

Editorial

AIDS and dental treatment—a freedom of choice issue

Undoubtedly, I do not possess the necessary life experiences to fully empathize with an HIV-positive or AIDS-stricken individual. But I try. And tolerance for all others, whether it be for race, religion, alternative lifestyle, handicap, or any other reason, is something that I try to teach my children and practice myself. However, I find it increasingly hard to accept, that we, as dentists in the United States, have been told by our government that we have no choice in whether or not to treat someone who has AIDS or is HIV-positive. I say "increasingly" hard to accept, because in the past, I was leaning toward the opposite opinion in this very sensitive issue. I now see this as an issue where freedom of choice is paramount.

As members of a health care profession, we accept significant responsibilities, some of which are not pleasant, and some of which are not always safe. In exchange we are given the privilege of helping to make certain health care decisions for our patients, and treating our patients after a treatment decision is agreed upon. In some cases treatment may even entail putting our lives at risk. But such a decision should be made by choice, not by government mandate. After all, is it fair to ask dentists, or dental team members, to put the lives of their families at risk, albeit minimal risk? The sequela of treating an HIV-positive individual could be infection with a fatal outcome for the dentist, a staff member, and any intimate family member.

We do not yet know all the answers about AIDS. However, I believe it is fair to say that the chances of a dentist contracting AIDS from a patient during treatment are minuscule—nevertheless, the chance is there. Furthermore, the chance of then passing the disease on to a family member, providing one is aware that one has been infected, is remote. However, the possibility exists, and is it therefore appropriate to force an individual, against his or her will, to take this risk, no matter how small?

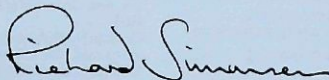
Those suffering from AIDS in the United States are, by strange legal definition, handicapped. The handicapped, quite rightly in most cases, are protected from discrimination by legislation. For example, one is not

allowed to deny treatment to a handicapped individual on the basis of the handicap. This means that dentists are not allowed to refuse treatment for an HIV-positive patient on the grounds that the patient is HIV-positive or has, or will get, AIDS. Recently, more than one court has ruled in favor of HIV-infected, or AIDS, patients who were refused treatment by dentists. For whatever reason it had been claimed that treatment was refused, the courts found that the real reason for refusal of treatment by the dentist was that the patient was HIV infected or had AIDS. Monetary damages were assessed, or agreed upon, by the patient or the patient's estate.

Is it just—is it fair—is it necessary to legislate whom we must treat? What patient in his or her right mind would want to be treated by a dentist who does not want to treat him or her? Are there not many colleagues who are more than willing to treat AIDS patients? Is it not better for all concerned that treatment is the result of the voluntary decision of an empathetic, willing caregiver and the choice of this provider by the patient, rather than the forced or coerced decision of an unwilling dentist or dental team member? Who would think of forcing a patient to undergo treatment by a dentist chosen by the government?

I believe that freedom of choice for the dentist is equally as important as freedom of choice for the patient. If I were an HIV-positive patient I believe I would respect the difficult choice that anyone treating me must make in terms of assessing personal risk of infection. Taking a dentist to court for damages because he or she chooses not to treat a patient with AIDS is as misguided as the definition of someone with AIDS as handicapped.

It's simply a matter of freedom of choice.



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