



DENTAL ETHICS & LEGAL PRINCIPLES: JURISPRUDENCE



PROFESSIONALISM

- Professional means that the practitioner has the obligation to be mindful of the patients physical and emotional well-being
 - Ethical behavior is not self serving!! It is serving the larger community
 - Dependent upon honesty and on protecting the patient



Professional Organizations

- Dental Organizations and Dental Boards
 - Local dental societies (community level)
 - Local societies are under the state dental associations
 - ADA is the largest association

ADA



- Serves as a national “watchdog” on ethics
- Serves to protect dentistry through nationwide communication and by supporting local, state and federal legislation
- Also a major link to many international associations

Licensing



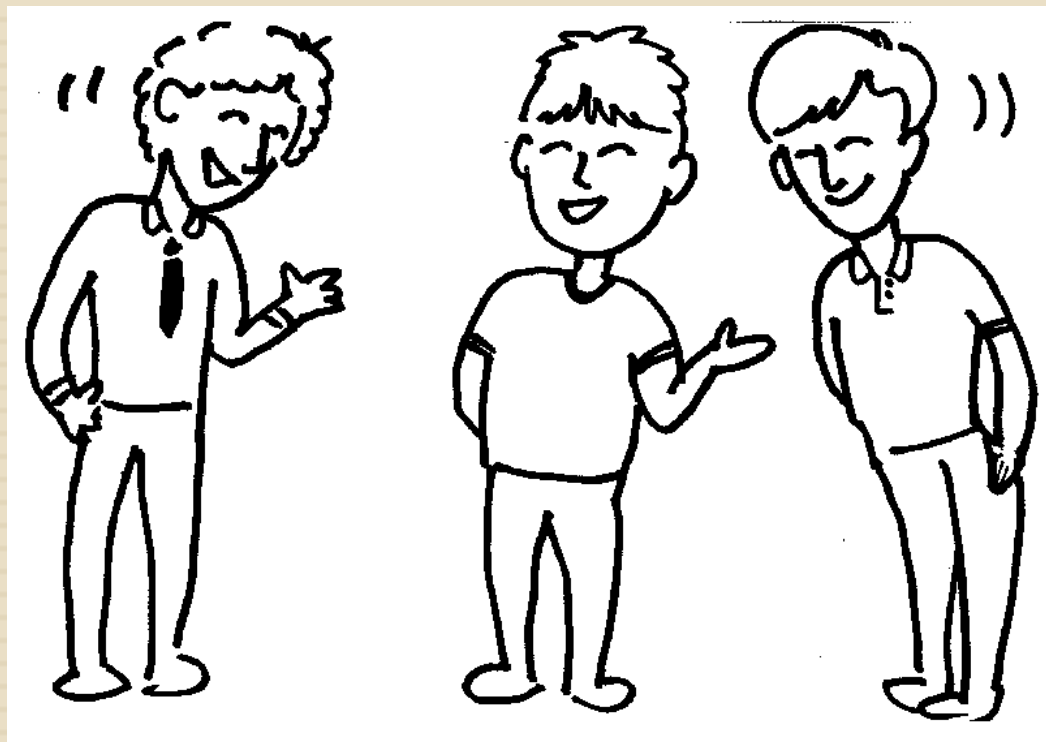
- In order to practice-state license is required by examination
 - ▣ Perio, rest, pathology and prosthetics and ethics
 - ▣ Reciprocity available between states
 - ▣ Licensure include certification thru graduation only, residency or presentation of a portfolio of credentials

Practical Considerations in Ethical Practice of Dentistry

- Dx and Tx planning
- Patient education
- Quality of work performed
- Achieving satisfactory outcomes
- Determining fees
- Insurance company charges
- Communication with referring dentists
- Accurate and honest record keeping

