

Criminal Liability of Dentists in the Treatment of Psychiatric Patients in the Field of Non-Surgical Cosmetic Medicine

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Abstract

Cosmetic dental procedures such as filler injections are increasingly requested by psychiatric patients, particularly those under antipsychotic medications. This raises unique medico-legal dilemmas regarding the validity of informed consent and the extent of dentists' criminal liability. Jordanian Medical and Health Liability Law No. 25 of 2018 emphasizes the verification of legal and mental capacity prior to any medical or cosmetic intervention, yet its application to psychiatric cases remains unclear. This study employs a descriptive-analytical methodology, reviewing Jordanian legal provisions, and doctrinal writings, alongside relevant international ethical guidelines. Medical literature on the effects of psychiatric medications on cosmetic outcomes is integrated to contextualize the legal analysis. The findings highlight significant challenges: psychiatric patients may appear stable when signing consent but lack true legal capacity; antipsychotic medications can negatively affect cosmetic outcomes; and insufficient medical documentation often leads to the presumption of medical error. Jordanian law provides partial safeguards but leaves gaps in addressing elective, non-therapeutic cosmetic interventions in vulnerable patient groups. The study underscores the need for stricter safeguards when providing cosmetic treatments to psychiatric patients, including mandatory psychiatric consultation, robust documentation of mental capacity, and legally valid informed consent. Failure to comply with these obligations may expose dentists to criminal liability, even in the absence of intent. Legal reforms and clearer professional protocols are recommended to balance patient rights with practitioner protection.

Keywords: *Dentists, Non-surgical cosmetic dentistry, Informed consent, Psychiatric patients, Psychosis, Psychiatric medications (antipsychotics), Cosmetic procedures (filler injections), Legal capacity Criminal liability (Al-Abadi, 2019; Nasser, 2021).*

Introduction

In recent years, there has been a significant increase in the demand for cosmetic procedures, such as lip filler injections and overall facial aesthetic enhancements. Alongside this expansion, new medical and legal challenges have emerged concerning the eligibility of certain categories of patients to undergo such procedures, particularly psychiatric patients who are under antipsychotic medications—a common group within mental health practice.

While the right to maintain beauty is considered part of an individual's rights within the broader framework of healthcare, the exercise of this right must be subject to strict professional and legal standards that safeguard the patient's safety and protect the physician from exposure to criminal liability. These challenges become more complex in cases where the patient appears to be in a normal mental state but in fact suffers from an underlying psychotic disorder, or is undergoing pharmacological

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treatment that may influence the outcomes of cosmetic interventions. For instance, certain antipsychotic drugs are associated with increased risks of swelling or asymmetry following filler injections.

Accordingly, this research seeks to highlight the legal dilemmas faced by dentists when providing cosmetic treatments to patients with psychiatric conditions, such as psychosis, while also examining the impact of psychotropic medications on these procedures. The study further explores the applicability of the provisions of the Jordanian Medical and Health Liability Law No. 25 of 2018, particularly with respect to the requirements of informed consent, medical documentation, and criminal liability in cases where harm occurs to the patient. (Al-Qudah, 2020; Toubasi, 2022)

It is important to note that these issues are not isolated from the broader international context of patients' rights. Global medical charters, such as the World Medical Association's Declaration of Lisbon on the Rights of the Patient, emphasize the necessity of verifying mental capacity before obtaining medical consent, considering this a cornerstone for safeguarding human dignity and autonomy. At the national level, Jordanian legislation has aligned with these international principles by requiring the verification of both the legal and psychological capacity of the patient before any medical intervention, especially in non-therapeutic cases such as non-surgical cosmetic procedures. This dual requirement places dentists under a heightened professional and legal duty: to ascertain the patient's decision-making capacity and to ensure meticulous documentation, thereby avoiding exposure to criminal liability.

