



For immediate release

Heavy penalties for dentists who breach tooth-whitening regulations

Dentists are now legally able to provide higher strength tooth-whitening to patients. But the new regime brings with it heavy penalties for those who breach the conditions which accompany the regulations, warns Andrea James, Head of Healthcare Regulatory with George Davies Solicitors.

She points out that if you breach the law, the maximum penalty is six months imprisonment and/or a fine of up to £5,000. Trading Standards Officers can legally enter and inspect a dental practice at any time to see if a breach has occurred.

Dentists won't just have Trading Standards officers to contend with, she warns. The General Dental Council (GDC) will consider fitness to practise proceedings, separate to any criminal proceedings, against any dental practitioner involved in breaching the regulations.

Andrea's comments follow last year's changes in UK law relating to whitening which were, in turn, a response to an EU directive on consumer safety. Dentists are now legally able to provide tooth whitening with hydrogen peroxide and other compounds or mixtures that release hydrogen peroxide up to 6% strength instead of the previous 0.1% maximum.

This is subject to compliance with certain conditions. Those conditions are that the products:

- Must only be sold to dental practitioners.
- Must be used for the first time in any cycle by dental practitioners only, or under the direct supervision of a dental practitioner.
- May be provided to consumers to complete the cycle of use.
- Must not be used on any person under the age of 18.

In the circumstances, she continued, it is wise to avoid treating patients under the age of 18 at all. However, this situation may change, she said. The BDA and Dental Protection Ltd are working to obtain clarification of the position on treating Under 18s when this would be in the patient's best interests. Additional clarification is being sought for those occasional situations when the use of a higher concentration of hydrogen peroxide, during an in-surgery treatment, would be in the patient's best interests.

Contact information

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