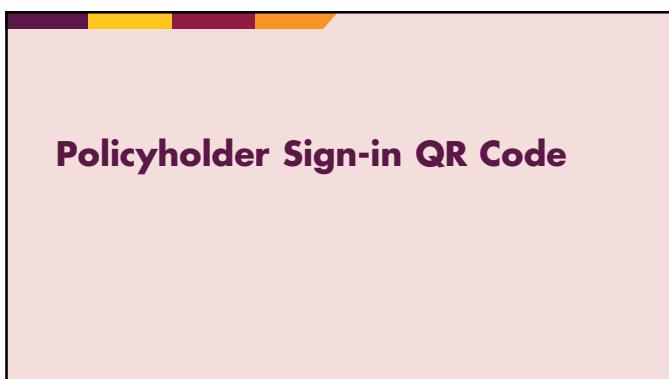




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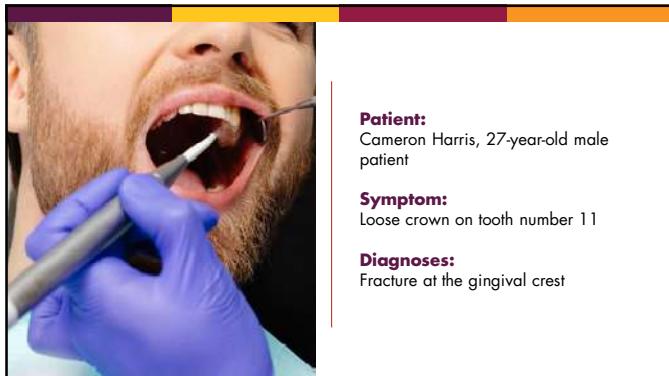
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7



8



9

A week later...

- ◆ Extraction performed by Priya Sharma
- ◆ Medical history updated
- ◆ Blood pressure reading not documented
- ◆ Procedure completed without complication



10

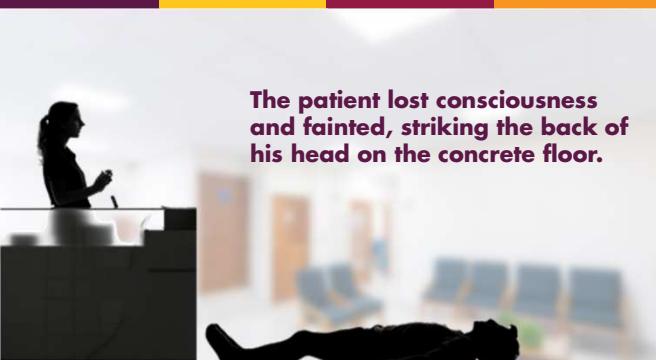


Prescriptions and post-operative care instructions

Reported feeling lightheaded and sat down

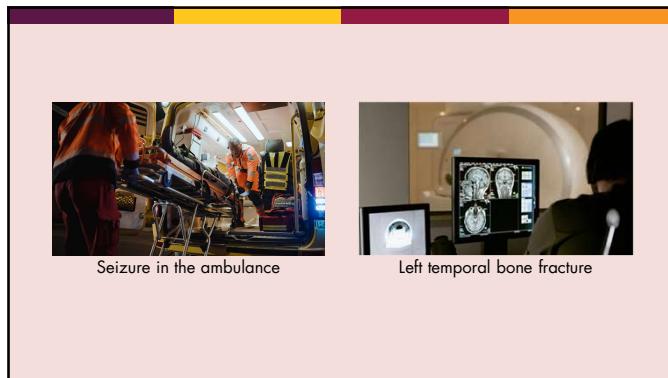
After brief recovery, walked to front desk unescorted

11



The patient lost consciousness and fainted, striking the back of his head on the concrete floor.

