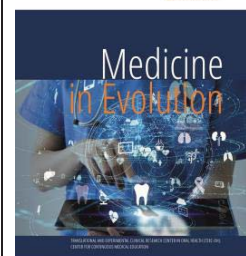


Prevention of malpractice in dentistry



**Tănase A.^{1,3}, Timar B.⁴, Bojoga D.E.⁵, Negruțiu M.L.^{2,3}, Miok K.⁶,
Crăciunescu E.L.^{2,3}, Pop D.M.^{2,3}**

¹Department of Professional Legislation in Dental Medicine, Faculty of Dental Medicine, "Victor Babeș" University of Medicine and Pharmacy, Timișoara, Romania

²Department of Prosthesis Technology and Dental Materials, Faculty of Dental Medicine, "Victor Babeș" University of Medicine and Pharmacy, Timișoara, Romania

³Research Centre in Dental Medicine Using Conventional and Alternative Technologies, Faculty of Dental Medicine, "Victor Babeș" University of Medicine and Pharmacy, Timișoara, Romania

⁴Department of Internal Medicine: Diabetes, Nutrition, Metabolic Diseases, and Systemic Rheumatology, Faculty of Medicine, "Victor Babeș" University of Medicine and Pharmacy, Timișoara, Romania

⁵Department of Oral Rehabilitation and Emergencies in Dentistry, Faculty of Dental Medicine, "Victor Babeș" University of Medicine and Pharmacy, Timișoara, Romania

⁶Institution of Advanced environmental Research-ICAM, Vest University, Timișoara, Romania

Correspondence to:

Name: Emanuela Lidia Crăciunescu

Address: Eftimie Murgu square, no 2, Timișoara, Romania

Phone: +40 744616009

E-mail address: emanuela.craciunescu@umft.ro

Abstract

Aim and objectives; Prevention of medical malpractice is a current topic for both doctors and lawyers. Considering the consequences, proof of errors in medical practice becomes an issue that need to be considered in daily practice.

Material and method; Regarding the malpractice prevention in dental medicine, a 10 questions questionnaire was drawn up and had the role to highlight the dentist's legal knowledge and legal framework of their profession. After completing the questionnaires the answers were centralized and analyzed statistically.

Results; Dentist's from urban environment are more aware about malpractice and legal framework.

Conclusions; The main conclusion resulting from this study takes into account the importance of dentists knowing the legal consequences to which they are exposed when they are found to have committed malpractice. By adopting a diligent and prudent behavior in their relationship with patients, dentists are preventing a series of complaints that require specialized assistance.

Keywords: Medical malpractice, dentist, patient, medical legislation, complaint

INTRODUCTION

With the emergence of the era of globalization, access to information on internet, forums, groups and social networks, but also the increased demand for specialized medical services, dentists face the increased risk of a large number of relevant and less relevant complaints from patients regarding medical malpractice [1].

The legal liability of the dentist, as a result of finding and proving the commission of medical malpractice generates a series of medical and social consequences [2]. From a medical perspective, a series of damages can be caused to the patient his state of health as a result of the negligence, imprudence or insufficient medical knowledge of the dentist [3, 4]. On a social level, committing medical malpractice causes a decrease in patients' trust in the healthcare system, which will implicitly lead to the risk of destabilizing the number of those who require a certain medical service provider [5]. The management of the quality of dental services and dentist professional activity will also be strongly influenced by the stress induced as a result of accusations of medical malpractice from patients [6, 7]. An accusation of medical malpractice will generate a continuous state of stress for the doctor in question, which will manifest itself through anxiety, irritability, public disparagement and even an excessive fear of continuing to practice [8, 9].

Certainly, errors can occur in any profession, and even more in the medical field. It is the duty of professionals within the health system to foresee the risk of these errors and to adopt a diligent behaviour in the relationship with patients [10, 11].