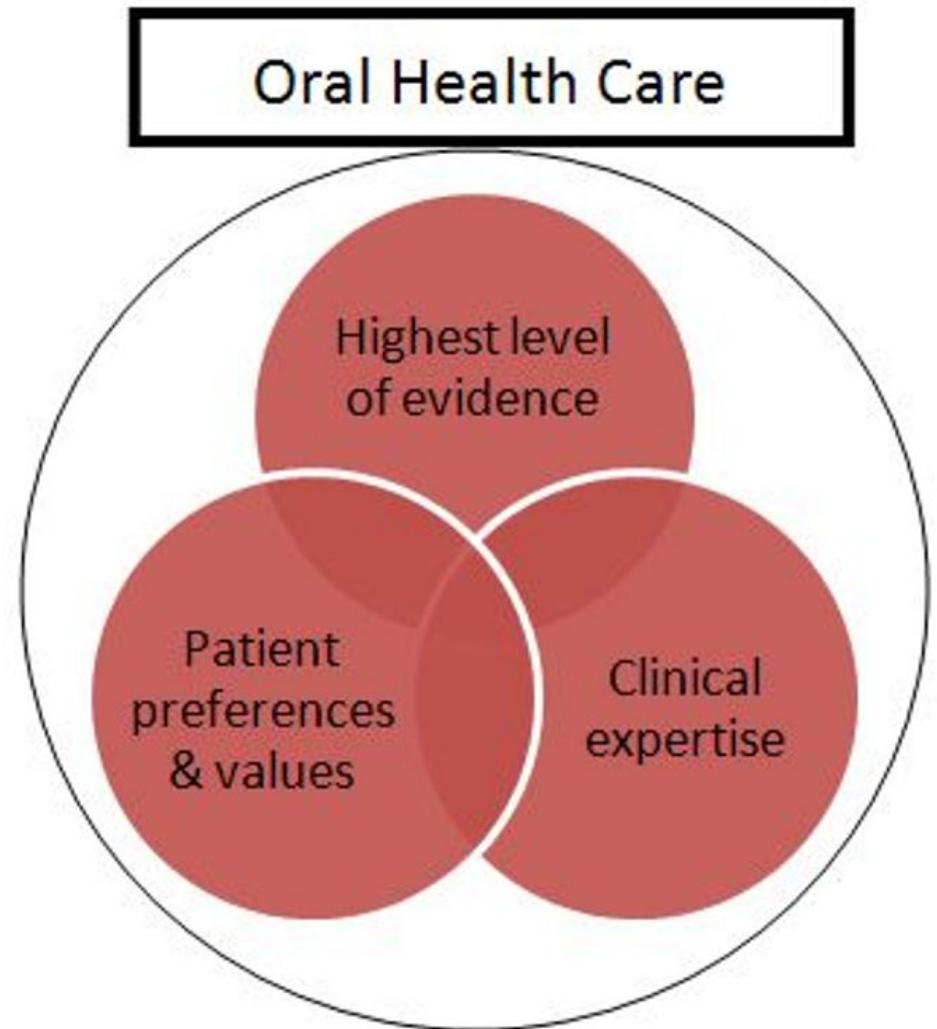
Referral

- Major issue facing all dentist....”Is when to refer a pt?”
- It is unethical to treat a patient beyond the clinicians expertise



Evidence-Based Dentistry

- Integration of an individual clinician's experience and expertise with a critical appraisal of relevant clinical evidence from systematic research along with patient preferences and needs



Dental Board Discipline

- Negligence from the board may result in public reprimands, license suspension and probation and even license revocation



Insurance Fraud

- False presentation of information to an insurance administrator
- False diagnosis to false procedures and to overcharging
 - ▣ Punishable by state, national and federal boards



Other Legal Issues

- Aiding unlicensed practitioners
- Improper billing issues
- Improper use of auxiliary staff
- Improper prescribing of controlled substances
- Impaired practitioners who are addicted to drugs
- Improper advertising
- Improper professional conduct



Continuing Education



Dentistry is hard enough...
getting CE Units shouldn't make it harder.



- CE is mandatory for maintaining licensure in most states.
 - ▣ CE varies from state to state every 2 years
 - If not maintained properly and recorded you will be audited
 - ▣ Courses need to be maintained in OSHA HIPPA and CPR
 - Certain amt needs to be maintained personally or via web

Scope of Specialty Practice

- Periodontics is known for advancing oral health through expertise in dental implants, periodontal medicine and oral plastic surgery



Ethical responsibilities of GP in tx of periodontal disease

- Must diagnose and treat properly
 - ▣ Long-term maintenance is critical
 - ▣ Advanced periodontal disease should be referred to a periodontist
 - If the patient denies any tx with specialist or dentist you can use alternative tx if acceptable however it must **not** fall short of the standard of care

Legal Principles: Jurisprudence

- Jurisprudence is the legal process in the US
 - Addressing any damage, injury or harm to a patient
 - Tort –becomes the cause to initiate legal action
 - When we fall below the high standard of care we become liable for malpractice

Common Periodontal Malpractice Issues

- **Most common** periodontal malpractice issue involves the failure to diagnose, treat or refer periodontal disease
 - To avoid these pitfalls it is critical to recognize and document the periodontal disease process
 - The other main cause of malpractice actions is the general dentist attempt to treat beyond their scope of competence
 - Discriminate between surgery that they can perform versus not able to perform


Legal Elements of Malpractice

□ Standard of Care

- Care rendered to a pt must be given with the same skill, expertise and comprehension as would be provided by a comparable practitioner in the dental community
- Results of the treatment must be equivalent given the limitations of the case

Informed Consent

- Before patients are treated surgical or nonsurgically they must sign a consent to treatment to prove they were a active partner to treatment
 - ▣ Diagnosis explained and understood
 - ▣ Proposed and alternative treatment must be explained fully
 - ▣ No warranties or guarantees can be given
 - ▣ Authorization must allow for a change in plan if unforeseen circumstances arise
 - ▣ Discussion of all sequelae and side effects must be given

