



## Reducing liability from cosmetic dentistry

Cosmetic dentistry procedures, such as whitening, bonded restorations, veneers, implants, crowns, bridges, and full dentures can make a significant difference in patients' lives. However, they can also lead to significant patient dissatisfaction that can result in payment disputes or legal action. Even when procedures are not specifically defined as "cosmetic," changes in appearance from dental procedures can reduce patient satisfaction, especially if he or she was not prepared for the potential results. By taking a few key steps, dentists can protect themselves from potential liability related to cosmetic dentistry procedures.

### Screen patients carefully

Some patients may arrive in the office with unrealistic expectations that may set the dentist up for failure. Early on, dentists should discuss options and possible outcomes of cosmetic procedures. Asking patients about their motivations for wanting the procedure and their expectations will also help identify any misalignment between likely outcomes and the patient's anticipated outcomes.

Screening should include risk assessment for caries and periodontal disease, along with medical risk factors that would make the patient a poor candidate for a cosmetic procedure. For instance, veneers may not be appropriate for patients with severe or advanced periodontal disease.

Note any mental health issues that could affect a patient's response to a procedure. For example, a 2015 survey conducted by the American Academy of Cosmetic Dentistry noted that the most common reasons patients cite for wanting cosmetic dentistry procedures are improvement of physical attractiveness and self-esteem. However, those with low self-esteem will likely not see the improvement they desire. The dentist should also be alert for any indication that the patient expects the dental procedure to correct personality issues. Dentists should know that patients may be more forthcoming with staff members, such as front desk personnel, hygienists or assistants, than with them, so obtaining input from others is important.

### Manage patient expectations

What a dentist feels is a successful whitening procedure may fall short of a patient's expectation. Before the procedure, talk with the patient about what results are reasonable to expect. Use good communication skills to set clear procedure goals and avoid making any statement that gives—or implies—a guarantee of success. For procedures such as whitening, it is particularly important to discuss the longevity of the procedure results.

Before-and-after photographs of past procedures may help patients better visualize possible results; however, be sure to note that the images are for illustrative purposes and do not guarantee actual results.

For patients who are not requesting a cosmetic procedure, but for whom the procedure may affect appearance, discuss potential changes they may notice after the procedure. For example, periodontal root planning and scaling may result in gum recession so teeth appear longer.

### Provide patient education

In addition to information about the procedure, patients need to understand their responsibilities after the procedure. For example, patients who are having whitening done should avoid tobacco and stain-causing food and drinks for at least several days after the procedure (and ideally, longer). Education should also include possible side effects of the procedure and guidelines as to when to contact the dentist if problems arise.

Education materials need to be available in the patient's preferred language. Printed material should be in a large font size.

### Document fully

Documentation can be burdensome, but it is key to protect the dentist from potential liability. Document the informed consent discussion, including review of procedure options; note that questions were answered and the patient expressed understanding. (See Informed consent.) Keep the signed form in the dental record and give a copy to the patient.

Be sure that the consent form clearly outlines risks in language the patient can understand. For example, the risk of chipping or breaking should be listed for veneers, and the risk of allergic or painful reactions to whitening, bleaching, or bonding agents should be noted (even though such reactions are uncommon). A general statement such as "no guarantees have been given regarding the procedure to be done" can be stated and/or included in the consent form.

It is also important to include the procedure goals, ideally signed by the patient, in the dental record, as well as patient education given, along with a note that the patient expressed understanding of the material. The latter can be particularly valuable should patients fail to follow post-procedure instructions and return with complications. Retain any images (X-rays, photographs, etc.) obtained for assessment before, during, or after the procedure.



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### Optimize skills

Dentists should be sure they have the necessary skills to perform procedures they offer patients. A large number of digital and photographic programs exist to communicate with remote labs and to make changes that a patients can approve of or make suggested changes. Keep a file with evidence of continuing education, such as certificates of attendance. Dentists whose practice contains a high percentage of cosmetic procedures may want to consider accreditation through a professional organization.

### Improving patient lives

Cosmetic dentistry can improve a patient's life. For example, correcting tooth damage in victims of intimate partner violence can be one small step in recovering physical and mental health. Correcting tooth discoloration and chipping so that someone is no longer reluctant to smile can result in a warmer demeanor that attracts friends. However, dentists need to screen patients carefully, establish expectations, provide education, document fully, and optimize their skills so patients are satisfied

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#### RESOURCES

American Academy of Cosmetic Dentistry. Cosmetic dentistry: state of the industry, survey 2015. [www.aacd.com/proxy/files/Publications\\_and\\_Resources/AACD\\_State\\_of\\_the\\_Cosmetic\\_Dentistry\\_Industry\\_2015.pdf](http://www.aacd.com/proxy/files/Publications_and_Resources/AACD_State_of_the_Cosmetic_Dentistry_Industry_2015.pdf).

Little JP, Pollack BR. Esthetics and dental jurisprudence. In: Aschheim K W. Esthetic Dentistry: A Clinical Approach to Techniques and Material. 3rd ed. Philadelphia, PA: Elsevier; 2015: 520-531.

with outcomes, keeping in mind that satisfied patients are unlikely to engage in legal action and may refer other patients to your practice.

### Informed consent

Obtaining informed consent is an important step before any dental procedure. Here are the conditions to be met for informed consent to be valid:

- The consent must be freely given.
- The proposed procedure and its prognosis must be described.
- The patient must be informed of the risks and benefits of the proposed procedure.
- Reasonable alternative procedure(s) to the one suggested (including no procedure), and their risks, benefits, and prognosis, must be described.
- The patient must be given the opportunity to ask questions and have them answered.
- All communication with the patient must be in the language the patient understands.
- The consent must be obtained from a person legally authorized to grant consent.

Source: Little JP, Pollack BR. Esthetics and dental jurisprudence. In: Aschheim K W. Esthetic Dentistry: A Clinical Approach to Techniques and Material. 3rd ed. Philadelphia, PA: Elsevier; 2015: 520-531.





# The National Society of Dental Practitioners **RISK MANAGEMENT** Newsletter

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## Did you know...

...that there is a full library of Risk Management information available to NSDP members on the Dentist's Advantage website?

As a member, you have access to a full range of helpful information that you can use everyday in your practice. They include:

- **Dental Office Forms** – Our Dental Office Forms system represents one of the valuable and useful tools we provide to assist you in managing your practice in the safest way possible. Included in this library are dozens of Record Keeping Forms and Consent Forms. Some examples are:
    - Record Keeping Forms
    - Chart Review Checklist
    - Post Extraction Instructions
    - Consent Forms
    - Consultation/Biopsy Request
  - **Articles** – Browse through our articles index for a specific risk management-related topic.
  - **NSDP Newsletters** – Read past issues of the NSDP newsletters.
  - **Risk Management Webinars** – Our webinars are open to all dentists to learn about risk exposures they might face in their daily practice. Our free web-based-seminars feature presentations made by industry leaders in the insurance and healthcare fields.
  - **Risk Management Alerts** - Periodic alerts to recent changes in dental practice, dental regulation and trends in dentistry.
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