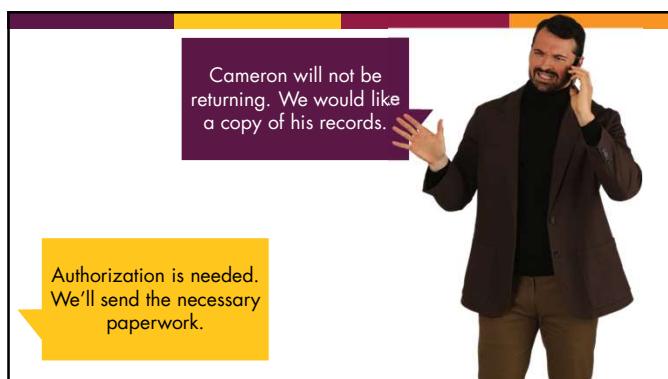
12



13



14



15

Patient records are protected by privacy laws and federal regulations such as HIPAA.

- PHI: Your Information. Your Rights. Our Responsibility.
- Release of Records sample form
- Access to Patient Records and Retention Guidelines



16



- ◆ Once a patient turns the age of majority or is considered a self-sufficient minor, they are considered an adult.
- ◆ Certain information can generally be shared with the parents without violating privacy laws such as billing and financial information.
- ◆ When in doubt, obtain a written authorization.

Consent to Use or Disclose Patient Health Information sample form

17



Keep TDIC communication records separate from patient chart.

Dental Board request received

Complaint triggers investigation

Dentists seek guidance from Risk Management Advice Line

Advised to comply with the request

18

Keep Communication Separate




TDIC Communications

- ◆ Policy
- ◆ Claims
- ◆ Legal matters
- ◆ Risk management issues

Patient Records

- ◆ Treatment plans
- ◆ Registration forms
- ◆ Clinical notes
- ◆ X-rays/Imaging

19

If a dental board representative arrives:

DO

- ◆ Handle the situation with the utmost care.
- ◆ Express intention to cooperate.
- ◆ Advise staff to remain professional.

DON'T

- ◆ Modify or alter records.
- ◆ Explain why the patient's complaint is unwarranted.
- ◆ Speak to a board investigator without legal representation.
- ◆ Release records without a proper release.

