Legal Bite Question of the Issue

When Doing the Right Thing, Comes Back to Bite You

By Frank Recker, DDS, JD

Q: A dental colleague of mine extracted the wrong maxillary second molar on a long-term adult patient. My friend immediately informed the patient of the error, and paid everything to have an implant placed and restored by an implant dentist. The patient was happy and, ironically, was probably better off dentally than before. Nonetheless, the dental board in her state filed formal accusations alleging substandard care for the error. Is this what state boards do to “protect the public?”

A: Unfortunately, all too often, this is the case! Clearly every health care professional has made a “mistake” in some aspect of patient care. That includes dental board members who are dentists. In this situation, the patient was told the truth, the mistake was rectified at the dentist’s expense, and the patient was made “whole.” That should preclude a dental board inquiry, much less placing a dental license in jeopardy by issuing formal charges!

Does the board really believe this dentist threatens the public safety by making such a mistake? To the contrary, if every dentist acknowledged an error in treatment, informed the patient, and paid for the dental services necessary to make the patient “whole,” there would be a lot fewer malpractice suits and peer review cases. This situation also emphasizes the point that even if a malpractice suit is never filed, a dental board can still take action.