Significance of the Study

The importance of this study stems from the growing demand for non-surgical cosmetic procedures in dentistry, such as the use of fillers or Botox, and the ethical and legal challenges that arise when performing such interventions on psychiatric patients, particularly those diagnosed with psychosis. Although cosmetic dentistry is often regarded as an elective practice, its implications for both the mental and physical health of patients—especially vulnerable groups—require careful legal and medical consideration. (WMA, 2022; Beauchamp & Childress, 2019)

Understanding the concept of criminal liability for dentists in such cases is essential for several reasons. First, it contributes to enhancing patient safety by ensuring that dentists adhere to due diligence and professional responsibility before carrying out cosmetic procedures on patients with psychiatric disorders. Second, it highlights the necessity of having a clear legal framework that protects both patients and practitioners by defining responsibilities, particularly in situations where the patient's capacity to provide informed consent may be limited or absent due to their mental condition (Beauchamp & Childress, 2019).

This study is of particular significance in the Jordanian context, where limited research has been conducted linking medical and health liability to psychiatric conditions and cosmetic procedures. By analyzing Jordanian legislation—specifically the Medical and Health Liability Law No. 25 of 2018—this study aims to fill a critical knowledge gap and provide practical recommendations for legal reform and professional practice.

Ultimately, the study seeks to raise awareness among dentists, legal professionals, experts, and stakeholders regarding the ethical and legal dimensions of performing non-surgical cosmetic interventions on psychotic patients. In doing so, it contributes to the development of a more just healthcare system, one that prioritizes patient protection while also ensuring that dentists are provided with adequate safeguards to practice their profession with greater confidence and ease (WMA, 2022; Beauchamp & Childress, 2019)

Research Problem

The research problem lies in the absence of clear legal and medical standards governing the criminal liability of dentists when performing non-surgical cosmetic procedures, such as the use of fillers or Botox, on psychiatric patients, particularly those with psychosis. The mental condition of these patients may affect their ability to provide informed consent to medical procedures, raising legal and ethical questions regarding the extent of the dentist's responsibility in cases of harm or complications. (WMA, 2022; Beauchamp & Childress, 2019).

In Jordan, despite the existence of the Medical and Health Liability Law No. 25 of 2018, there is a lack of studies addressing the application of this law to cases that combine cosmetic procedures and the psychiatric condition of patients. This gap creates a legal vacuum that may expose patients to harm or subject dentists to unfair accountability.

Therefore, this study aims to analyze and clarify the criminal liability of dentists when performing cosmetic procedures on patients with psychosis, and to review the Jordanian legal framework and relevant legislation, with the objective of providing recommendations that help protect the rights of all parties and achieve a balance between patients' interests and dentists'

Methodology

This study relies on the descriptive-analytical method, which aims to describe and analyze the reality of the criminal liability of dentists when performing cosmetic procedures for psychiatric patients, with a focus on the applicable legal frameworks in Jordan. The data were collected through a review of legal sources, including the Jordanian Medical and Health Liability Law, in addition to examining legal doctrine, previous research, and relevant medical references.

Furthermore, the study analyzed legal texts and applied them to practical cases faced by dentists when dealing with psychiatric patients, with particular attention to cases involving psychotic disorders that affect their legal capacity. The analytical approach was used to assess the adequacy of current laws and to identify strengths and weaknesses, with the ultimate goal of providing legal and medical recommendations to improve legal protection for both patients and dentists (Al-Abbadi, 2019; Nasser, 2021).

First Section: Medical and Legal Background and the Relationship between Psychiatric Disorders and Cosmetic Procedures

First subsection: Definition of Psychosis

Psychosis is a psychiatric condition that affects an individual's ability to distinguish between reality and imagination. It is not a single disease but rather a symptom that appears in several psychiatric disorders, such as: Schizophrenia- Bipolar disorder with psychotic episode -Psychotic depression)

Main characteristics of psychotic patients include

Hallucinations (perceiving sounds or images that do not exist), Delusions (false and unshakable beliefs, e.g., believing they are being conspired against)

Social withdrawal and lack of trust, Disorganized thinking and impaired judgment, Distorted perception and reduced decision-making capacity

Impact of medications:

