare Questions for the Employer**
Ask about team dynamics, schedule, growth support, and protocols.

Legal Considerations in Hiring: What Can & Cannot Be Asked

Hiring is guided by federal and state laws that promote fairness and prevent discrimination. Knowing what employers can and cannot ask helps both sides.

✓ Permissible Questions

- Qualifications: education, licensure, certifications
- Experience: roles, patient populations, specialty skills
- Availability: hours, start date, full-time/part-time
- Job Functions: essential duties, with or without accommodation
- References: supervisors, instructors, professional references
- Work Authorization: I-9 eligibility verification

X Prohibited Questions (Protected Characteristics)

- Age
- Race or National Origin
- Religion
- Marital or Family Status
- Disability

📌 You do not have to answer prohibited questions. Employers who ask them may face legal liability.



LEGAL (Permissible) Interview Questions

- 1. Questions About Qualifications & Licensure**
- 2. Questions About Job Duties & Skills**
- 3. Questions About Work Preferences & Availability**
- 4. Questions About Work Eligibility**
- 5. Questions About Professional Behavior & Experience**
- 6. Limited Questions About Drug Use (Not Disability-Related)**

✘ ILLEGAL (Prohibited) Interview Questions

- 1. Questions About Disability or Health**
- 2. Questions About Medical or Genetic History**
- 3. Questions About Medical or Genetic History**
- 4. Questions About Marital or Family Status**
- 5. Questions About Religion**
- 6. Questions About Arrest Records**
- 7. Questions About National Origin or Citizenship Status**
- 8. Questions About Sexual Orientation or Gender Identity**

Federal Anti-Discrimination Laws

Federal law, enforced by the EEOC, protects dental hygiene applicants and employees from discrimination across the employment lifecycle.

1 **Title VII – Civil Rights Act (1964)**
Bans discrimination based on race, color, religion, sex, or national origin. Applies to employers with 15+ employees.

2 **Americans with Disabilities Act – ADA (1990)**
Protects qualified individuals with disabilities. Requires reasonable accommodations and accessible workplaces.

3 **Age Discrimination in Employment Act – ADEA (1967)**
Protects workers 40+ from age-based discrimination. Decisions must be based on merit, not age.

4 **OSHA – Occupational Safety and Health Act**
Sets workplace safety standards, including SDS, Bloodborne Pathogens, PPE, emergency action plans, and record keeping.

Sexual Harassment: Types & Legal Framework

Sexual harassment is sex discrimination under **Title VII**. It commonly arises in healthcare, and hygienists should know their rights.

Quid Pro Quo

- "This for that" — benefits tied to sexual advances
- Examples: raises/promotions for favors; threats for refusal
- Usually involves a supervisor or authority figure
- A single incident may be enough

Hostile Work Environment

- Unwelcome conduct that is severe or pervasive
- Examples: jokes, comments, materials, touching
- Can come from supervisors, coworkers, or patients
- Must be objectively and subjectively offensive

Employer Liability & Prevention

- Liable if aware and fails to act
- Prevention: policies, training, reporting, investigation

Responding to Workplace Harassment

Knowing your rights is only the first step. Dental hygienists should know how to respond quickly and professionally when harassment occurs.



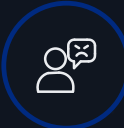
Document Incidents

Record the date, time, location, conduct, witnesses, and context. Documentation matters for complaints and legal claims.



Know Your Legal Protections

Federal law bans retaliation for good-faith reports. Retaliation is a separate Title VII violation.



Report Through Proper Channels

Follow your practice's reporting process — usually a supervisor, manager, or HR. If the harasser is your supervisor, escalate or contact the EEOC.



Seek Support and Resources

Contact the EEOC, your state dental hygiene association, or an employment attorney. You are not alone.

Week 9 Assignments and Reminders

Review the assignments and deadlines below. Add these dates to your calendar now:

What You Should Be Working on This Week

- Review Week 9 PowerPoint in Panopto Recording
- Meyer-Briggs Type Indicator Assignment
Due March 31st
- Final Exam
Final Exam Review: April 28 (during class)
Final Exam Date: May 5 (in class, using Respondus Lockdown)

Group Presentation Schedule Reminders

Continue working with your group on your State Practice Act project.

Presentation Dates:

- LRCC students: April 14
- VWCC students: April 21

Carefully read all instructions and review the rubric.

PowerPoint Deadline: All groups must submit their PowerPoint presentation to me by **April 14**.

Only one member of each group needs to submit the final file.

Grading will focus on the **accuracy of your information**, the **quality of your presentation**, and your **professionalism**.

 Questions about expectations or logistics? Reach out early.

References

American Dental Hygienists' Association (ADHA) *Dental hygiene practice and regulation*
<https://www.adha.org>

Minihan-Anderson, K. *Ethics and law in dental hygiene* (4th ed.). Elsevier.

U.S. Equal Employment Opportunity Commission (EEOC) *Laws enforced by the EEOC*
<https://www.eeoc.gov/laws>

Occupational Safety and Health Administration (OSHA) *Dentistry standards and compliance*
<https://www.osha.gov/laws-regs>

Virginia Department of Health Professions – Board of Dentistry *Laws and regulations*
<https://www.dhp.virginia.gov/Boards/Dentistry/>