

# **PRACTICAL CLINICAL COURSES**

A Service of the Gordon J. Christensen  
Career Development Program

**V4733**

## **Protecting Yourself Against Malpractice Suits**

David H. Epperson, JD &  
Gordon J. Christensen, DDS, MSD, PhD

### **Materials Included**

C.E. Instruction Sheet  
Products List  
Confidential Patient Information  
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AGD Post-Test

**Gordon J. Christensen**  
**PRACTICAL CLINICAL COURSES**

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**Practical Clinical Courses**  
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Gordon J. Christensen  
**PRACTICAL CLINICAL COURSES**

*Sources of Products Discussed in*

**V4733 Protecting Yourself Against Malpractice Suits**

Presented by: David H. Epperson, JD & Gordon J. Christensen, DDS, MSD, PhD

1. **AcuCam® Concept® IV FWT**  
KaVo Dental Corporation  
Gendex Dental Systems  
340 East Route 22  
Lake Zurich, IL 60047  
(888)275-5286  
(847)550-6800  
[www.gendex.com](http://www.gendex.com)
2. **Advantage™ 6014 Advanced Blood Pressure Monitor & 6014P Digital Thermal Printer**  
American Diagnostic Corporation  
55 Commerce Drive  
Hauppauge, NY 11788  
(800)232-2670  
(631)273-9600  
[www.adctoday.com](http://www.adctoday.com)
3. **AED 10™ Defibrillator**  
Welch Allyn Inc.  
4341 State Street Road  
Skaneateles Falls, NY 13152  
(800)535-6663  
(315)685-4556  
[www.welchallyn.com](http://www.welchallyn.com)
4. **DentalFoto™ Digital Camera**  
Dental Learning Centers  
410 Newport Way NW, Ste A  
Issaquah, WA 98027  
(425)557-7788  
(714)360-3235  
[www.dlcenters.com](http://www.dlcenters.com)
5. **DIAGNOdent**  
KaVo Dental Corporation  
340 East Route 22  
Lake Zurich, IL 60047  
(800)323-8029  
(847)550-6800  
[www.kavousa.com](http://www.kavousa.com)
6. **Digitest™ Pulp Tester**  
Parkell, Inc.  
300 Executive Drive  
Edgewood, NY 11717  
(800)243-7446  
(631)249-1134  
[www.parkell.com](http://www.parkell.com)
7. **Dine Digital SLR**  
Lester A. Dine, Inc.  
PGA Commerce Park  
351 Hiatt Drive  
Palm Beach Gardens, FL 33418  
(800)624-9103  
(561)624-9100  
[www.dinecorp.com](http://www.dinecorp.com)
8. **Dine Digital Solution**  
Lester A. Dine, Inc.  
PGA Commerce Park  
351 Hiatt Drive  
Palm Beach Gardens, FL 33418  
(800)624-9103  
(561)624-9100  
[www.dinecorp.com](http://www.dinecorp.com)
9. **Gentle-Pulse™ Pulp Tester**  
Parkell, Inc.  
300 Executive Drive  
Edgewood, NY 11717  
(800)243-7446  
(631)249-1134  
[www.parkell.com](http://www.parkell.com)
10. **IntelliSense® Professional Digital Blood Pressure Monitor (HEM 907XL)**  
Omron Healthcare, Inc.  
1200 Lakeside Drive  
Bannockburn, IL 60015  
(800)634-4350  
(847)680-6200  
[www.omronhealthcare.com](http://www.omronhealthcare.com)
11. **mini D-Carie® Caries Detection**  
NEKS Technologies, Inc.  
2816 J.A. Bombardier  
Laval, QC H7P 6E2  
CANADA  
(866)887-6357  
(450)973-3598  
[www.cariesid.com](http://www.cariesid.com)
12. **Model (2 Implant Lower Overdenture)**  
Salvin Dental Specialties  
3450 Latrobe Drive  
Charlotte, NC 28211  
(800)535-6566  
(704)442-5400  
[www.salvin.com](http://www.salvin.com)
13. **Models (Patient Education)**  
Kilgore International, Inc.  
36 West Pearl Street  
Coldwater, MI 49036  
(800)892-9999  
(517)279-9000  
[www.kilgoreinternational.com](http://www.kilgoreinternational.com)
14. **NTI-tss Plus™**  
Keller Laboratories, Inc.  
160 Larkin Williams Industrial Ct.  
Fenton, MO 63026  
(800)325-3056  
(636)717-1755  
[www.kellerlab.com](http://www.kellerlab.com)
15. **PhotoMed G6 & PhotoMed 40D SLR**  
PhotoMed International  
14141 Covello Street  
Bldg 7 Suite C  
Van Nuys, CA 91405  
(800)998-7765  
(818)908-5369  
[www.photomed.net](http://www.photomed.net)

