

Sued over caries?!

The risks are real, which makes an established CAMBRA protocol that much more important.

by Carri Cady, RDH



Products such as the CariScreen from Oral Biotech are a great step in establishing a CAMBRA protocol in your office. For more information, visit carifree.com.

The idea that there would be legal implications regarding the standard of care provided in a dental practice tends to be a subject no one wants to recognize or talk about. However, talking about it in an attempt to clarify the law and prevent the possible negative consequences on a practice should be more palatable than talking about it in a court of law, in front of a judge and jury. Being knowledgeable about current and expanding standards of care and then implementing protocols appropriately could establish your dental practice as not only a desirable place for patients, but also place it in the safety zone regarding possible negligence litigation.

What is the current standard of care? This article will specifically address the quickly evolving standard of care with regard to Caries Management By Risk Assessment (CAMBRA). If you haven't attended a lecture or opened a dental or hygiene journal in the last year—which would have likely bombarded you with information on the subject—this is the idea that we can reduce our patients' risk for decay by identifying those at higher risk and then medically, versus surgically, managing their dental caries infection. Treating the cavities—or signs and symptoms of the infection—while ignoring the bacterial biofilm infection at the source may very well, and rightly should, put your dental practice at risk for being sued by the dental-savvy patient.

THE CASE

Edwin J. Zinman, DDS, JD, put it best when he said, "The standard of care is defined as reasonable care. Reasonable means based upon reason which is scientific. CAMBRA is proven to be safe and effective based upon reasonable scientific evidence. Not doing CAMBRA places patients at risk for caries.



"Customary practice is no defense to a negligent custom. No matter how many do it wrong never makes it right," he said. "Accordingly, regardless of how few or how many provide CAMBRA care, it nevertheless is care that all reasonable clinicians should offer and provide.

"When the benefits of providing care exceed the risks, then not offering scientifically proven benefits to patients is unreasonable care, and thus careless. Placing patients at risk for otherwise avoidable risks...is unreasonable and thus a negligent violation of the standard of reasonable care," he concluded.

While this legal speak is what will win over the hearts of judges and juries, your own ethical obligation to provide the best care for your patients is what should win over the hearts of practitioners. If you know about a type of care that is better for your patients, what you would want for yourself and your family, and you choose not to provide it, you are not fulfilling your own obligation as a healthcare provider.



Another legal issue to consider is consistent informed-consent policies. For protocols and products that can help, visit modernhygienist.com.



Consider reading this article with your employer. Suggest ways to implement CAMBRA in your practice. He or she will appreciate your initiative!

THE BEST DEFENSE

You just need a system that works, and then you have to use it every-day, with every patient. It's as easy as 1, 2, 3.

1. Assess. Identify high-risk patients experiencing dental decay and, in the absence of signs and symptoms, identify known risk factors for decay like xerostomia, ineffective diet, history of decay, orthodontic appliance, etc.

2. Diagnose. Be clear about which of your patients are high risk, and then treat them differently than those who are not. Give up the cookie-cutter approach the insurance companies want us to fit our patients into.

3. Prescribe. Recommend products with an evidence base for reducing caries risk; i.e., products that not only promote remineralization, but those that treat the dental caries infection as we understand it to be—a pH-driven biofilm disease. Let go of the idea that you shouldn't be selling your patients products. If we as dental professionals shouldn't, who should be? The company with the biggest marketing budget?

It's that simple. Unfortunately, the consequences of not doing it may mirror this 1, 2, 3 model...

1. Negligent care placing patients at unreasonable risk.

2. Litigation around consequences of the negligent care.

3. Settlement in favor of the patient.

THE VERDICT

Once we've established that CAMBRA isn't optional and isn't difficult, the one remaining factor

is logistics—when and where it is done. The dental hygiene department is the education and prevention center of every practice, where patients are seen routinely and frequently. CAMBRA naturally falls into place here.

The key thing to remember as we address the concern heard loud and clear from hygienists far and wide as they echo, "But I only have an hour!!!" is that it's not *our* hour. The hour belongs to our patients. We need to deliver the kind of care they want in that hour. I would challenge any of us to find a patient experiencing decay and ask them whether or not they would like the opportunity to be cavity-free for life and have them answer, "No." You may have to preface the question by assuring them this isn't just a lecture about flossing, but once they've been assured of that, I think you'd hear a resounding, "Yes" to your question. This is that final piece of the puzzle which concludes that providing CAMBRA, again, is not optional.

Don't let "one hour" in time be the obstacle to providing great care. Especially, if an hour and 15 minutes could get the job done. Every practice could likely justify the cost of an extra 15 minutes if it equated to happy, cavity-free patients and a healthy, lawsuit-free practice. Let's lead our practices and our patients down the road to risk assessment-based care, and begin feeling empowered by what this new standard of care has to offer. [mh](#)

Carri Cady, RDH, is the VP of Sales and Marketing for Oral BioTech, manufacturer of the CariFree System.



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