20



Allegations/Demand

- ◆ Extensive list of injuries
- ◆ Claim of negligence

Special Damages
\$100,000

General Damages
\$200,000

21



22



23



24

Dr. Ramirez



25

Dr. Sharma

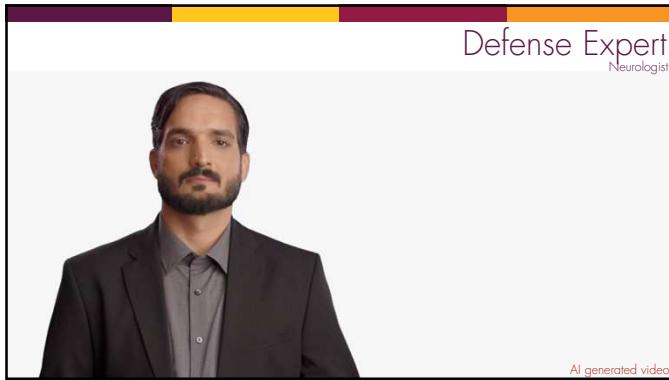


26

Dental Assistant



27



28



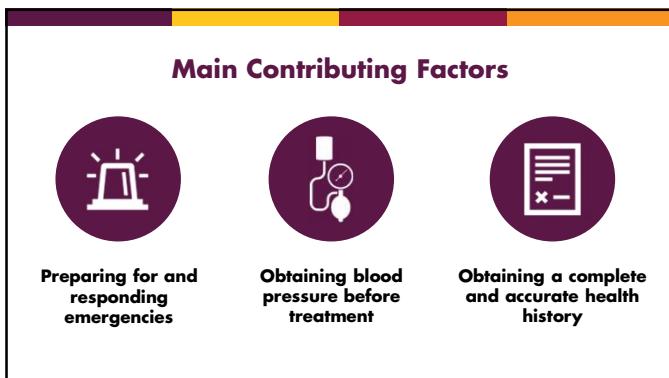
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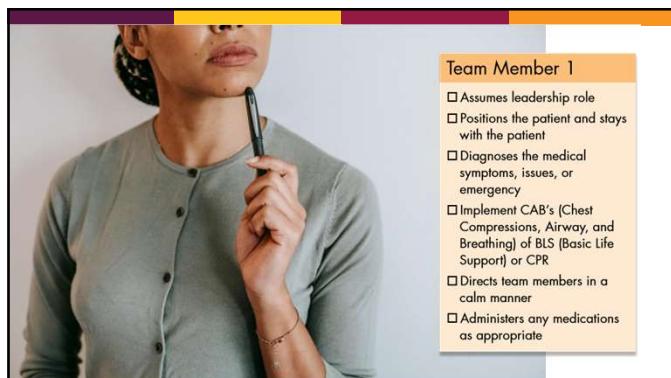
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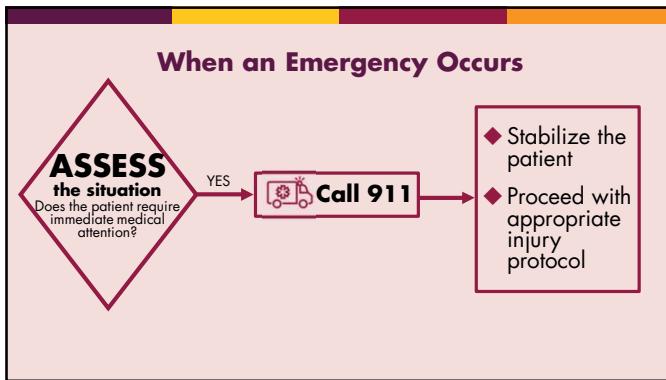
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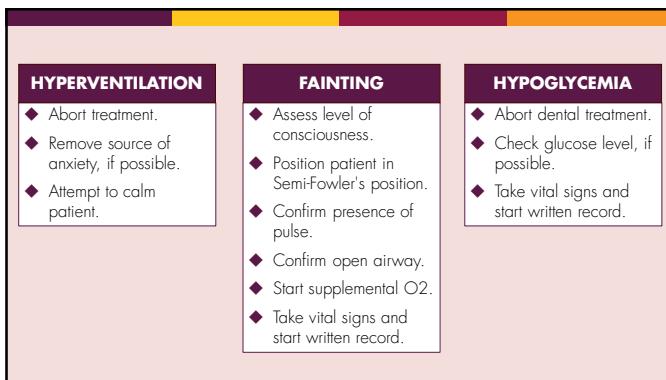


36



37

38



39

Document Medical Emergencies

Actions & Treatment **Referral** **Photographs** **Separate Documentation**

40

Keep all documentation factual and objective

- Incident
- Step 1
- Step 2
- Step 3
- Conclusion

41

Adverse outcomes may be reportable to the dental board

- ◆ Death of a patient during dental or hygiene treatment
- ◆ Discovery of death of a patient related to dental or hygiene treatment
- ◆ Removal to hospital or emergency center

 [Adverse Occurrence Guide](#)

42

Completing Comprehensive Patient Assessments & Health Histories

43

Alex, 45-year-old male

- ◆ Appears nervous
- ◆ Anxious about dental visits
- ◆ Seems agitated

Is a blood pressure assessment necessary?

44

When there are noticeable changes:

- ◆ **Dentists** should discuss readings with patients.
- ◆ Consider not treating.
- ◆ Refer to their physician for evaluation.
- ◆ Refrain from making a medical diagnosis.