16. **Planmeca X-Ray Units**  
Planmeca USA Inc.  
100 North Gary Avenue  
Suite A  
Roselle, IL 60172  
(630)529-2300  
[www.planmecausa.com](http://www.planmecausa.com)
17. **Pulse Oximeter**  
Salvin Dental Specialties  
3450 Latrobe Drive  
Charlotte, NC 28211  
(800)535-6566  
(704)442-5400  
[www.salvin.com](http://www.salvin.com)
18. **Snap-Stone**  
Whip Mix Corporation  
361 Farmington Avenue  
P.O. Box 17183  
Louisville, KY 40217  
(800)626-5651  
(502)637-1451  
[www.whipmix.com](http://www.whipmix.com)
19. **VELscope® Cancer Detection**  
LED Dental Inc.  
201-15047 Marine Drive  
White Rock, BC V4B 1C5  
CANADA  
(888)541-4614  
(604)541-4614  
[www.velscope.com](http://www.velscope.com)
20. **Vitality Scanner 2006**  
SybronEndo  
1717 West Collins Avenue  
Orange, CA 92867  
(800)346-3636  
(714)516-7979  
[www.sybronendo.com](http://www.sybronendo.com)

***Product names, the products themselves, and company names change rapidly. Please contact the companies shown to confirm current information.***

**Gordon J. Christensen Practical Clinical Courses, 3707 North Canyon Road, Suite 3D, Provo, UT 84604  
Toll Free (800) 223-6569 or Utah Residents (801) 226-6569**

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# Confidential Patient Information – I

---

*(Please Print Legibly)*

Date: \_\_\_\_\_

## Personal Information

Name: \_\_\_\_\_ SS #: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell) \_\_\_\_\_ e-mail: \_\_\_\_\_

Birth date: \_\_\_\_\_ Sex: \_\_\_\_\_ Marital Status: \_\_\_\_\_ Spouse Name: \_\_\_\_\_

Occupation: \_\_\_\_\_ Referred by: \_\_\_\_\_

## Person Responsible for Account

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_ SS #: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

## Dental Insurance Information

Primary Insurance Co: \_\_\_\_\_

Insurance Co. Address: \_\_\_\_\_

Employee: \_\_\_\_\_ Relationship: \_\_\_\_\_ S.S. #: \_\_\_\_\_

Employer: \_\_\_\_\_ Policy #: \_\_\_\_\_

Secondary Insurance Co: \_\_\_\_\_

Insurance Co. Address: \_\_\_\_\_

Employee: \_\_\_\_\_ Relationship: \_\_\_\_\_ S.S. #: \_\_\_\_\_

Employer: \_\_\_\_\_ Policy #: \_\_\_\_\_

*I understand that payment is my obligation regardless of insurance or any other third-party involvement.*

---

PATIENT'S NAME

DATE

# Confidential Patient Information – II

(Please Print Legibly)