In this context, it is necessary for dentists to resort to those methods, which prevent the occurrence of complaints determined by committing a case of medical malpractice [12].

Aim and objectives

The purpose and objectives of this research study is to analyze the level of awareness of dentists in Timiș County regarding the importance of knowing the ways to prevent malpractice in dental practice.

MATERIALS AND METHODS

To carry out this study, was chosen, as material and method, a questionnaire consisting of ten closed questions, which were focused on identifying the ways on which the dentists must relay in order to prevent medical malpractice. The questionnaire was addressed to a group of 51 dentists. Before distributing the questionnaire, the consent was requested from the dentists in order to participate in this conducted study. The purpose of this study was explained to all the participants and before completing the questionnaire, the dentists were invited to ask any question they considered necessary regarding this study. The questionnaires were distributed in different dental offices in Timiș County and the dentists had at their disposal one week to complete them. The questionnaire also included a series of general information regarding the participants like: demographic data that concerned the sex, age and the environment origin (urban/rural). The questionnaire was distributed for completion only to those who are working in private dental practices. Each of the 10 questions contained three answer options.

The first question analyzed the effects determined by the existence of effective communication between dentist and patient from the perspective of malpractice allegations. It was analyzed to what extent, effective communication between the dentist and patients can be considered a way to reduce the degree of dissatisfaction with regard to the medical procedure. Another concern was related to the percentage in which complaints regarding

possible cases of malpractices end up reaching a downward slope as a result of the diplomatic and professional interaction between doctors and patients.

The second question had the role of analyzing to what extent dentists are better protected in terms of potential malpractice charges if they have an increased level of education in currently legislation of medical practice. Starting from the consequences that occur on the profession of the dentist, once a possible accusation of malpractice looms over, we wanted to observe if the medical staff's has a minimum of legal knowledge that can prevent possible professional errors in medical care. Not infrequently there have been cases where doctors did not feel safe during the exercise of the profession, not knowing what decision to adopt, so that they will not later be accused of violating the medical legislation.

The third question, aimed to analyze the usefulness of training courses for dentists by specialized lawyers in malpractice litigation regarding the consequences to which practitioners are exposed once their guilt is proven. Knowing the sanctions that can be applied, once a dentist is found guilty in a case of malpractice, has a preventive character and a diligent behavior will be adopted from the beginning of the treatment by taking decisions regarding the risks and health status of patients. Finding that medical malpractice has been committed will lead to several forms of legal liability (civil, disciplinary, criminal), each of them produce different consequences on the life and profession of the dentist. Another aim was to analyze to what extent the participation in these courses helps dentists to adopt a prudent and diligent behavior in the relationship with patients, in order not to end up having to bear negative consequences.

One of the major problems faced by both medical specialists and patients refers to the lack of precision in certain situations of the legislation, which leaves room for interpretations in different cases. Starting from this argument, but also taking into account the large volume of normative applicable actions in the medical field, we analyzed in the fourth question the opinion of dentists regarding the possible improvements that should be made to the legislation, so that they feel protected in the relationship with patients and also against possible complaints regarding medical malpractice. Through this question, wants to observe the number of dentists who have identified or had to face some existing gaps in the legislation and to what extent these inconsistencies affected them during the exercise of the profession.

With the fifth question, we aimed to evaluate the degree to which the information transmitted through the media, distorts a series of aspects related to the quality of medical care provided by specialists can influence the opinion and attitude of patients, often encouraging them to make some unfounded accusations against doctors.

In the context of the sixth question, we wanted to evaluate the opinion of dentists regarding the collaboration between them and various specialists in the legal field. This collaboration would come to the support of medical service providers, in an attempt to make doctors to know which are the main rules that should be taken into account in the relationship with patients during the specialized care, to protect themselves as much as possible from the risk of committing various professional errors. We considered including this question, because in the medical field there are more and more rules that dentists risk not knowing, precisely because of their large volume of work, but also because most have no legal knowledge and are not preoccupied to update the existing information related to legislation.