Blood Pressure Readings

- March 15: 115/80 mmHg
- April 1: 160/100 mmHg

45

BLOOD PRESSURE CATEGORY	SYSTOLIC mm Hg (upper number)	and/or	DIASTOLIC mm Hg (lower number)
NORMAL	LESS THAN 120	and	LESS THAN 80
ELEVATED	120 – 129	and	LESS THAN 80
HIGH BLOOD PRESSURE (HYPERTENSION) STAGE 1	130 – 139	or	80 – 89
HIGH BLOOD PRESSURE (HYPERTENSION) STAGE 2	140 OR HIGHER	or	90 OR HIGHER
HYPERTENSIVE CRISIS (consult your doctor immediately)	HIGHER THAN 180	and/or	HIGHER THAN 120

* revised in 2017

46

**Review, update, sign,
and date a health
history form:**

- ◆ At every appointment
- ◆ or
- ◆ At least every six months



47

Keeping complete and accurate health history forms is essential to keeping your patients safe and providing appropriate care.

-  Sample Health History Forms in multiple languages
-  Health History Guidelines Reference Guide



48

Case Study 2:
Jones v. Miller DDS

49

Avery Jones, a 58-year-old software designer, established care with **Dr. Casey Miller** in **1991** when she was 26 years old.

Remained a patient for eighteen years.

- ◆ Crowns
- ◆ Root canals
- ◆ Fillings on several teeth
- ◆ **1994 – 2011**
Intermittent Periodontal Charting
- ◆ **2014 – 2019**
No Periodontal Charting

50

It hurts in the top left of my mouth.

That sounds really bad...and that's really expensive.

If you think it's necessary...I'll do it...

Tooth number 15 is non-restorable with a 2+ mobility with both horizontal and vertical bone loss.

I recommend extraction.

51

It hurts over here now.

There's swelling around the furcation area of tooth number 19.

I'm going to prescribe you antibiotics.

Chart notes do not include:

- ◆ a specific diagnosis
- ◆ recommendations for follow up
- ◆ further treatment recommendations

52

Continual Visits
between 2017 - 2018

Inflamed Tissue
between upper central incisors

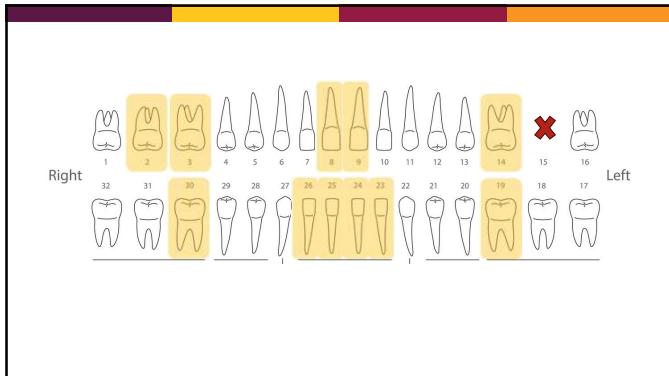
No Further Assessment
to assess cause

53

Diagnosis:

- ◆ Advanced stage periodontal disease
- ◆ Localized severe periodontitis
- ◆ Poor oral hygiene
- ◆ Pockets of 6 mm and greater throughout

54



55



56



57

Dr. Miller



58

Defense Expert
Periodontist

59

Plaintiff Expert
Periodontist

60



61



62



63

Main Contributing Factors



Practicing Below the Standard of Care



Inadequate Documentation

64



Scheduling Regular Radiographs & Providing Patient Education

65



The outcome of a malpractice case often rests on whether the dentist followed the accepted standard of care in the community.

66



67



68



69



70



71



72



There are instances when
a patient's dental needs may be
best managed by a specialist.