Patient Name: \_\_\_\_\_ Initial Date: \_\_\_\_\_

Updated: \_\_\_\_\_

Updated: \_\_\_\_\_

Updated: \_\_\_\_\_

## Health Information

Personal Physician Name: \_\_\_\_\_

Personal Physician Address: \_\_\_\_\_

**YES NO**

1. Have you been hospitalized within the past 2 years? For what? \_\_\_\_\_

2. Are you currently being treated by a physician? For what? \_\_\_\_\_

3. Are you currently taking any medicines or drugs? What? \_\_\_\_\_  
\_\_\_\_\_

4. Have you ever received counseling for excessive use of alcohol and/or prescription drugs?

5. Are you allergic to any drugs? What? \_\_\_\_\_

6. Have you ever had a skin rash or other reaction to metal jewelry? To What? \_\_\_\_\_

7. Are you allergic to any metals? What? \_\_\_\_\_

8. Do you bleed excessively upon injury?

9. Are you pregnant?

10. Have you ever been involved with dental/medical legal activity?

## Circle Any of the Following Conditions That You Have Had or Now Have

A. AIDS

B. Arthritis

C. Asthma

D. Cancer

E. Diabetes

F. Epilepsy

G. Glaucoma

H. Heart Murmur

I. Heart Problem\*

J. Hepatitis

K. High Blood Pressure

L. Jaundice

M. Kidney Problems

N. Low Blood Pressure

O. Nervous Breakdown  
or Psychiatric Therapy

P. Osteoporosis

Q. Rheumatic Fever

R. Sexually Transmitted  
Diseases

S. Stroke

T. Tuberculosis

U. Other Diseases\*

## Person to Be Contacted in Case of Emergency (Other Than Relative)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

## PROGRAM

### **V4733 Protecting Yourself Against Malpractice Suits**

#### CLINICIAN RESPONSIBLE

**Gordon J. Christensen, DDS, MSD, PhD**  
CEO, Practical Clinical Courses  
CEO, CR Foundation  
Practicing Prosthodontist, Provo, Utah

#### CONSULTANT

**David H. Epperson, JD**  
Senior Partner  
Hanson, Epperson & Smith  
Salt Lake City, Utah

#### GOALS & OBJECTIVES

At the completion of this video presentation, participants should be able to accomplish the following:

1. List the dental areas with the most current legal activity.
2. Discuss the level of financial awards provided in dental lawsuits.
3. Describe the areas of dentistry in which the largest awards were given.
4. Discuss the characteristics of a staff-oriented diagnostic appointment.
5. Discuss the types of radiographs desirable for a diagnostic appointment.
6. Describe several methods to educate patients.
7. Describe how to use intraoral television for patient education.
8. Discuss why blood pressure recording is important in a diagnostic appointment.
9. Discuss the necessity to measure periodontal pockets and record oral soft-tissue lesions that are present.
10. Discuss the need to observe, define, and record the presence of occlusal diseases in a diagnostic appointment.
11. Compare paper records vs. electronic records.
12. List the six characteristics necessary for informed consent.
13. Describe why patients must know the advantages and disadvantages of each type of treatment that is possible.
14. Describe several ways to maintain clinical competency.
15. Discuss "standard of care" and how it relates to potential lawsuits.
16. Discuss the necessity of thorough and complete clinical progress notes.
17. Describe a postoperative "finish of treatment" letter.
18. Describe an adequate level of malpractice insurance.
19. List the steps to follow, if you are threatened with a lawsuit.
20. Discuss who is responsible for suggesting the appropriate steps to follow when threatened with a lawsuit.

## OVERVIEW

### **V4733 Protecting Yourself Against Malpractice Suits**

The threat of a lawsuit hangs over all health practitioners. We never know when one is coming, and a lawsuit can come without warning or even when we do not know that we have done anything wrong. Estimates are that one out of 6-10 dental practitioners will have a threatened lawsuit this year. Many attorneys will develop a lawsuit without any fee guaranteed for them, unless they win the suit. There are identifiable areas of dentistry that are most likely to generate lawsuits. Among them are endodontics, extraction of teeth, implants, lack of cancer detection, apparent failure of services, and many more. This presentation provides information relative to how to best prevent a lawsuit. The following steps should be accomplished for lawsuit prevention:

- Completion of a thorough diagnostic data collection, diagnostic appointment, and treatment plan including:
  1. Collection of pertinent patient information
  2. Thorough medical history
  3. Panoramic, bitewing, and periapical radiographs
  4. Specialized radiographs, such as tomographic or cone beam
  5. Diagnostic casts
  6. Thorough patient education
  7. Intraoral television demonstration
  8. Periodontal pocket charting
  9. Blood pressure recording
  10. Recording of previous restorations, carious lesions, and missing teeth
  11. Vitalometer testing
  12. Identification and recording of soft-tissue lesions
  13. Identification and recording of occlusal diseases
- Recording of all pertinent information about treatment
- Compliance with HIPPA requirements