The seventh question is addressed to the level of professional training of dentists, analyzing to what extent this aspect influences the prevention of malpractice accusations in all situations. This question was included in the questionnaire, starting from the premise that the high level of professional training of doctors is necessary but not a sufficient condition for guaranteeing a success treatment. Therefore, we wanted to analyze the opinion of dentists on this subject, in an attempt to see to what extent they believe that in all cases of medical

practice complaints from patients can be prevented. The high degree of professional training represents a guarantee in this sense.

The eighth question, aims to analyze the degree of prevention of malpractice situations of the dentists' that know the legal consequences to which they are exposed by committing various professional errors. We want to observe if the doctor's knowledge regarding legislation that regulates the forms of legal liability can be imposed upon them when they commit malpractice and can increase their awareness. Moreover, the aim is to analyze to what extent dentists become more diligent and cautious in medical practice when they note the legal and social consequences that have impacted other colleagues accused by patients of having committing malpractice.

The ninth question is addressed to one of the most important and current subjects of the legislation in the medical field, namely the respect of patients' rights. The purpose of this question was to analyze to what extent malpractice cases are prevented in medical practice when medical staff respect patients' rights. We started from the idea that, along with the doctor's failure to comply to patients' rights, the risk of professional errors increases.

The last question analyzes the most important element that the dentist must take into account in practice, namely that of requesting the patient's consent when carrying out the medical intervention. In this context, we wanted to investigate whether compliance with the consent to the medical act constitutes a way to prevent malpractice and also whether there are situations in which dentists are protected by the legal provisions even in the absence of expressing the patients' informed consent to the medical act.

RESULTS

The collected data were analyzed according to the background of the dentists.

Question 1: "Do you think that effective communication between the dentist and patients can contribute to increase the satisfaction degree with regard to medical services, thus decreasing the number of complaints regarding potential malpractice allegations?" The results showed that 7 from the rural area and 42 from the urban area believe that the decrease in the number of complaints regarding possible malpractice accusations is strongly influenced by good communication between the dentist and the patients. Only one from the urban environment believes that only in exceptional cases effective communication between the dentist and patients contributes to the prevention of malpractice, and also only one from the urban environment has the opinion that the decrease in the number of complaints regarding possible allegations of malpractice does not depend on the way the staff communicates with patients.

Question 2: "Do you consider that the increased level of education of dentists regarding the applicability of legislation in medical practice is a positive factor that can contribute to their increased protection against potential malpractice accusations?" The results showed that 5 from the rural and 24 from the urban environment believe that compliance with the legislation in the medical field in the relationship with patients provides greater safety for dentists, thus being able to prevent possible professional errors, 2 from rural areas and 18 from urban areas are of the opinion that the increased level of education of dentists regarding the applicability of legislation in medical practice is a positive factor that can contribute to their protection against accusations of malpractice, but for this it is necessary to better inform dentists about the legislation in the medical field by the competent professional bodies, and only 2 dentists from the urban environment stated that their increased level of legal education is a positive factor that can contribute to their increased protection against potential malpractice accusations.

Question 3: „Do you consider it useful to organize training courses for dentists by lawyers specialized in the field of medical malpractice litigation regarding the legal and social consequences they are exposed to with possible complaints from patients?” The results showed that 6 from rural areas and 33 from urban areas believe that these professional training courses are an indisputable benefit for professionals in the dental medicine and only one from the rural environment and 10 from the urban environment consider that it is not useful in all situations to organize training courses for dentists in the field of medical malpractice litigation, and only one dentist from the environment urban does not consider these courses useful.