Antipsychotic drugs act on the central nervous system and may cause Cognitive slowing, Altered emotional response, Physical side effects (such as swelling or skin changes). Variability in the results of cosmetic procedures (e.g., lip filler injections)

Legal implications

These medical features have a direct impact on legal capacity. Patients suffering from psychosis may lack the ability to provide valid informed consent due to hallucinations, delusions, or impaired reasoning. The Jordanian Medical and Health Liability Law No. 25 of 2018 requires physicians, including dentists, to ensure that patients possess adequate mental capacity before undergoing medical or cosmetic procedures. Administering cosmetic interventions without verifying such capacity exposes healthcare professionals to criminal liability, particularly if complications occur (Al-Abbadi, 2019; Nasser, 2021)

Legal Background – The Concept of Legal Capacity in Medical Procedures (Al-Abbadi, 2019; Nasser, 2021)

What is legal capacity?

Legal capacity refers to an individual's ability to comprehend the nature of the act they are undertaking and to make a free and informed decision regarding the medical procedures to which they are subjected. (Al-Abbadi, 2019; Nasser, 2021)

Conditions of legal capacity to consent to a medical procedure (including non-surgical cosmetic interventions): (Al-Abbadi, 2019; Nasser, 2021). Full awareness of the nature of the procedure, Ability to evaluate risks and benefits, Absence of cognitive or psychiatric impairment. Independence in decision-making (free from coercion or external pressure)

The challenge: A psychiatric patient, particularly one suffering from psychosis, may appear mentally stable when signing the consent form but in reality: May not fully comprehend the nature or risks of the

procedure, and May make a decision based on delusions, impaired judgment, or under the influence of medication. This raises significant legal and ethical challenges in determining the validity of consent and the extent of the healthcare provider's criminal liability in cases of harm (WMA, 2022; Beauchamp & Childress, 2019). The Relationship between Psychiatric Disorders and Cosmetic Procedures

Why are cosmetic procedures different?

Cosmetic procedures, particularly non-surgical ones, are usually elective rather than medically necessary. In certain cases, however, they may be considered therapeutic. Because of their nature, these procedures require a higher degree of patient awareness and decision-making capacity, as their results can be either temporary or permanent depending on the type of intervention. When unsuccessful, they may negatively affect not only physical health but also psychological well-being.

Legal challenges

If harm occurs after the procedure—and the patient lacked full mental capacity or did not sufficiently understand the associated risks—or even if no physical harm occurred but the expected results were not achieved, the situation may raise legal questions: The physician may be deemed to have failed in verifying the patient's legal capacity. (Al-Abadi, 2019; Nasser, 2021), The physician may bear civil or criminal liability. Liability may arise even in the absence of criminal intent, simply due to negligence, lack of due diligence, or non-compliance with laws and regulations.

Therefore, dentists and physicians must carefully assess the legal and mental capacity of psychiatric patients, particularly those suffering from psychosis, before conducting any cosmetic procedure. In many cases, it becomes necessary to:

Involve a psychiatrist in the decision-making process.

Document the patient's psychological and pharmacological status in the medical file., Ensure that consent is truly informed and given by a patient with full capacity. And These steps are crucial not only for safeguarding the patient's rights but also for protecting healthcare providers from medical and criminal liability.

Second Subsection: The Nature of Psychiatric Medications and Their Impact on Filler Outcomes

Psychiatric medications, particularly antipsychotics and antidepressants, play a significant role in influencing the results of non-surgical cosmetic interventions such as filler injections due to their direct and indirect physical and psychological effects.

Common antipsychotics such as Olanzapine and Risperidone are known to cause fluid retention and facial swelling, which may increase the risk of asymmetry or undesirable localized enlargement after filler procedures (Haddad & Sharma, 2007). These drugs may also contribute to weight gain and changes in fat distribution, potentially compromising the stability and uniformity of fillers under the skin (Muench & Hamer, 2010).

