

Competition between licensed dentists and unlicensed dentists in Brazil

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Introduction

There are around 219.000 of registered dentists in Brazil and almost 10.000 dentists graduating per year. The current ratio is 115 dentists per inhabitants. This could be considered more than enough to meet the population's needs for oral health care if there were no problems related to regional distribution and to the lack of access to oral health care. The more developed regions concentrate most of the dentists and the population can not afford dentists' fees. Moreover, even being a citizen's right, the Brazilian public dental health system is not able to assist all the population. Low income population is left with the alternative to look for "popular" clinics or unlicensed dentists without any formal training. In fact, these unlicensed dentists fill in a gap in the dental market which is not covered by the official dental system.

Even though dental professions being highly regulated in Brazil, having 188 accredited dental schools with 5 years' compulsory training, having a public dental health system, considering unlicensed dental practice a crime, and having a surplus of licensed dentists, there are still many illegal practitioners struggling for official recognition claiming that they are useful to society.

Historical summary of dental profession regulation in Brazil

Dental professional regulation in Brazil effectively began in 1851 when professional examination and licensing started to be compulsory for dentists. After the first dental schools were opened up (1884) and specially after the First Republic (1891) the exams were replaced with university diplomas as a requirement for licensing. In 1930s, with the end of the First Republic, educational framework and professional regulation was changed by several decrees. Concerning dentistry, these decrees represented a higher control over dental schools and their accreditation as well as over dental practice. However, between 1931 and 1933 an exceptional decree defined the recognition of unlicensed dentists (without any formal training) based only on the length of time they were practicing. Finally, in 1964 with the creation of a self-regulated body, the profession reached a status of exclusivity and legal monopoly over dentistry.

Current professional regulation

➤ 1964 Act: Regulates Federal and State Dental Councils - Dental professionals must be registered in the State Council where they practice. There is one Dental Federal Council and 27 State Councils.

➤ 1966 Act: Regulates dental practice in the country - this federal law determines that dentists must be graduated by a school accredited by the Ministry of Education.

➤ The profession is self-regulated. The Council sets the ethical and disciplinary norms and also controls the practice *per se*.

➤ Besides dentists, there are four distinct occupations legally recognized and registered in the Dental Councils: prosthetic technician, prosthetic assistant, dental hygienist and dental assistant.

Dentist's claims in the legal arena

Two of the main dentists' claims before the Congress are:
(i) to have the power to regulate the quantity and distribution of dental schools in the country;
(ii) to have the power to directly control the activity of unlicensed dentists.

Unlicensed Dental Practice

The term 'unlicensed dentists' defines the one who illegally practices dentistry either without any official dental school training or without any Council registration. Although dentistry being a highly regulated profession in Brazil, there are around 30.000 illegal dental practitioners. Their offices are located everywhere even in big cities. The illegal practice is considered a crime against public health and the individual is subject to imprisonment or fine.

How does unlicensed dentistry affect dental professionalization?

In spite of having professional monopoly and self-regulation power, dentists still have to deal with disputes in three arenas: legal system, public opinion and workplace.

❖ The matters concerning the legal system are: presentation of Bills before Congress claiming official regulation of illegal dentistry activity; lack of any attitude from the judiciary before charges against illegal dentists; hiring unlicensed dentists by the public health system in small cities or enact local laws in order to legalize taxes to be paid by unlicensed dentists. This situation is less common than the others mentioned above.

❖ Public opinion arena: when unlicensed dentists have enough credibility among clients to keep on practicing and when congressmen present bills having as an argument that these practitioners are helpful because of their social role in assisting low income population, deprived from any kind of public assistance (even being their right before Brazilian Constitution).

❖ Workplace: when unlicensed dentists offer lower fee and "successful" dental treatment (at least according to consumers' judgment).

Jurisdictional claims in the three arenas lead to the following hypothesis: the permanent dispute between licensed and unlicensed dentists in Brazil shows a problem in the professionalization not explained by the current theory of professions.

Objectives

This study aims at analyzing the dispute between unlicensed and licensed dentists as a problem in dental professionalization in Brazil.

Methods

In order to verify the circumstances that determine the unlicensed dentists' activity in the labor market, we conducted a research that included:

(i) the study of the development of dental professional regulation since the First Republic in Brazil (1891);

(ii) the examination of legislation and rules enacted by the legislative and executive powers and by the profession itself, as well as the disputes between dentists and unlicensed dentists by means of the demands for professional regulation in the National Congress. The demands com both from licensed and unlicensed dentists;

(iii) an empirical research to identify and characterize the illegal activities performed by the unlicensed practitioners, by interviewing 15 unlicensed dentists.

Results

Unlicensed dentists' activities

15 unlicensed dentists between 29 to 73 years old were interviewed; only one female. They have been in the activity from 12 to 29 years; 9 individuals had started the activity younger than 22 years old. They learned the activity from other unlicensed dentists either related to them or not. Easy access to dental literature complemented their learning. Due to their financial conditions most of them had to start working earlier even before finishing their high school education. All of them work full-time, have functional offices, simply but reasonably equipped. The activity is considered profitable considering their level of expectations.