73

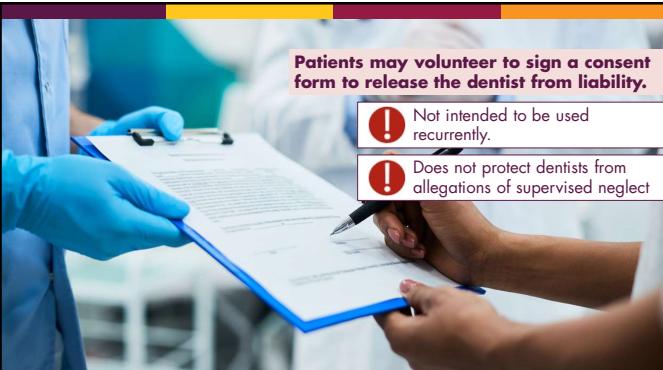
PATIENT NON-COMPLIANCE

Risk of Supervised Neglect
Continuing care despite non-compliance may lead to allegations of supervised neglect.

Standard of Care Responsibility
Dentists must adhere to the accepted standard of care

Patient Refusal vs. Standard of Care
Patient refusal doesn't excuse deviation from the standard of care

74



Patients may volunteer to sign a consent form to release the dentist from liability.

- !** Not intended to be used recurrently.
- !** Does not protect dentists from allegations of supervised neglect

75

Facts and circumstances can vary.
Assess dismissals on a case-by-case basis.

 Sample letters, forms and reference guides

 www.ldicinsurance.com

 877-269-8844



76



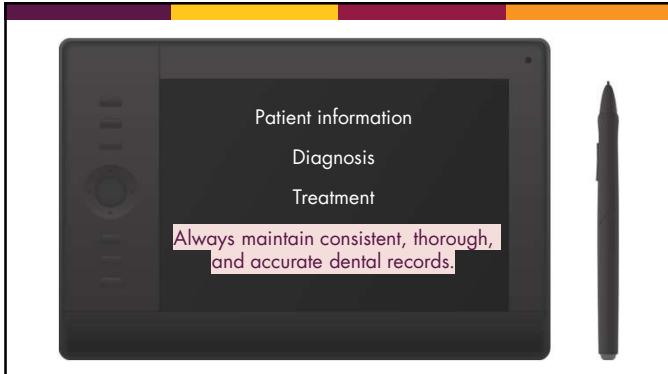
A **pattern** of failed and canceled appointments can also be considered **noncompliant behavior**.

 Call

 Document

 Dismiss

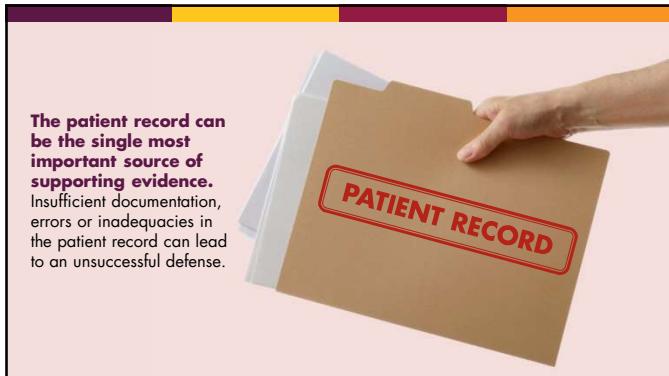
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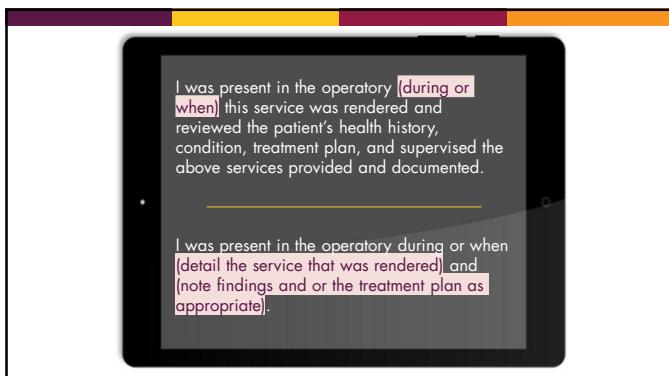
Patient information
Diagnosis
Treatment

Always maintain consistent, thorough, and accurate dental records.