Another frequent side effect after filler injections is bruising, which is generally considered a normal occurrence. However, the use of certain psychiatric medications—such as selective serotonin reuptake inhibitors (SSRIs) like Fluoxetine and Sertraline—may exacerbate bruising and prolong recovery. SSRIs can impair platelet function, increasing the risk of bleeding, microvascular blockage, or even tissue necrosis in severe cases (Andrade, 2010). This raises the probability of more extensive or uneven bruising at the injection site.

Beyond physiological effects, the psychiatric condition of the patient itself plays a decisive role in how results are perceived. Patients with psychotic disorders often present body image disturbances or appearance-related delusions, making them dissatisfied with results that might otherwise be clinically acceptable (Sarwer & Crerand, 2004). This dissatisfaction may expose the physician to legal and professional risks, especially if the patient's psychological and pharmacological status was not carefully considered before the procedure.

Accordingly, medical ethics and professional guidelines recommend thorough review of the patient's psychiatric and pharmacological history, as well as coordination with the treating psychiatrist, prior to undertaking any non-surgical cosmetic intervention. Accurate documentation and explicit disclosure of potential side effects—such as bruising and swelling—should be included in the informed consent process to protect both patient safety and physician liability

Second Section: The Legal Concept of Informed Consent in Cases of Illness

The Legal Concept of Informed Consent in Cases of Mental Illness

Informed consent is regarded as one of the most important legal and ethical safeguards in medical practice and a fundamental condition for the legitimacy of any therapeutic or cosmetic procedure. However, this concept raises delicate legal issues when dealing with psychiatric patients, particularly in cases of impaired legal capacity such as psychosis. In such situations, consent may appear formally valid, but it may lack substantive legal validity. (Al-Abbadi, 2019; Nasser, 2021) (WMA, 2022; Beauchamp & Childress, 2019)

First Subsection: Conditions of Informed Consent under Jordanian Law

The Jordanian Medical and Health Liability Law No. 25 of 2018 regulates the provisions of informed consent. Article (7) stipulates that for consent to be valid, several conditions must be met, the most important of which are:

The patient must possess full legal and mental capacity. Consent must be explicit, written, and documented in the medical record.

Consent must be based on sufficient and clear explanation of the nature of the procedure, its risks, and its alternatives. Consent must be voluntary, free of coercion or deception

Furthermore, Article (8) of the same law provides that consent given by a patient lacking psychological or mental capacity shall not be recognized. In such cases, consent must be obtained from the legal guardian, or treatment may only proceed in urgent and necessary situations.

This means that psychiatric patients suffering from psychosis or similar mental disorders may not be considered legally capable of granting valid consent, even if they appear outwardly stable at the time of signing. Consequently, it becomes the physician's duty to verify the patient's mental capacity before proceeding with any cosmetic intervention, whether surgical or non-surgical

Second Subsection: The Legal Classification of Liability in the Absence of Mental Capacity

When mental capacity is absent or impaired, informed consent is deemed legally invalid, and liability is classified as follows:

Civil liability

A physician may be held civilly liable for any harm resulting from the procedure if it is proven that the patient was not competent to provide valid consent. This constitutes a breach of the duty of care required of the physician, particularly when the physician fails to verify the patient's psychiatric and pharmacological status before the intervention.

Criminal liability

Article (13) of the Jordanian Medical and Health Liability Law provides for criminal accountability of physicians in cases where serious harm occurs as a result of violating the law. Performing a cosmetic procedure without verifying the patient's mental capacity is considered a violation of medical legality and may be classified as unlawful bodily harm or criminal medical negligence, even in the absence of intent. In such cases, liability is based on negligence, lack of precaution, or failure to comply with legal and regulatory requirements.

Legal classification

Liability in such circumstances is legally framed within the scope of "medical error." However, the seriousness increases when mental capacity is absent. The physician may be accused of performing a procedure without valid consent, which constitutes an infringement on the patient's bodily integrity and exposes the physician to both civil and criminal liability simultaneously.

