

## Guidance for registered dental practitioners: Using and supplying teeth whitening products

-  **Why** The Dental Board of Australia (the Board) has developed this fact sheet as part of its role to protect the public. It will help you understand your obligations when you use teeth whitening products in your clinic, give them to patients for home use or advertise them.
-  **How** When using teeth whitening products, you need to practise safely and lawfully.
-  **What** The Board expects you to practise in line with:
  - the [Code of conduct](#), [Scope of practice registration standard](#), [Guidelines for scope of practice](#) and [Guidelines for advertising a regulated health service](#)
  - [medicines and poisons laws](#) that apply in your state or territory
  - consumer and product safety laws and regulations.
-  **Who** The Board and the Australian Health Practitioner Regulation Agency (Ahpra) work together to regulate dental practitioners. The Therapeutic Goods Association ([TGA](#)), the Australian Competition and Consumer Commission ([ACCC](#)), and state and territory health departments regulate activities relevant to the use of teeth whitening products.

### Why the Board developed this guidance

#### **You have a duty of care to your patients**

As part of its role to protect the public and regulate all registered dental practitioners, the Board publishes guidance, including FAQs and fact sheets such as this. This guidance explains practitioners' professional obligations for a specific matter and helps them comply.

As a registered dental practitioner, you have a duty of care to your patients and you must practise safely and effectively. In this case, you have obligations when you use teeth whitening products in your clinic or when you give your patients the products to use at home.

### How to comply

#### **You can only use teeth whitening products in line with your training and the law**

Under the [Poisons Standard](#), and [state and territory medicines and poisons laws](#), only registered dental practitioners can use and supply high concentration teeth whitening products, which have either:

- more than 18 per cent carbamide peroxide, or
- more than six per cent hydrogen peroxide.

The Board expects you to use professional judgement when making clinical decisions about teeth whitening products, of all concentrations. You can do this by:

- only performing procedures you are educated about, trained for and competent in
- only using these products as the law allows and if you can justify the treatment. This includes medicines and poisons and consumer laws, as outlined below.

Justifying the treatment includes knowing the patient's expectations of the products and explaining the risks. Before any treatment, you must ensure the patient has reasonable expectations and understands the risks. You must have their informed consent, including financial consent, and document it.

#### **You can supply teeth whitening products for suitable patients to use at home**

No current laws or regulations limit teeth whitening products to in-clinic use. However, before you give a patient teeth whitening products to use at home, you should determine if they are a suitable candidate by:

- carrying out an appropriate assessment and examination of them
- considering their history
- applying the key principles of risk minimisation and management (see sections 1.2, 2.1, 2.4, 3.3, 3.5, 6 and 8.4 of the *Code of conduct*).

## You can advertise teeth whitening products if you comply with regulations

Any person or business that advertises teeth whitening products must understand and comply with regulators' requirements. This means that the Board expects you to follow:

- state or territory restrictions on advertising controlled substances
- the TGA's requirements for [advertising a therapeutic good](#)
- the Health Practitioner Regulation National Law (the National Law) advertising requirements
- its [Guidelines for advertising a regulated health service](#).

## What laws or regulations apply

### Medicines and poisons laws govern the use of these products

The *Poisons Standard* sets controls on high concentration teeth whitening products in Australia. This bans people who are not registered dental practitioners from using, supplying and selling these products.

The *Poisons Standard* sets requirements for product labelling, storage and disposal that might apply.

Most of the requirements under the *Poisons Standard* are incorporated into [state and territory medicines and poisons laws](#). You must be aware of the medicines and poisons laws that apply in your state or territory.

### The Australian Consumer Law (ACL) outlines your obligations as a supplier

When you give a patient teeth whitening products to use at home, you should consider your obligations as a supplier under the ACL and any relevant consumer issues. This may include any:

- [consumer guarantees](#) that apply to the products, such as that they are of acceptable quality
- requirements to [replace or refund](#) a product in certain circumstances
- liability you may have to compensate a patient for [damages and loss](#).

### The Board has codes, registration standards and guidelines for professional practice

The Board's codes, registration standards and guidelines set out professional practice requirements:

<b>Code of conduct</b>	Sets the standard of professional conduct expected from registered practitioners
<b>Scope of practice registration standard and guidelines</b>	Explain that you can only perform dental procedures you are educated about, trained for and competent in
<b>Guidelines for advertising a regulated health service</b>	Explain that your advertising must not: <ul style="list-style-type: none"><li>• be false, misleading or deceptive, or be likely to mislead or deceive</li><li>• offer a gift, discount or other incentive, unless you state the terms and conditions</li><li>• use purported or real testimonials about the service or business</li><li>• create an unreasonable expectation of beneficial treatment</li><li>• directly or indirectly encourage indiscriminate or unnecessary use of regulated health services</li></ul>

## Who is involved

### The Board works with Ahpra and develops standards for practitioners

The Board works with Ahpra and the other National Boards to implement the National Registration and Accreditation Scheme under the National Law. Its core role is to protect the public by regulating registered dental practitioners in Australia.

The Board:

- registers dental practitioners and students
- sets professional standards
- manages complaints about practitioners' health, conduct or performance
- publishes guidance material to help practitioners meet registration requirements and professional obligations.

The Board's guidance may relate to a specific topic and refer to laws or other regulators where relevant, such as below. But the Board does not issue standards or guidelines about specific practice areas, so that practitioners can meet their patients' needs in a range of clinical settings.

**Other regulators play key roles**

The TGA is the federal government's medicine and therapeutic regulatory agency. It:

- regulates therapeutic goods in Australia
- oversees the scheduling of medicines and poisons in the *Poisons Standard*.

State and territory health departments enforce local medicines and poisons laws through their [medicines and poisons regulation units](#).

The ACCC is the national competition regulator. As an independent statutory authority, it:

- promotes competition and fair trading to benefit consumers, businesses and the community
- ensures that individuals and businesses comply with the *Competition and Consumer Act 2010*, which covers the ACL.

This fact sheet will be reviewed as needed, but generally every three years.

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