Legal Bite Question of the Issue

Second Guessing Treatment Plan

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Q: If a patient chooses a less expensive, and much less ideal, treatment plan, can I be criticized for performing that treatment by a colleague who may subsequently see the patient?

A: Such criticism happens far too much, and often precipitates a dental board inquiry or malpractice suit. The criticism is not justifiable if the patient was presented multiple treatment plans, the cost differences, and the risks/benefits of each treatment plan were explained to the patient. Then, the patient must have made an 'informed consent' to the treatment plan (i.e., he/she was presented with the options, understood the risks and benefits of each, and made an “informed” decision, usually documented in writing).

Unfortunately, often a patient chooses a less expensive dental implant treatment plan and is subsequently dissatisfied with, for example, the stability of the appliances. Notwithstanding the fact that more expensive, optional treatment plans were presented, the patient subsequently sees another dentist who may opine that the treatment the patient received was “below the standard of care.” Such a characterization is not fair unless the treatment implemented was itself performed below the standard of care.

For example, I may accept the placement of a larger restoration on a tooth in my mouth, at a far less cost than full coverage, but KNOWING that I was accepting a less ideal plan and understanding the risks attendant with that treatment method. But both treatment options can be within the standard of care, and often are. Nonetheless, a
subsequent dentist.....with the gift of 20-20 hindsight....may be critical of the previous dentist for not insisting on full coverage, having the benefit of knowing that the tooth eventually broke down. But even here, if a larger restoration was one option within the standard of care, the treating dentist did nothing wrong. Dentists need to try to be less critical of any situation they encounter involving another dentist. Patients often “forget” what they were told or “misstate” what occurred at their previous dental office.