



Dental Professional Liability | Managing Adverse Events

Infections

Please Note

A number of sample risk management forms and letters are available electronically in association with this manual, including written informed consent templates, patient termination letters, records release authorization forms and others. Dentist's Advantage-insured dentists may access these sample documents on the [Dentist's Advantage website](#).

Each PDF sample permits customization: copy and paste the sample text from the PDF template document to a text editing file (MS Word, Apple Pages, etc.); edit text and add your dental practice information where appropriate; save the file to create a blank form for ongoing use. If necessary, customize the text of the form template for specific patient needs. You may wish to include components from various sources if the templates provided do not meet the needs of your practice.

While a number of form templates are available, documents are not available for every dental procedure. We encourage you to create consent forms for those dental procedures you perform frequently. You may wish to use the sample consent forms as an outline and review the manual section on informed consent. Consider consulting your attorney to ensure that your forms comply with state informed consent statutes.

Risk management content and resources are provided for illustrative purposes only. The information is intended to provide only a general overview of the matters discussed and is not intended to establish any standards of care.

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Infections

Infections are potential unwelcome sequelae for almost any dental procedure. Infections often precede or exist concurrently with dental treatment, possibly compromising the treatment's outcome or complicating the health status of the patient.

Therefore, it is understandable that malpractice claims against dentists often cite infection as the claimant's injury. The following are common allegations associated with infection claims:

- Failure to diagnose
- Failure to treat
- Failure to refer
- Inadequate medical history review
- Negligence by the dentist as a cause of the infection

The defensibility of an infection claim is related to the quality and quantity of the dentist's diagnostic efforts – usually in response to the patient's complaint – and the comprehensiveness of the chart documentation. Testimony from plaintiffs and their experts typically allege that a successful outcome would have resulted without injury to the patient if the dentist had properly assessed, diagnosed, treated, or referred.

Managing the Risks of Infection

Recognizing risk factors

Many infections are difficult to diagnose due to a lack of clinical signs, symptoms, or patient complaints. Nevertheless, certain risk factors for infection can be identified, involving variables that relate to the patient, the dentist, and the treatment performed. They include:

- Patients with poor oral hygiene
- Patients who are immunocompromised due to disease, medication, or simply a poor host response
- Dentists who do not employ proper infection control practices
- Dentists who elect to perform procedures that would have a lower morbidity rate if referred to another practitioner

Controlling the risks

Prevention

- Inform patients whenever infection is a risk of treatment.
- Perform thorough diagnostic tests and examinations. Many allegations of failure to diagnose relate to asymptomatic infections that were "missed" during initial or maintenance appointments at which there was no "chief complaint."
- Follow current infection control guidelines.
- Inform patients about recognizing complications and seeking treatment for them. Written post-operative instructions for this purpose should be given to the patient.
- Inform patients about obtaining care outside of regular office hours. Ensure that your patients can access you after office hours (or another practitioner who may be covering emergency calls for you or your practice).
- Follow up with patients you suspect to be at risk of infection via telephone calls and postoperative return visits.

Responding to an infection

- Thoroughly evaluate the patient and assess all possible sources of the infection.
- Clearly inform the patient of his or her condition.
 - Explain the urgency of treatment.
 - Explain the potential consequences of no treatment or delayed treatment.
- Recognize and refer immediately when the patient's condition is beyond your treatment expertise. This may include patients taking antiresorptive medications, such as bisphosphonates or denosumab, who have delayed healing, infection and/or signs of osteonecrosis.
- When appropriate, prescribe an antibiotic regimen suitable in dosage, duration, and choice of medication.
- Consider antibiotic sensitivity testing for infections that do not respond to initial therapy. You also may wish to consider medical consultation or referral, if determined to be in the patient's best interest.
- It is prudent to increase follow-up and monitoring efforts for patients that do not respond to initial interventions. Establish and emphasize direct communication for specific/potentially severe signs or symptoms.

Documentation

- Consider using the SOAP format of record keeping described in the Record Keeping and Documentation section of this manual.
- Document the patient's physical appearance and status, and the performance and results of examinations and diagnostic tests.
- Document radiographic findings by retaining the radiograph and describing your positive or negative findings in the record.
- Document why you performed a specific treatment and why other alternatives were not selected.
- Document all antibiotics and other medications prescribed and the reasons for the prescription.
- Document any complications as well as corrective action taken.
- If a referral was recommended, document to whom you referred and the patient's response to the recommendation. Follow-up on the referral outcome.
- If the patient refuses the referral, document the referral and re-emphasize the potential consequences of inadequate or no treatment.
- If the patient does not follow through on the referral, document any additional communication you present to the patient, including reminders and reiteration of your position.

For more information call Dentist's Advantage
at 888-778-3981, or navigate to the
Dentist's Advantage website Risk Management section.



In addition to this publication, CNA and Dentist's Advantage have produced additional risk control resources on topics relevant to dental professionals, including: newsletters; articles; forms; letters; and claim scenarios.

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