



## SINGAPORE DENTAL COUNCIL

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To: All Registered Dentists

### TREATMENT OF PATIENTS WITH MENTAL INCAPACITY

I would like to draw your attention to **Section 7 of the Mental Capacity Act** (Chapter 177A) which states:

- (1) *If a person ("D") does an act in connection with the care or treatment of another person ("P"), the act is one to which this section applies if –*
  - (a) *before doing the act, D takes reasonable steps to establish whether P lacks capacity in relation to the matter in question; and*
  - (b) *when doing the act, D reasonably believes –*
    - (i) *that P lacks capacity in relation to the matter; and*
    - (ii) *that it will be in P's best interests for the act to be done.*
- (2) *D does not incur any liability in relation to the act that he would not have incurred if P -*
  - (a) *had had capacity to consent in relation to the matter; and*
  - (b) *had consented to D's doing the act.*
- (3) *Nothing in this section –*
  - (a) *excludes a person's civil liability for loss or damage, or his criminal liability, resulting from his negligence in doing the act;*
  - (b) *affects the operation of the Advance Medical Directive Act (Cap. 4A); or*
  - (c) *applies to the conduct of a clinical trial.*

(Note: 'D' as stated in Section 7 refers to anyone in relation to the care of P. This is not limited to doctors and dentists, and may include caregivers, parents, siblings etc)

Council would like to advise that this section of the MCA is taken to imply that, when dentists are required to perform any necessary basic dental procedures (such as scaling, fillings or extractions) for the good of a patient who lacks mental capacity, he/she will not be held liable.

Yours sincerely,

Clin A/Prof Patrick Tseng  
Registrar

(This is a computer-generated notice which requires no signature)

cc Ministry of Social and Family Development