Third Section: The Criminal Liability of Dentists in Cases of Failed Cosmetic Treatment for Psychiatric Patients

First The Dentist's Duty to Verify the Mental Capacity of Psychiatric Patients

The legal responsibility of dentists in cosmetic procedures becomes particularly sensitive when dealing with psychiatric patients, where issues of mental capacity and perception intersect with the requirements of informed consent. In such cases, the dentist is legally obliged not only to ensure patient safety but also to protect himself or herself from liability through accurate documentation. Failure of treatment under these circumstances may result in criminal accountability if the dentist neglects the duties of verification and documentation.

Under the Jordanian Medical and Health Liability Law No. 25 of 2018, dentists are explicitly required to verify the patient's psychological and mental competence before performing any cosmetic procedure. This obligation includes:

Conducting a thorough assessment of the patient's mental condition, either personally or in collaboration with a psychiatrist when necessary.

Ensuring that the patient is able to understand the nature of the procedure, its risks, and its alternatives, so that the consent obtained qualifies as truly informed and valid.

Refraining from carrying out the procedure when there is a reasonable doubt about the patient's capacity, except in urgent medical emergencies. Since cosmetic procedures are not therapeutic necessities, they cannot be justified under emergency exceptions.

This verification process forms part of the dentist's duty of care, which serves both to protect the patient's rights and to shield the dentist from potential legal consequences stemming from medical error

Second Subsection: The Impact of Lack of Documentation on Criminal Liability

Medical documentation is a fundamental legal proof in establishing or negating a physician's liability in cases of treatment failure. For psychiatric patients, documentation of: (Al-Qudah, 2020; Toubasi, 2022) the patient's psychiatric condition, verification of mental capacity, and the patient's informed consent is indispensable to avoid criminal liability.

The absence of such documentation facilitates the work of investigative authorities in proving medical negligence or malpractice. It serves as evidence of a breach of the duty of care, which may lead to:

Holding the physician criminally liable for harming the patient without valid consent.

Imposing criminal sanctions even in the absence of intent to harm, based on the principle of gross medical negligence.

Third Subsection: Legal Classification of Liability in Light of Failed Cosmetic Procedures

When cosmetic treatment fails, medical error is not assessed solely by the outcome but by the physician's compliance with legal and professional standards, especially in psychiatric cases. Legal error may take several forms:

Error in assessing capacity

Occurs when a physician performs a procedure on a patient with mental disorders affecting decision-making ability, without verifying capacity or seeking psychiatric consultation.

Error in documentation

Refers to shortcomings in recording the stages of informed consent, omitting psychiatric evaluation, or failing to attach evidence that the patient understood the nature of the procedure.

Drug interactions and negligence in evaluating complications. Failure to consider the effects of psychiatric medications on cosmetic outcomes may lead to undesirable results, constituting medical negligence.

Legal classification of liability: negligence, lack of precaution, and violation of laws

The physician's conduct in such cases constitutes a breach of the duty of professional care, which is classified as negligence under the Jordanian Medical and Health Liability Law, particularly Article 13,

which holds the physician criminally accountable for failing to adhere to “recognized medical and professional standards,” without requiring proof of criminal intent.

Performing a cosmetic procedure without verifying the patient’s mental capacity also amounts to lack of precaution, especially since psychiatric patients are considered vulnerable and in need of heightened care under medical ethics. This constitutes a direct violation of health regulations and professional guidelines issued by the Ministry of Health and the Medical Association, which emphasize proper documentation, safeguarding patient welfare, and prohibiting the exploitation of vulnerable psychiatric conditions for commercial gain.

Accordingly, the dentist’s liability is not limited to errors in performance but extends to violations of regulatory provisions, exposing the dentist to criminal liability under the Penal Code if serious harm occurs, in addition to professional accountability before medical associations

Fourth Subsection: Legal and Medical Safeguards for Protecting Psychiatric Patients in Cosmetic Procedures

Legal and medical safeguards are essential tools to protect the rights of psychiatric patients, particularly in the sensitive context of elective, non-therapeutic cosmetic procedures. Their importance becomes more evident when dealing with psychotic patients, whose decision-making capacity may be impaired by the nature of their illness. In such cases, it is crucial to establish clear rules governing physician responsibility while ensuring respect for the dignity, bodily integrity, and psychological well-being of the patient.

