

# ER Dental – Terms & Conditions of Dental Treatment

These Terms and Conditions form part of the legal agreement between the patient (“the Patient”) and ER Dental Limited (“ER Dental”). By signing the relevant informed consent form(s), the Patient confirms they have read, understood, and accepted the following Terms & Conditions.

## 1. Nature of Dental Services

Dental treatment is a professional health service and not a consumer product. All ER Dental dentists are independent registered health practitioners who provide care using their professional skill and judgment. Outcomes depend on patient-specific factors such as oral hygiene, medical conditions, lifestyle, compliance with instructions, and biological responses. While ER Dental dentists act with reasonable care and skill as required by the Consumer Guarantees Act 1993 (CGA), no dental treatment can be guaranteed to succeed or last for a specific time.

## 2. No Warranties or Guarantees

No warranties, guarantees, or assurances are made by ER Dental or its dentists as to the outcome, durability, or success of any treatment. Dentistry occurs in a hostile oral environment subject to wear, infection, trauma, and biological change. Accordingly, results may vary. Patients acknowledge that dental treatment cannot be warranted in the same way as manufactured goods.

## 3. Refund Policy

Refunds will not be provided once the agreed dental service has been performed, except where legally required under the Consumer Guarantees Act 1993. After 12 months from completion of treatment, no refunds or free remedial treatment will be available. Where treatment fails due to biological, medical, or patient-related factors, the costs of retreatment or alternative procedures will be the responsibility of the Patient.

## 4. Responsibility for Clinical Work

Responsibility for the quality of clinical work lies with the treating dentist. Any re-do or remedial treatment required due to substandard care (as assessed against accepted professional standards) shall be carried out by the same treating dentist or dentist appointment by ER Dental. ER Dental is not liable for defective clinical work performed by an individual contracted dentist.

## 5. Professional Standards and Monitoring

ER Dental employs and contracts dentists who hold a valid practicing certificate issued by the New Zealand Dental Council (NZDC). Dentists are

required to comply with the NZDC Code of Ethics, Competence Standards, and ER Dental internal policies. ER Dental applies rigorous screening, monitoring, and audit procedures to ensure high standards of care.

## 6. Patient Responsibilities

The Patient agrees to:

- Maintain daily oral hygiene.
- Attend recommended check-ups and hygiene visits.
- Follow all post-treatment instructions.
- Inform ER Dental of any changes to health, medication, or lifestyle.
- Wear protective appliances (e.g., nightguards, retainers) as prescribed.

The Patient acknowledges that failure to comply with these responsibilities may compromise treatment outcomes and increase the risk of complications.

## 7. Complications and ACC Cover

Dental treatment carries inherent risks, including but not limited to pain, infection, nerve injury, tooth fracture, failed restorations, gum and bone changes, prosthesis breakage, and the need for retreatment. In New Zealand, if treatment results in treatment injury, patients may be entitled to make a claim under the Accident Compensation Corporation (ACC) scheme. ACC provides cover for eligible injuries but does not guarantee full replacement of costs, ongoing care, or consequential expenses. Any claim for injury or harm caused by dental treatment should be directed to ACC in the first instance.

## 8. Limitations of Liability

ER Dental shall not be liable for any indirect, consequential, or incidental loss arising from dental treatment. ER Dental's liability is limited to its obligations under the Consumer Guarantees Act 1993 and applicable New Zealand law. Nothing in these Terms & Conditions excludes or limits rights guaranteed to Patients under the CGA.

## 9. Acknowledgement

By signing the relevant informed consent form(s), the Patient acknowledges and agrees that:

- They have read and understood these Terms & Conditions.
- They understand that no guarantees or warranties apply to dental services.
- They accept that responsibility for clinical work lies with the treating dentist.
- They acknowledge that ER Dental provides facilities, equipment, and support staff but is not responsible for defective clinical work.
- They are aware that treatment injury claims must be made to ACC.