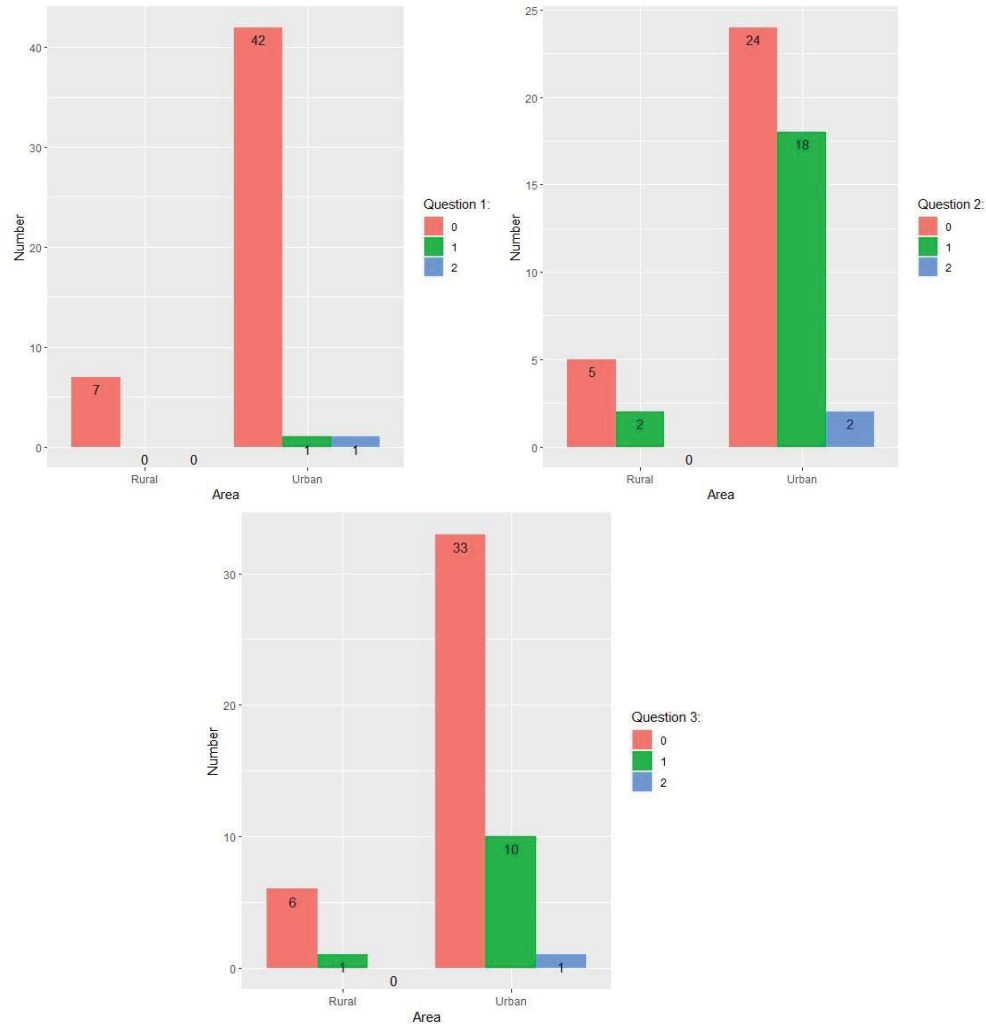


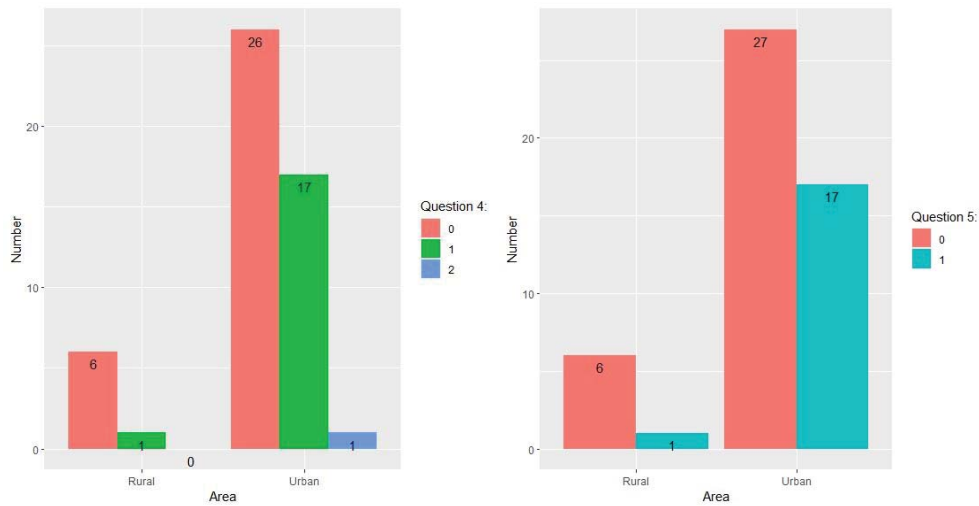
Figure 1. Statistical results for questions 1-3 according to urban and rural environment

Question 4: “Do you think that at the present time in Romania there would be a need to improve the legislation in the field of medical malpractice, so that some ambiguities or inconsistencies are removed from and it that would help dentists to protect themselves in a much more efficient way of complaints from patients?” The results showed that out of 51 dentists, 6 from rural areas and 26 from urban areas believe that there is a need for a reform of the national legislation in Romania, considering that in many situations doctors did not know how to correctly apply some legislative provisions due to the fact that they were incomplete and imprecise, one doctor from the rural environment and 17 from the urban environment do

not know in detail the provisions of the legislation regarding medical malpractice in order to be able to express a relevant point of view in this regard, and only one dentist practicing in the urban environment is of the opinion that the legislation is not lacking of ambiguity.

Question 5: “Do you consider that the information provided in the media, which often misrepresents a number of aspects regarding the quality of medical care provided by professionals in the field, may contribute to encouraging patients to bring a number of malpractice allegations to the doctors, even if their innocence would later be proven?” 51 dentists, 6 from rural areas and 27 from urban areas believe that the mass media contributes to a large extent to influencing the opinion among patients regarding quality management in health services, doctors being exposed to various complaints, only one doctor from the rural environment and 17 from the urban environment stated that not in all situations patients are influenced by the information provided through the media but non of the participants included in the study embraced the third answer option.

