

EDIC Dental Malpractice Claims Tips 2023

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 August 2023</i></p> <table><tbody><tr><td>Prosthodontics</td><td>26%</td></tr><tr><td>Endodontics</td><td>17%</td></tr><tr><td>Restorative</td><td>16%</td></tr><tr><td>Oral Surgery</td><td>12%</td></tr><tr><td>Diagnosis</td><td>11%</td></tr><tr><td>Implants</td><td>7%</td></tr><tr><td>Perio</td><td>5%</td></tr><tr><td>Orthodontics</td><td>3%</td></tr><tr><td>Management</td><td>1%</td></tr><tr><td>Drug</td><td>1%</td></tr><tr><td>TMD</td><td>1%</td></tr></tbody></table> <p><i>Any Treatment or Patient Dissatisfaction Can Prompt a Claim at Any Given Moment. Practice Safely.</i></p>	Prosthodontics	26%	Endodontics	17%	Restorative	16%	Oral Surgery	12%	Diagnosis	11%	Implants	7%	Perio	5%	Orthodontics	3%	Management	1%	Drug	1%	TMD	1%
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<h3>Crucial Elements of Informed Consent</h3> <ul style="list-style-type: none">• The diagnosis• Proposed treatment plan• Risks and potential complications• Alternatives• Consequences for refusing treatment• Document 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 noncompliance (so they can't blame you for the results)• Don't respond to patient reviews in a way that violates HIPAA																							

EDIC 24/7 Claims Hotline 800-898-3342

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How to Dismiss a Patient from Your Practice

- Be certain the patient is not in active treatment (if a gap in treatment may cause harm, don't dismiss)
- 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).
 - Offer to make records available to the patient or new practitioner.
 - Advise on any conditions to bring to the attention of the new dentist
- 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.
- 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.
- Train staff to communicate respectfully, including how to handle patient complaints

Top 5 Ways to Avoid a Dental Board Action

1. Use 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 their only option is to file a complaint.

When to Contact EDIC to Speak with a Claims Specialist

1. When you are concerned over an incident in the office;
2. When a patient or attorney contacts you with questions or expresses dissatisfaction; or
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 August 2023. 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.