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- If consent is not given to the practitioner it is a malpractice action -battery

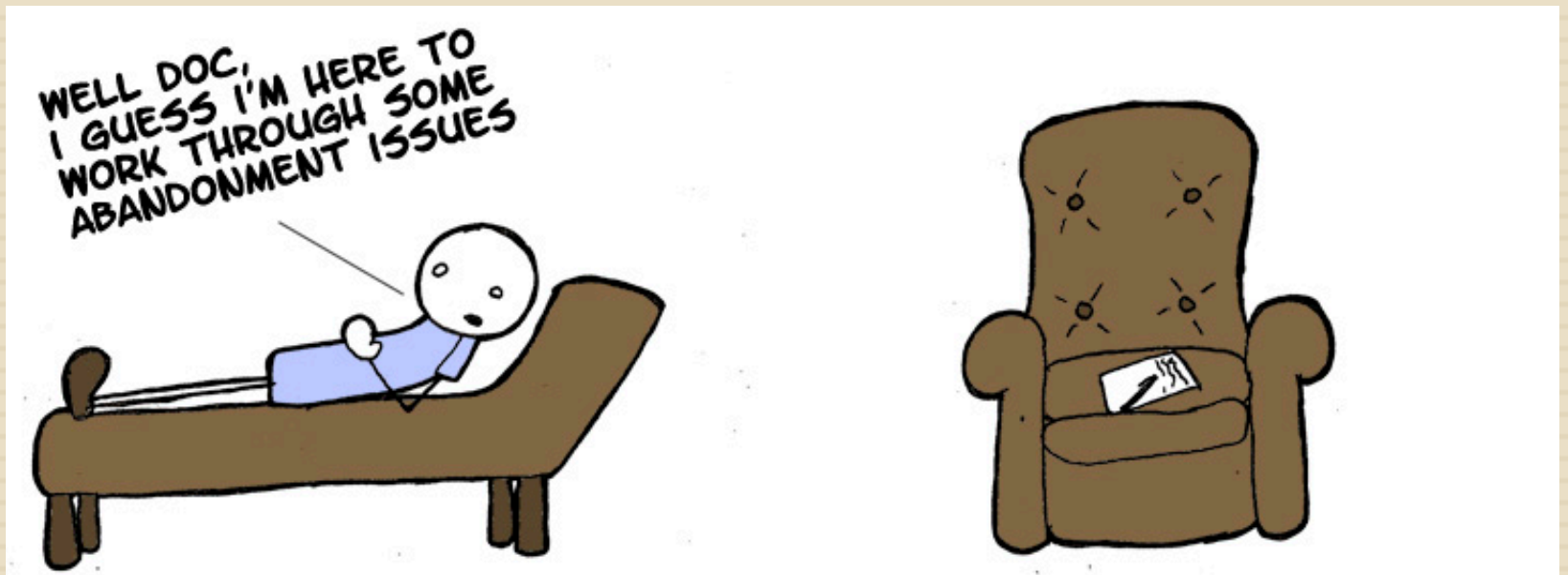
Beneficence


- Legal concept that refers to providing the patient with the best possible care



Abandonment

- Deserting your patient is a breach of the legal standard of care



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- In order to not breach standard of care you must follow the following:
 - ▣ State reasonable cause for dismissal (however not due to any disabled group)
 - ▣ Dentist must provide the pt with the names of competent new caregivers
 - ▣ Time frame for dismissal is required
 - ▣ Dentist must inform the patient that all records will be forwarded to the new caregiver

Record Keeping

- Records are the most important factors needed to prevail in a lawsuit
 - Written records, including medical and dental history, chart notes, correspondence, informed consent, insurance request and billing statements as well as radiographs, photographs and models
 - Radiographs are important ;needed for diagnosis and treatment so must be diagnostic!!
 - Treatment notes must not be altered otherwise will result in a adverse verdict.

Malpractice insurance

- Essential for all practitioners
- It is important to use the expertise of the insurance very early
- Dentist should have no further contact once a lawsuit is initiated
- Dentist must start a separate file in communicating with the attorney because these pts records remain protected

Avoidance of lawsuits

- Lawsuits are usually initiated because docs are not empathetic, frank with information or helpful in correcting the problem
 - ▣ Arrogance is a key factor in many lawsuits

Federal legislation

- OSHA is great in dentistry because of the need to protect workers from the dangers of infections
 - ▣ Universal precautions and blood borne pathogens
 - ▣ Hazard communication
 - ▣ Waste mgmt
 - ▣ Illness and injury prevention



**Wear Goggles and
Rubber Gloves
When Handling
Chemicals**

HIPPA

- Important in protecting patients privacy
 - Electronic transaction std
 - Privacy std
 - Security std



“Somehow your medical records got faxed to a complete stranger. He has no idea what’s wrong with you either.”