Legal safeguards

Requirement of legal capacity Jordanian law requires patients to possess full legal capacity before consenting to medical procedures, especially elective ones such as cosmetic interventions. The burden rests on the physician to verify such capacity, and no intervention may be carried out if the patient lacks capacity. (Al-Abbadi, 2019; Nasser, 2021)

Necessity of informed consent Informed consent is one of the most important safeguards, and it must be based on the patient’s rational understanding of the procedure, its risks, side effects, and alternatives. In the case of psychiatric patients, the physician must ensure that the patient is mentally able to comprehend this information before signing consent.

Role of the guardian or legal representative Where the patient lacks legal capacity, the decision-making authority shifts to a legal guardian or custodian, as defined by family and guardianship law. No cosmetic procedure may be performed without explicit, written consent from the authorized legal representative, and in some cases with approval from oversight bodies. (Al-Abbadi, 2019; Nasser, 2021)

Oversight and criminal liability The Jordanian legislator imposes criminal liability on physicians who disregard these safeguards. Performing a medical intervention without capacity or valid consent is considered a punishable offense, particularly if harm results.

Medical and clinical safeguards

Pre-procedure psychiatric evaluation

Before any cosmetic procedure, the physician should request a psychiatric assessment from a qualified specialist to ensure the patient’s mental competence and decision-making ability. This evaluation serves as an essential reference for determining capacity.

Medical record and psychiatric documentation

A copy of the psychiatric evaluation report must be kept in the medical file, along with documentation of all stages of disclosure provided to the patient, including risks and benefits, in order to protect both parties and serve as legal evidence in case of dispute.

Referral to a medical or ethical committee

If doubts exist about the patient’s decision-making ability, the physician must refrain from proceeding and refer the case to a multidisciplinary medical committee or an ethics committee, if available, to determine the legality of the procedure. (WMA, 2022; Beauchamp & Childress, 2019)

Refraining from procedures during active psychiatric disorders

Active psychiatric conditions, such as acute mania or unstable psychosis, constitute a medical and ethical contraindication for cosmetic interventions due to unpredictable outcomes and the difficulty in managing patient expectations. (WMA, 2022; Beauchamp & Childress, 2019)

Fifth Subsection: Safeguards Protecting Physicians in Cosmetic Procedures for Psychiatric Patients

Given the complexities of the relationship between physicians and psychiatric patients, especially in elective, non-therapeutic cosmetic procedures, it is essential to establish legal and ethical safeguards that allow physicians to fulfill their duties without being unfairly exposed to criminal liability in cases of undesired outcomes or disputes. The Jordanian Medical and Health Liability Law places special emphasis on these safeguards, particularly in cases involving patients with fluctuating or diminished legal capacity. (Al-Abbadi, 2019; Nasser, 2021) (WMA, 2022; Beauchamp & Childress, 2019)

Legal safeguards

Documentation of informed consent (Article 5): Obtaining written, informed consent after explaining all relevant details, risks, and alternatives serves as the first line of defense for physicians, proving transparency and compliance with professional duties.

Recourse to guardian or legal representative (Article 7): When doubts about a patient's mental or legal capacity exist, referring the decision to a guardian provides preventive protection. A valid guardian's consent shields the physician from criminal liability if procedures comply with the law. (Al-Abbadi, 2019; Nasser, 2021)

Use of psychiatric assessment reports: Relying on an evaluation from a psychiatrist before performing cosmetic procedures demonstrates that the physician acted cautiously and relied on expert evidence, strengthening legal protection.

Adherence to scope of practice and licensing (Article 4): Physicians who work strictly within their licensed specialization are protected, even if complications occur, as long as they do not exceed professional boundaries or use unauthorized methods.

Comprehensive documentation: Keeping detailed medical records—including diagnosis, treatment plans, explanations of risks, and consent—provides robust evidence of compliance. Documented communications may further protect physicians in negligence claims.