They perform basic dentistry and try to avoid more complex procedures such as dental surgery (pulling teeth out). The most common services offered are total or partial prosthesis, removable or not, and filling out cavities. Because of their low income clients, fees are lower and it can be paid in installments. Their unlicensed status is always disclosed. Their argument to justify their activity is the difficult access to licensed dentists either public or private for low income clients. These clients believe they can not afford the fees of a regular practice (which is true most times). They also live in the same community where they practice. This fact establishes a relationship of trust and credibility based on the unlicensed dentist's ability to solve community dental problems.

Practically most unlicensed dentists interviewed (13 out of 15) have been denounced by the council to the competent authorities. However there has been no continuity to the process. Every time they are denounced they move on and set their practice somewhere else. Finally, they consider themselves usefull to society.

Claims on the legal arena

Between 1947 and 1997, there have been 30 bills to Congress to legalize unlicensed dentists' practice, generally based on the length of time the activity has been practiced (not based on education). Although the bills claim the same activities as licensed dentists, they do not fight for monopoly. The justifications of the bills are always based on the fact that unlicensed dentists assist the poor population specially in many places where licensed dentists are unwilling to open up their offices.

Conclusion

Many historical and social factors can explain unlicensed dentists' claims and disputes:

(i) historically once in Brazil unlicensed dentists were allowed by a federal decree to legalize their activity (it happened between 1931 and 1933), based on the length of time the activity had been exercised;

(ii) the significant dental market not covered by public and private practice due to the poor population who can't afford private licensed dentist' fee and don't have access to dental public service;

(iii) the opportunity unlicensed dentists have to be autonomous; open up their own business and make more money than if they had a regular job compatible with their level of schooling;

(iv) the difficult access to dental schools, public or private;

(v) the current social recognition and credibility they already have among their clients (sometimes more credibility than licensed professionals have).

Based on the collected data, we have verified that the dental profession is challenged in its legal monopoly in the three arenas of professional jurisdiction: the workplace arena, where the unlicensed dentists offer their services to a segment of the dental market; the public opinion arena, in which the population uses and recognizes the services being delivered by the unlicensed practitioners, and in the legal system arena, in which the unlicensed dentists have presented, systematically, bills claiming recognition and legalization of their activity.

It can be concluded that the professionalization can not be complete and successful in a situation where most of people are deprived of their human rights, at least concerning health-related areas.

It can also be concluded that the dispute between licensed and unlicensed dentists shall not be solved neither through control nor enforcement, nor through the empowerment of professional councils but through the state capacity to provide public dental health care to the low-income population. Anyway, dentistry professional regulation can not be accepted without a long training period, either in a technical or a superior level of education.

Bibliography

1. ABBOTT, A. The System of Professions: An Essay on the Division of Expert Labor. The University of Chicago Press, 1988.
2. BECKMAN, S. Professionalization: borderline authority and autonomy in work. In: BURRAGE M. & TORSTENDAHL, R. Professions in Theory and History: rethinking the study of the professions. SAGE Publications, 1990.
3. BERTAUX, D. Life stories in the Baker's Trade. In: Biography and Society: the life story approach in the Social Sciences. London: Sage, 1981.
4. BRAGA, C. P. A. Et al. Os dentistas práticos na conjuntura sócio-econômica atual: problema ou solução? Monografia do Curso de Especialização em Odontologia Social da PUC Minas, Belo Horizonte, 1984.
5. BRANTE, T. Professional types as a strategy of analysis. In: BURRAGE M. & TORSTENDAHL, R. Professions in Theory and History: rethinking the study of the professions. SAGE Publications, 1990.
6. BRASIL. MINISTÉRIO DA SAÚDE. Legislação Federal do Setor Saúde. volume I, 3.ª edição. Consultoria Jurídica. Brasília, D.F., 1978.
7. BRASIL. MINISTÉRIO DA SAÚDE. Legislação Federal do Setor Saúde. volume II, 3.ª edição. Consultoria Jurídica. Brasília, D.F., 1978.
8. BROWN, J. "Professional Language: Words that Succeed", Radical History Review, 34, p.33-51, 1986.
9. CARVALHO, C. L. The Professionalization of Dentistry: the authority of images and metaphors in the definition of the dental profession. Baltimore, The Johns Hopkins University, 1994 (Dissertação, Pós-doutorado em Saúde Pública).
10. DUSSAULT, G. The professionalization of dentistry in Britain: a study of occupational strategies, (1900-1957). London: Beldford College, University of London, 1981, 377 p. (Tese, Doctor of Philosophy).
11. FREIDSON, E. Profession of Medicine: a study in the sociology of applied knowledge. Chicago: The University of Chicago Press, 1988 [1970].
12. _____. Professionalism Reborn: theory, prophecy and policy. The University of Chicago Press, 1994.
13. _____. Professionalism: the third logic on the practice of knowledge. Chicago: The University of Chicago Press, 2001.
14. LARSON, M. The rise of Professionalism: a sociological analysis. University of California Press, 1977.
15. RUESCHEMEYER, D. Doctors and Lawyers: a comment on the theory of the professions. In: FREIDSON, E., LORBER, J. (ed.) Medical Men and their Work: a sociological reader. Chicago: Aldine Publishing Company, 1972.
16. SELANDER, S. Associative strategies in the process of professionalization: professional strategies and scientific of occupations. In: BURRAGE M. & TORSTENDAHL, R. Professions in Theory and History: rethinking the study of the professions. SAGE Publications, 1990.
17. WAHRLICH, B. M. S. Reforma Administrativa na Era de Vargas. Rio de Janeiro: Editora da Fundação Getúlio Vargas, 1983.