Question 6: “As dentist, do you consider a benefit to seek the support of legal specialists when you decide you want to start practicing so that they can provide you with legal advice on the risks that may arise in medical practice and activity regarding possible malpractice allegations and what are the rules you should keep in mind in your relationship with patients in order to succeed in removing any accusations that may arise against you?” The results showed that 4 from the rural and 20 from the urban environment consider appropriate to seek the support of legal specialists when they decide to start practicing, 3 from rural areas and 19 from urban areas have the opinion that this collaboration with legal specialists should be maintained throughout the entire professional activity and only 5 urban dentists did not answer this question affirmatively.



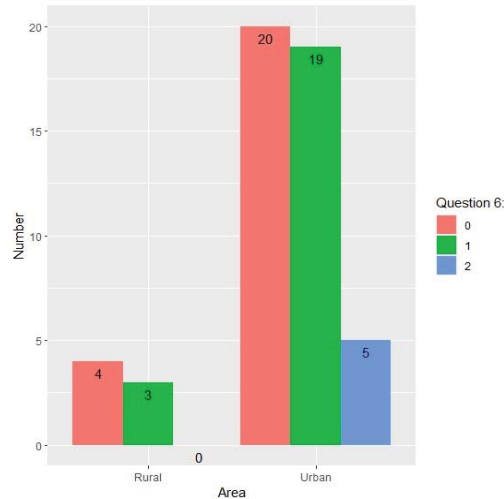


Figure 2. Statistical results for questions 4-6 according to urban and rural environment

Question 7: “Do you think that the prevention of malpractice situations depends exclusively on the level of professional training of dentists?” Four dentists from the rural area and 9 from the urban area consider that in all cases those who have a high level of professional training will be able to prevent possible accusations, 3 from rural areas and 32 from urban areas believe that not in all situations the high level of professional training guarantees the success and absence of malpractice complaints and only 3 dentists practicing in the urban environment did not answer this question affirmatively.