Medical and ethical safeguards (WMA, 2022; Beauchamp & Childress, 2019)

Referral to multidisciplinary or ethics committees: In cases of doubt, physicians may refer patients to committees, shifting responsibility and reducing personal liability if harm arises.

Refusal of procedures when capacity or psychiatric evaluation is absent: Physicians are not only entitled but legally obligated to refuse cosmetic procedures if legal or mental capacity is doubtful. Such refusal is a lawful safeguard, not a breach of duty.

Sixth Subsection: The Impact of the Nature of Harm (Permanent or Temporary) on Criminal Liability

The type of harm resulting from cosmetic procedures is a key factor in determining the scope of a dentist's criminal liability. Liability depends on the severity, duration, and consequences of the harm for the patient's physical and psychological integrity.

Permanent harm

Permanent injuries—such as lasting disfigurement, irreversible nerve or muscle damage, or any irreparable harm—intensify liability. Under Article 13 of the Jordanian Medical and Health Liability Law No. 25 of 2018, such cases may be classified as “severe bodily harm” and, in some instances, as felonies, particularly when gross negligence or deviation from medical standards is proven. Permanent harm also leads to higher civil compensation and criminal penalties.

Temporary harm

Temporary harm—such as swelling, bruising, or short-term psychological distress—typically falls under “non-serious medical error” or “minor negligence.” In these cases, sanctions may be less severe (e.g., fines without imprisonment). Courts often consider:

The physician's transparency in explaining risks.

Proper documentation before and after the procedure.

Adherence to professional standards.

The foreseeable effect of psychiatric medications on outcomes.

Role of documentation and psychiatric evaluation

Regardless of the harm's nature, thorough documentation of psychiatric assessments and informed consent remains the most effective safeguard against criminal liability. Absence of documentation may lead to liability under the principles of negligence, lack of precaution, or breach of duty of care, even if criminal intent is absent

Fourth Physician's Responsibility for Managing Psychiatric Patients' Expectations in Cosmetic Procedures

Managing patient expectations (Expectation Management) is an integral component of the physician's duty of care in cosmetic dentistry. This obligation is especially significant for psychiatric patients, particularly those with psychotic disorders, who may develop unrealistic expectations regarding cosmetic outcomes regardless of medical feasibility (Veale et al., 2016).

Legal framework

Although the Jordanian Medical and Health Liability Law No. 25 of 2018 does not explicitly mention "expectation management," this duty is implicitly derived from Article (7) concerning informed consent and Article (13) requiring adherence to "recognized professional standards." Accordingly, physicians are legally bound to:

Explain realistic and possible outcomes to the patient (or legal guardian).

Warn patients with Body Dysmorphic Disorder (BDD) or psychotic delusions about the limitations of cosmetic interventions.

Clarify that cosmetic treatment may not achieve the expected psychological benefits.

Failure to do so may render informed consent invalid and expose the physician to civil or even criminal liability.

Limits of responsibility regarding psychiatric delusions

Research demonstrates that many psychiatric patients hold delusional or unrealistic beliefs about cosmetic transformation (Phillips et al., 2001). Thus, physicians must:

Refuse treatment or refer to psychiatry when BDD or psychotic symptoms are suspected. Ignoring these indicators constitutes gross negligence.

If treatment proceeds after proper evaluation, physicians must document realistic outcomes within the informed consent form.

Documentation tools

To demonstrate compliance with professional obligations, physicians should: Record patient expectations and related discussions in medical records. Include explicit consent statements about expected limits and risks. Attach psychiatric evaluation reports where necessary.

