Members of the dental profession are an increasing target for professional negligence lawsuits, and dental implant professionals are no exception. At February’s Academy of Osseointegration (AO) Annual Meeting, Dr. Michael Ragan will address this and more in the Young Clinicians’ Lecture Series: “Reducing the Young Clinicians’ Legal Exposure and Protecting Your License to Practice.”

One important and fundamental action can protect dentists from lawsuits and actions against their license to practice: practitioner-patient communication in the form of informed consent.

Ragan — a dentist who has practiced law for more than 25 years, exclusively defending health-care professionals — states that nearly 100 percent of lawsuit complaints include a count alleging that the doctor didn’t secure sufficient informed consent.

His presentation will address how comprehensive informed consent can help prevent exposure to a malpractice lawsuit and also the possible revocation of a clinician’s state license. Additionally, Ragan will address other areas of concern that impact the young clinician, including:

• Employment contracts and office leases
• HIPAA, HITECH and breach of confidentiality
• Cyber liability and social media
• Practice due diligence
• Fraud and abuse, deceptive trade practices
• Corporate practice of dentistry and fee splitting
• Delegation of personnel duties

Most importantly, he wants attendees to understand that patients need to know — with no conflict in their mind — what their alternatives are and what "bad things" can happen as a result of their implant procedure.

"A great percentage of claims may not reflect a specific act of negligence," he said. "Most derive from a breakdown of communication."

One common communication problem occurs when the patient is not made aware of possible side effects for the procedure or complications that could have long-term effects. Other times the breakdown can occur when the patients don’t understand their responsibility to the success of the implant.

This responsibility can be as simple as oral hygiene requirements or as complicated as the management of a systemic health condition that has consequences for the success of the implant.

The responsibility for communication of this vital information to the patient is the clinician’s, and without documentation of its occurrence, the doctor is at risk of a malpractice claim and a possible action against his or her license.

"When you increase the scope of clinical dental practice, there is a concomitant increase in practitioner responsibility," he said. "Informed consent is more than a piece of paper. It’s a process."

In addition to his defense law practice based in Miami, Ragan is on the faculty in the Department of Oral and Maxillofacial Surgery at Nova Southeastern College of Dental Medicine, as well as teaching at a number of other schools of dental medicine. Ragan also sits on the board of directors of the Fortress Insurance Company, a subsidiary of OMSNIC (the Oral and Maxillofacial Surgeons National Insurance Company).

The board members review thousands of claims every year to evaluate potential defensibility and exposure. While some of the claims they review are frivolous, some have merit.