

Surprise, a new standard of care

[By Dennis Spaeth](#)

though minimally invasive dentistry overall may not yet be the standard of care in dentistry, at least a portion of it is, says periodontist and attorney Edwin Zinman, a dental negligence attorney in San Francisco.

Dentists who do not practice caries risk assessment and who do not treat the disease that causes caries as well as the symptoms of the disease—cariou lesions—beware. Zinman, who has handled dental negligence cases both for and against dentists for some 30 years, says dentists need ask themselves only one question to determine the standard of care: Is the treatment in the best interest of the patient?

In fact, Zinman is emphatic about caries risk assessment, intervention and prevention: "It was, is and will be the standard of care." Standard of care, he insists, is not the number of dentists who practice a certain way. "Standard of care," he adds, "is what a reasonably prudent dentist should be doing under the same or similar circumstances. The courts have always made that clear."

Zinman is proving his point in court. In the past five years, he has litigated at least a dozen dental negligence cases where the dentists did not practice caries risk assessment and management.

In most of those cases, he continues, the dentists did not do a caries risk assessment, claiming they had never heard of it. Plus, the dentists involved in these suits generally blame the patient for having rampant caries because they assume the patients did not brush and floss properly, says Zinman. Such is the mindset of dentists taught in the 1960s and 1970s.

"And what happens," Zinman continues, "the patients go to a new dentist who puts them on a fluoride program. All of a sudden, the caries stops. If the patient reverses course, that's pretty good evidence that what the new dentist is doing is what should have been done by the old dentist all along."

Claiming ignorance of the preventive methods behind caries risk assessment and management won't work in court, adds Zinman. This is not new science, he says; "this science is at least 15 to 20 years old. The literature is there."

And he suggests that dentists—not just in California, but across the country—probably should have been practicing such preventive procedures for the past five years, if not longer.

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