78



79



80



81

Attachments provide supporting documentation:

- ◆ Compare patient oral health over time
- ◆ Treatment diagnosed and performed
- ◆ Potential for complications

They can also reinforce:

- ◆ Cooperation needed from the patient
- ◆ Patient's refusal of treatment recommendations



82

Dr. Miller's records contained several deficiencies that compromised the quality of care provided to Ms. Jones and made the case difficult to defend.



Health History **Name Change** **Patient Records**

83

Case Study 3:
Nguyen v. Silva DDS



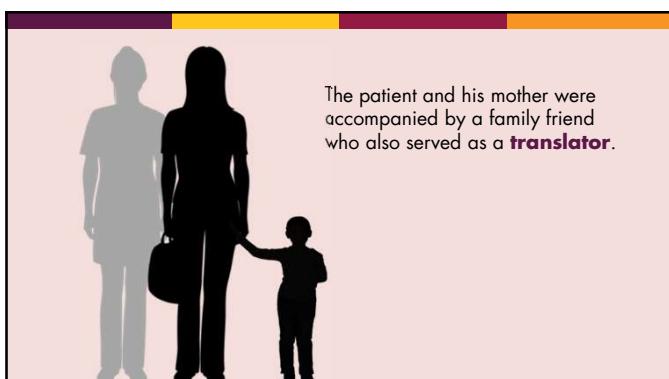
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85



86



87

When Dr. Silva attempted to awaken the patient, **his eyes were open**, and he was **breathing** but was **unresponsive**.



88



Dr. Silva provided the patient's mother and translator with an update on the patient's status and ongoing resuscitative efforts.

89

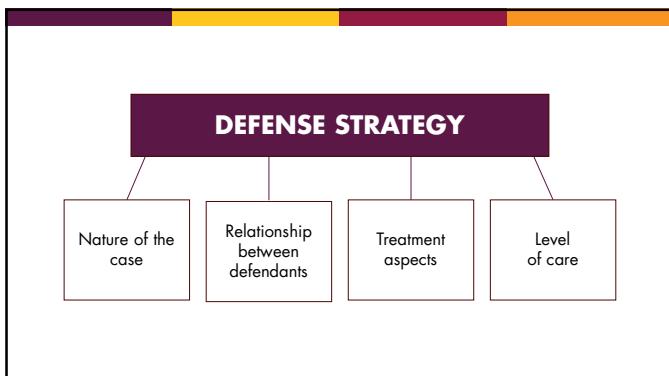
It is crucial to **immediately contact your professional liability carrier** when faced with a critical situation.

- ◆ Manage potential liability
- ◆ Determine the potential for reporting adverse events
- ◆ Provide guidance on how to communicate critical information effectively and efficiently

90



91



92



93



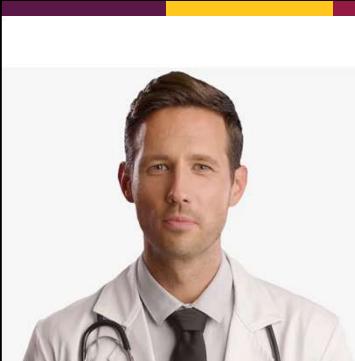
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96



Defense Experts
Pediatric Dental Anesthesiologist

AI generated video

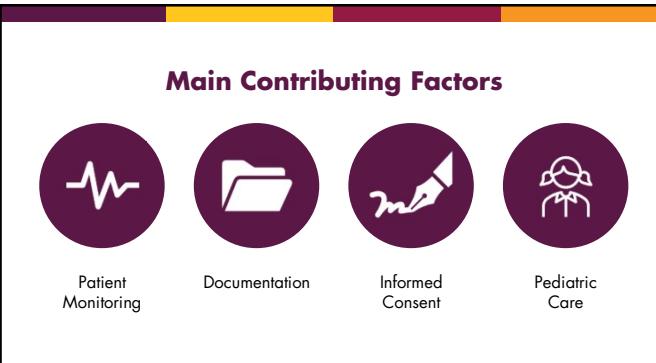
97



Defense experts:
Could not support multiple
elements of the case.