## OVERVIEW (Cont'd)

### **V4733 Protecting Yourself Against Malpractice Suits**

- Providing complete informed consent
  1. Alternatives for care
  2. Advantages of each
  3. Disadvantages of each
  4. Costs of each
  5. Risks of each
  6. Result of doing nothing
- Achieving and maintaining clinical competence
- Treating at “standard of care”
- Providing complete postoperative records
- Providing optimum maintenance care
- Having an adequate level of malpractice insurance
- What to do if you are facing a malpractice suit

This presentation will greatly assist practitioners to avoid malpractice suits and will suggest methods to cope with a malpractice suit when one is encountered.

## REFERENCES

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17. Owen AP. Avoiding drug litigation. *J N J Dent Assoc*. 1981 Fall;52(4):9-12, 64-6. No abstract available.
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## POST-TEST

### **V4733 Protecting Yourself Against Malpractice Suits**

1. Which areas of dentistry listed in this question have the most legal threats?
  - a. Pediatric dentistry and endodontics
  - b. Operative dentistry and endodontics
  - c. Dental hygiene and implants
  - d. Endodontics and tooth extraction
  
2. It was suggested that the following persons should collect the data for a diagnostic data collection appointment?
  - a. dental hygienist or dental assistant
  - b. dental hygienist and business staff
  - c. dental assistant and dentist
  - d. dentist and dental hygienist
  
3. The most important aspect in record keeping is that:
  - a. you use electronic records.
  - b. you use paper records.
  - c. you keep complete and accurate records.
  - d. your records be kept for 10 years.
  
4. On the diagnostic appointment, patient education should:
  - a. always include information about periodontal disease.
  - b. include information about all potential treatment plans.
  - c. always be presented by the dentist.
  - d. always be presented by the business staff.
  
5. Intraoral television analysis of the patient's mouth was suggested for:
  - a. patients with need for major restorative treatment.
  - b. patients with need for periodontal treatment.
  - c. all patients.
  - d. only a few patients.
  
6. Blood pressure recording was suggested:
  - a. for all patients on the diagnostic appointment.
  - b. for all patients who have a diastolic pressure of 90 or above.
  - c. to be accomplished by staff persons.
  - d. all of the above.
  
7. Informed consent includes:
  - a. treatment alternatives.
  - b. advantages and disadvantages of each.
  - c. risks of each.
  - d. costs of each.
  - e. result of no treatment.
  - f. all of the above.

**POST-TEST (CONT'D)**

**V4733 Protecting Yourself Against Malpractice Suits**

- 8. "Standard of Care":
  - a. is different from one geographic area to another.
  - b. describes the lowest level of care in the geographic area.
  - c. should be maintained in your practice for avoidance of lawsuits.
  - d. none of the above.
  
- 9. Awards to disgruntled patients were highest for:
  - a. endodontic therapy.
  - b. surgical mistakes.
  - c. fixed prosthodontic treatment.
  - d. missing the presence of oral cancer.
  
- 10. When threatened with a lawsuit, you should:
  - a. immediately call the patient.
  - b. immediately appoint the patient to analyze the alleged problem.
  - c. call your attorney.
  - d. call your malpractice insurance company.

**PLEASE PRINT**

Name \_\_\_\_\_

Name of video purchaser (if different from above) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone No. \_\_\_\_\_

Email \_\_\_\_\_

Indicate which type of credit you wish to obtain:  AGD  State  Both

State License No. \_\_\_\_\_ AGD No. \_\_\_\_\_

Payment information  Visa  American Express  Mastercard  Discover

Card # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Expires \_\_\_\_/\_\_\_\_ CVV2-Code: \_\_\_\_\_

The test is complimentary for the purchaser. *If you require CE tests for staff members or an additional doctor to receive credit, the fees are:*

**Dentist** (limit 1 additional dentist per video purchase): \$25

**Auxiliary** (no limit): \$10 for each auxiliary taking test