Ethical dimensions

Beyond legal duties, ignoring psychiatric expectations breaches medical ethics. International standards (e.g., WMA, Beauchamp & Childress, 2019) and Jordanian regulations (Medical Association Codes, Law No. 25 of 2018) require physicians to respect patient dignity by providing realistic boundaries for elective, non-therapeutic procedures. (WMA, 2022; Beauchamp & Childress, 2019)

Fifth Sección::Ethical Framework for Cosmetic Procedures in Psychiatric Patients (WMA, 2022; Beauchamp & Childress, 2019)

Ethical significance

While legal frameworks define consent requirements, they do not fully address the ethical complexities of cosmetic procedures for psychiatric patients. Physicians are accountable not only before the law but

also before their professional conscience and medical ethics, particularly when treating vulnerable populations. (WMA, 2022; Beauchamp & Childress, 2019)

Ethical duty to refuse treatment

Physicians are ethically required to refuse cosmetic interventions when: (WMA, 2022; Beauchamp & Childress, 2019)

The patient lacks adequate mental capacity. Expectations are unrealistic (e.g., BDD patients believing surgery will transform their lives).

The procedure risks worsening psychiatric conditions (e.g., depression or body image disturbance).

Active psychosis or delusional disorder is present.

This duty derives from the principle of non-maleficence (*Primum non nocere* – “First, do no harm”) (Beauchamp & Childress, 2019).

When a procedure violates professional conscience

A cosmetic intervention is ethically inappropriate when: (WMA, 2022; Beauchamp & Childress, 2019)

The patient cannot properly evaluate outcomes.

Motivations stem from psychiatric illness rather than rational choice.

The intervention provides no real benefit (medical futility).

The physician exploits the patient’s vulnerability for commercial gain, violating dignity and justice.

Legal vs. ethical consent (WMA, 2022; Beauchamp & Childress, 2019)

Legal consent: achieved when formal requirements (signature, explanation, voluntariness) are met.

Ethical consent: requires genuine comprehension and autonomous decision-making, free from psychiatric impairment. (WMA, 2022; Beauchamp & Childress, 2019)

As Gillon (1994) notes, reliance on legal consent alone does not absolve physicians of ethical responsibility. For psychiatric patients, “formal consent” may be legally valid but ethically void. (WMA, 2022; Beauchamp & Childress, 2019)

Ethical references

These safeguards are grounded in the Four Principles of Biomedical Ethics: (WMA, 2022; Beauchamp & Childress, 2019)

Non-maleficence

Respect for autonomy

Beneficence, Justice

Conclusion

The issue of the criminal liability of dentists when performing cosmetic procedures on psychiatric patients is a sensitive matter that requires a careful balance between protecting patients’ rights and ensuring their safety, while at the same time providing dentists with a clear and secure legal environment for practice. This study highlights the need to update and develop the Jordanian legal framework to include specific provisions addressing informed consent and the legal capacity of psychiatric patients, with particular emphasis on cosmetic procedures. Furthermore, greater collaboration between the medical and legal sectors is necessary to ensure justice and protect the interests of all parties. (Al-Abbadi, 2019; Nasser, 2021)

Findings

The study revealed a clear gap in Jordanian legislation regarding the explicit determination of dentists’ criminal liability when performing cosmetic procedures on psychiatric patients, particularly those suffering from psychosis.

It was shown that the issue of legal capacity among psychiatric patients represents both a legal and ethical challenge, as such patients may not be able to provide fully informed and valid consent, thereby

increasing the dentist's responsibility. (Al-Abbadi, 2019; Nasser, 2021) (WMA, 2022; Beauchamp & Childress, 2019)

The study observed the absence of specific provisions or guidelines in the Jordanian Medical and Health Liability Law that address the unique situation of psychiatric patients in cosmetic contexts, leaving room for varying legal interpretations.

Recommendations

Amend or supplement the Jordanian Medical and Health Liability Law to include explicit provisions governing the treatment of psychiatric patients, particularly regarding informed consent and cosmetic interventions.

Establish clear and standardized medical protocols and guidelines for dentists when treating psychiatric patients, to ensure patient safety and minimize medical errors.

Provide dentists with specialized training on the legal and ethical aspects of treating psychiatric patients, especially in relation to consent for cosmetic procedures. (WMA, 2022; Beauchamp & Childress, 2019)

Strengthen legal and medical oversight of clinics providing cosmetic services to psychiatric patients, to ensure compliance with professional and legal standards.

Declarations

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