iStock

98



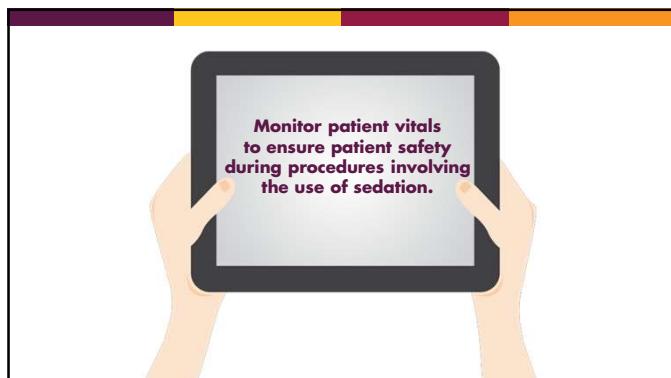
Main Contributing Factors

- Patient Monitoring
- Documentation
- Informed Consent
- Pediatric Care

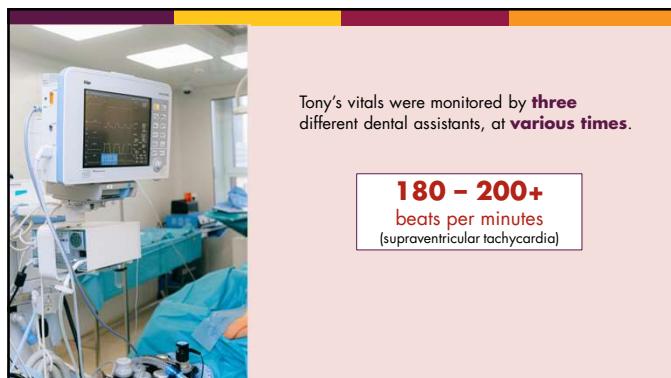
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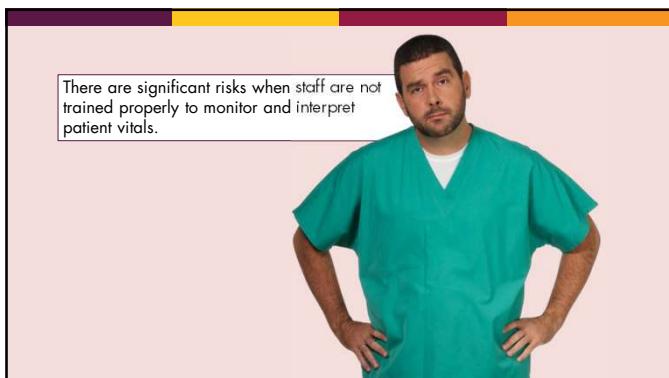
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102



