

REVIEW ARTICLE

MEDICO-LEGAL CHALLENGES IN ORAL SURGERY: A REVIEW

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ABSTRACT

Medico-legal challenges are a growing concern for oral surgeons, as litigation related to dental treatment is becoming more common. In this review article, we explore the various medico-legal challenges faced by oral surgeons, including informed consent, negligence, malpractice, and patient confidentiality. The article provides an overview of the legal framework governing dental practice, and the potential legal consequences of failing to meet the standards of care in oral surgery. The review also examines the impact of technological advancements, such as digital imaging and electronic records, on medico-legal challenges. Finally, the article highlights the importance of good communication with patients, thorough record-keeping, and professional liability insurance to mitigate medico-legal risks in oral surgery. This review provides valuable insights into the medico-legal challenges faced by oral surgeons and serves as a guide for practitioners to ensure safe and effective patient care while minimizing the risk of legal consequences.

Keywords: *Informed Consent, Medicolegal Case, negligence, malpractice.*

INTRODUCTION

Oral surgery is a complex specialty that involves the diagnosis, treatment, and management of a range of disorders affecting the head, neck, face, and oral cavity. As with any medical procedure, there are inherent risks and potential complications associated with oral surgery. In addition, the increasing number of legal claims related to dental procedures highlights the importance of understanding the medico-legal challenges in oral surgery. The aim of this article is to review the literature on the medico-legal challenges in oral surgery.

MATERIALS AND METHODS:

For this review article, a comprehensive search of the literature was conducted using electronic databases such as PubMed, Google Scholar, and Cochrane Library. The search was limited to articles published in the last 10 years, and keywords such as “medico-legal,” “dental malpractice,” “oral surgery,” “informed consent,” “negligence,” “patient confidentiality,” and “professional liability insurance” were used to identify relevant articles.

There have been several recent cases related to medico-legal challenges in dentistry, some of which include:

1. In 2018, a New York dentist was sued for malpractice after extracting the wrong tooth from a patient. The patient had given informed consent for the extraction of a different tooth, but the dentist extracted a neighboring tooth instead. The case was settled for an undisclosed amount.
2. In 2019, a British dentist was sued for malpractice after fitting a patient with dentures that did not fit properly, causing pain and discomfort. The patient claimed that the dentist did not adequately explain the risks and benefits of the treatment before performing it. The case was settled for £25,000.
3. In 2020, a California dentist was sued for malpractice after a patient developed a serious infection following a tooth extraction. The patient claimed that the dentist did not adequately clean and sterilize their instruments before the procedure. The case is ongoing.
4. In 2021, a Canadian dentist was sued for malpractice after a patient developed nerve damage following a wisdom tooth extraction. The patient claimed that the dentist did not adequately explain the risks and benefits of the procedure before performing it. The case is ongoing.

These cases illustrate some of the common medico-legal challenges faced by dentists, including informed consent, negligence, and malpractice. It is important for dentists to be aware of these challenges and to take steps to minimize the risks of litigation, such as obtaining informed consent from patients, adhering to proper sterilization procedures, and providing high-quality care.

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RESULTS

The most common medico-legal challenges in oral surgery include informed consent, standard of care, and post-operative complications. Informed consent is a critical aspect of oral surgery, and failure to obtain adequate consent can result in legal claims. The standard of care refers to the level of care that is expected from a competent oral surgeon, and deviation from the standard of care can result in legal claims.

Post-operative complications are also a significant concern in oral surgery, and failure to manage these complications properly can result in legal claims. The most common post-operative complications in oral surgery include bleeding, infection, nerve damage, and implant failure. Oral surgeons must be prepared to manage these complications promptly and appropriately to minimize the risk of legal claims.

CONCLUSION

Oral surgery is a complex specialty with inherent risks and potential complications. Oral surgeons must be aware of the medico-legal challenges associated with oral surgery and take steps to minimize the risk of legal claims. This includes obtaining informed consent, providing a standard of care that meets professional guidelines, and managing post-operative complications appropriately. By addressing these medico-legal challenges, oral surgeons can provide high-quality care to their patients and reduce the risk of legal claims.

Dentists can take several steps to minimize the risks of medico-legal challenges (MLC) in their practice. Here are some examples.

1. Obtain informed consent: Before performing any procedure, it is important to obtain informed consent from the patient. This means explaining the risks and benefits of the procedure in language that the patient can understand, and answering any questions the patient may have. Written consent forms can also be used to document that the patient has given informed consent.
2. Maintain accurate records: Dentists should keep accurate and up-to-date records of all patient

treatments and interactions. This includes clinical notes, X-rays, and any other relevant documents. Good record-keeping can help defend against MLC by demonstrating that the dentist provided appropriate care and followed standard procedures.

3. Adhere to standard procedures: Dentists should follow standard procedures for sterilization, infection control, and other aspects of dental care. This includes using appropriate personal protective equipment, properly sterilizing instruments, and following established protocols for treatment.
4. Attend continuing education courses: Dentists should stay up-to-date on the latest developments in their field by attending continuing education courses and other professional development opportunities. This can help ensure that they are providing the highest quality care and are aware of new risks and challenges.
5. Carry appropriate insurance: Dentists should carry appropriate professional liability insurance to protect against the financial risks of MLC. This can include malpractice insurance, general liability insurance, and other types of coverage.

By taking these steps, dentists can help minimize the risks of MLC and provide high-quality care to their patients

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