Legal Bite Question of the Issue

Non-Traditional Treatment Options

By Frank Recker, DDS, JD

Q: I utilize several treatment modalities that aren’t widely used or accepted by other dental practitioners, or the dental profession, for that matter. Some compare my holistic/alternative dental methods with “chelation therapy” used by some medical practitioners. Should I be concerned about “standard of care” issues from my state dental board, or malpractice suits?

A: Probably not, if you have adequate, written, informed consents. In simplistic terms, if you had good results from using non-dental adhesives to seat crowns, or electrical stimulation units to treat pain or other conditions, your informed consent should explain to the patient:

1. The specific methods or materials being utilized are not generally accepted by the dental profession
2. They are not taught or used in dental schools
3. You have experienced good results that the patient may or may not also experience
4. The methods or materials being used may not achieve the intended results for the patient, but will not cause any harm.
5. It is important that actual harm not be a possibility, but if it is, explain the potential harm in the written informed consent.

There are circumstances when the patient cannot give valid consent, even if in writing. An example would be “consenting” to negligent care, such as seating a bridge that has grossly open margins. Another example is “consenting” to not have radiographs taken when you can’t identify potentially multiple pathologies or disease conditions without them.

However, an alternative treatment option, although not generally accepted by the dental profession, can be an option for the patient if they understand that fact and the potential risks/benefits. In fact, relative to the medical profession, many state legislatures have specifically enacted statutory protections for physicians who engage in “alternative medicine,” or “holistic” medicine, including chelation therapy. Similarly, patients generally have the right to accept non-traditional dental procedures or methods.