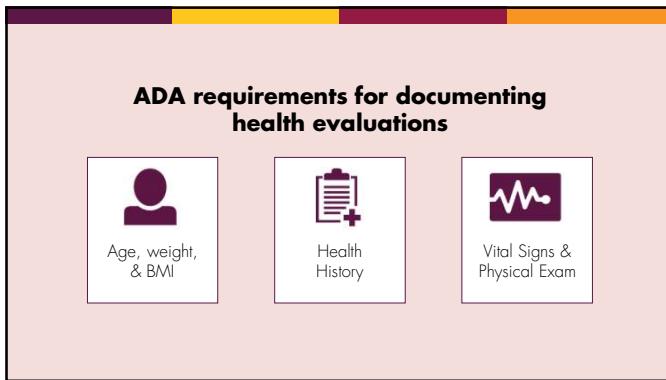
103



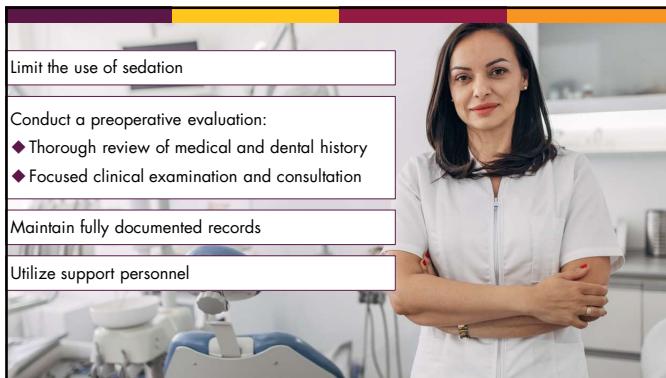
104



105



106



107



108

Perform an ongoing assessment of your clinical records to:

- ◆ minimize errors
- ◆ educate and re-educate staff
- ◆ set expectations
- ◆ provide quality assurance
- ◆ implement quality control processes
- ◆ measure your progress



109

If an emergency occurs during sedation, follow the ADA guidelines.

"If a patient enters a deeper level of sedation than the dentist is qualified to provide, [redacted] must [redacted] do what?"

until the patient returns to the intended level of sedation. [redacted] [redacted] is responsible for the sedative management, adequacy of the facility and staff, diagnosis and treatment of emergencies related to the administration of moderate sedation and providing the equipment, drugs, and protocol for patient rescue."

110

Obtaining Informed Consent & Providing Specialty Care



111



Informed consent is a discussion that involves:

- 1 Dentist
- 2 Patient
- 3 Staff

112

The actions taken at Dr. Silva's office could have resulted in negative consequences.

- ◆ Provided forms only in English
- ◆ Interpreter relayed information
- ◆ Informed consent delegated to staff

113

Translators must:

- ◆ be fluent in both the patient's language and the dentist's language.
- ◆ have cultural competence.
- ◆ be impartial.



114

Procedure Specific Informed Consent Forms

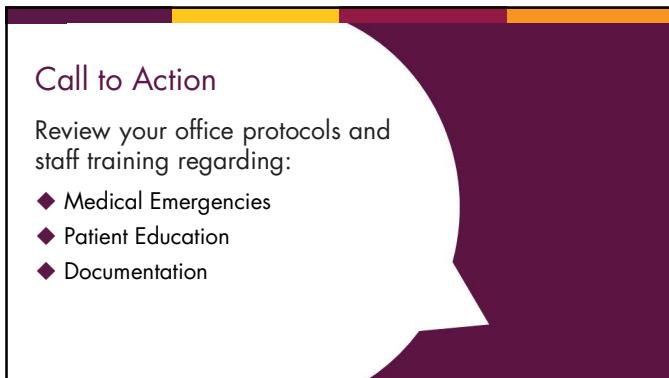
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116

The slide features a top bar divided into three horizontal sections: dark purple on the left and right, and yellow in the center. The main content area is white. On the left side, the text 'Questions & Answers' is written in a bold, dark purple, sans-serif font. On the right side, a large, light purple 3D-style question mark is centered against a light blue background.

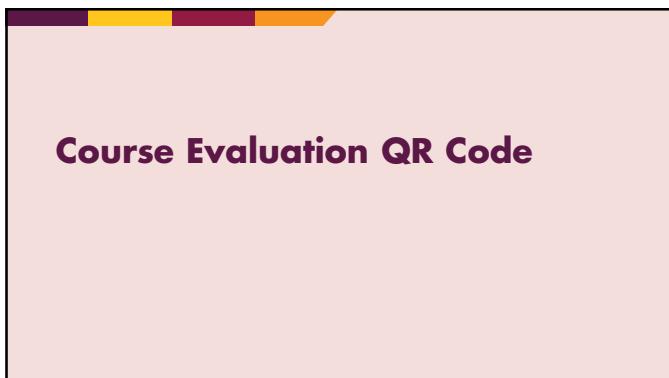
117



118



119



120



121



122
