

EDIC Dental Malpractice Claims Tips

2020/2021

How To Protect Yourself and Your Patient

<h3>How to Avoid a Claim</h3> <ul style="list-style-type: none">• Respect your patients• Understand they don't know what you do, and take enough time to explain things• Tell your patients their diagnosis• Tell them what to expect after treatment (pain, etc.)• Document the treatment you render	<h3>EDIC Claims Type</h3> <p><i>Data Represents Claims From 1992 thru April 2019*</i></p> <table><tr><td>Prosthodontics</td><td>27%</td></tr><tr><td>Endodontics</td><td>17%</td></tr><tr><td>Restorative</td><td>16%</td></tr><tr><td>Diagnosis</td><td>11%</td></tr><tr><td>Oral Surgery</td><td>10%</td></tr><tr><td>Implants</td><td>6%</td></tr><tr><td>Perio</td><td>5%</td></tr><tr><td>Orthodontics</td><td>4%</td></tr><tr><td>Cancer</td><td>1%</td></tr><tr><td>Drug</td><td>1%</td></tr><tr><td>TMD</td><td>1%</td></tr><tr><td>Management</td><td>1%</td></tr></table> <p><i>Any Treatment or Patient Dissatisfaction Can Prompt a Claim at Any Given Moment. Practice Safely.</i></p>	Prosthodontics	27%	Endodontics	17%	Restorative	16%	Diagnosis	11%	Oral Surgery	10%	Implants	6%	Perio	5%	Orthodontics	4%	Cancer	1%	Drug	1%	TMD	1%	Management	1%
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<h3>Crucial Elements of Informed Consent</h3> <ul style="list-style-type: none">• The diagnosis• The proposed treatment• Potential complications• What can happen if treatment is not undergone• A note in the Progress Notes of the conversation																									
<h3>How to Stay Out of Trouble</h3> <ul style="list-style-type: none">• Refer patients out for treatment beyond your training• Don't allow a patient to dictate treatment you don't agree with• Document patient non-compliance (so they can't blame you for the results)• Investigate an unpaid bill – don't automatically send it out to collections																									

EDIC 24/7 Claims Hotline 800-898-3342



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Provided by Eastern Dentists Insurance Company (EDIC), October 2019.

*The information contained is only accurate to the day of publication and could change in the future.

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How to Dismiss a Patient from Your Practice

- Be certain the patient is not in active treatment (so that a gap in treatment may cause harm)
- Write the patient a letter:
 - Give the reason for the dismissal
 - Advise that you will be available for 30 days for emergency care
 - Give a source for finding another dentist (e.g. County Dental Society)
 - Make a offer to make the patients records available to him/her or the new practitioner
 - If a patient has done something egregious, he/she can be dismissed immediately
 - For further advice, contact your professional liability insurer

Patients Don't Bring Claims Against Dentists They LIKE

- Establish rapport with patients
- The informed consent process is a good opportunity to develop rapport
- At each appointment, find something to briefly discuss (a vacation, a sports game, their child – just stay away from politics!)
- Look at the patient – not just your notes or computer
- If you have something difficult to discuss (a diagnosis, etc.) don't do it from across a desk
- Use empathy to acknowledge the patient is having a difficult time

Top 5 Ways to Avoid a Dental Board Action

1. Have a diary system to check on all license renewals for all licensed personnel.
2. Know and understand the dental board regulations.
3. Keep complete and accurate records, including written treatment plans.
4. Obtain and keep written documentation of CEUs.
5. Attempt to resolve any conflicts with patients before they conclude that their only option is to file a complaint.

When to Contact EDIC to Speak with a Claims Specialist

1. When an incident arises in the office that is concerning.
2. When you receive a letter from a patient or attorney expressing questions about dissatisfaction.
3. When you receive any notifications from the Board of Registration, a claim, or a lawsuit.

Call EDIC's 24/7 Claims Hotline at 800-898-3342



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Current information as of print September 2020. The information contained is only accurate to the day of publication and could change in the future. For more information on EDIC Risk Management, please call 800-898-3342 or visit www.edic.com.