Question 8: “Do you think that observing and knowing the consequences of complaints filed by patients against other dentists will cause other dentists to adopt a defensive behavior in medical practice so as to prevent a possible case of malpractice?” 6 dentists from rural areas and 17 from urban areas, consider that observing and knowing the consequences of complaints against other dentists will determine them to adopt a defensive behavior to prevent a possible case of malpractice, one doctor practicing in the rural environment and 24 from the urban environment believe that not in all situations this aspect will lead doctors to adopt a defensive behavior, and 3 urban doctors did not answer this question affirmatively.

Question 9: “Do you consider that the respect of patients' rights by the medical staff contributes to the prevention of cases of medical malpractice?” 5 dentists from the rural and 28 from the urban area stated that respecting patients' rights will increase their trust in the medical staff, thereby reducing the risk of professional errors related to the provision of medical assistance, 2 from the rural and 16 from the urban environment believe that not in all situations the respect of patients' rights contributes to the prevention of medical malpractice cases, considering some medical cases extremely complex that can cause the appearance of professional errors, and no dentist included in the study chose the third answer option.

Question 10: “Do you think that compliance by dentists with the obligation to request patients' consent prior to each medical intervention contributes to reducing complaints from patients?” The results showed that 7 dentists from rural and 36 from urban areas answered affirmatively, motivated by the fact that patients must freely consent to the medical act, they exclusively assume the medical risks regarding who were informed, and not the risks regarding which they were not informed and their consent was not requested, 4 doctors from the urban environment believe that the patients' consent to the medical act is not necessary in all situations, with the exception of emergency cases, and a total of four doctors from the urban environment do not believe that compliance by dentists with the obligation to request

patients' consent prior to each medical intervention contributes to the reduction of complaints from them.

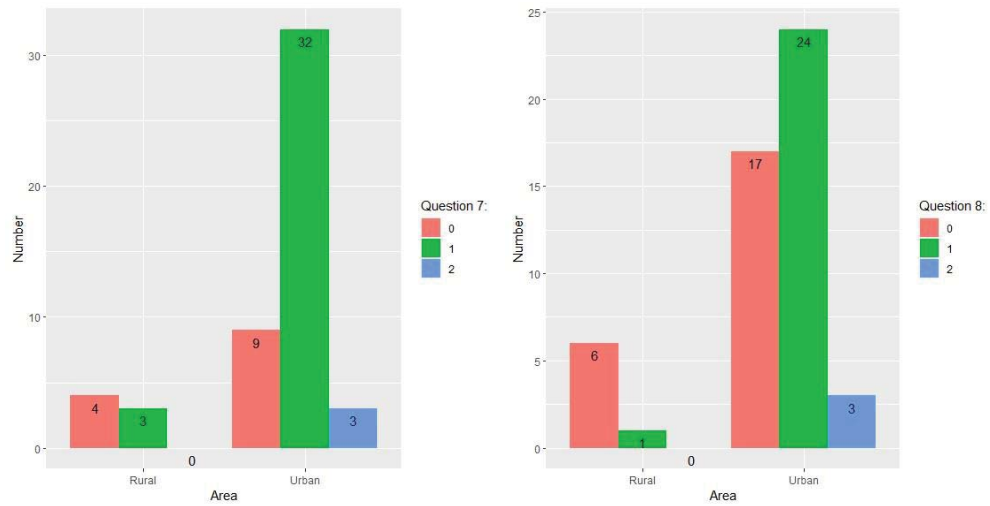


Figure 3. Statistical results for questions 7,8 according to urban and rural environment

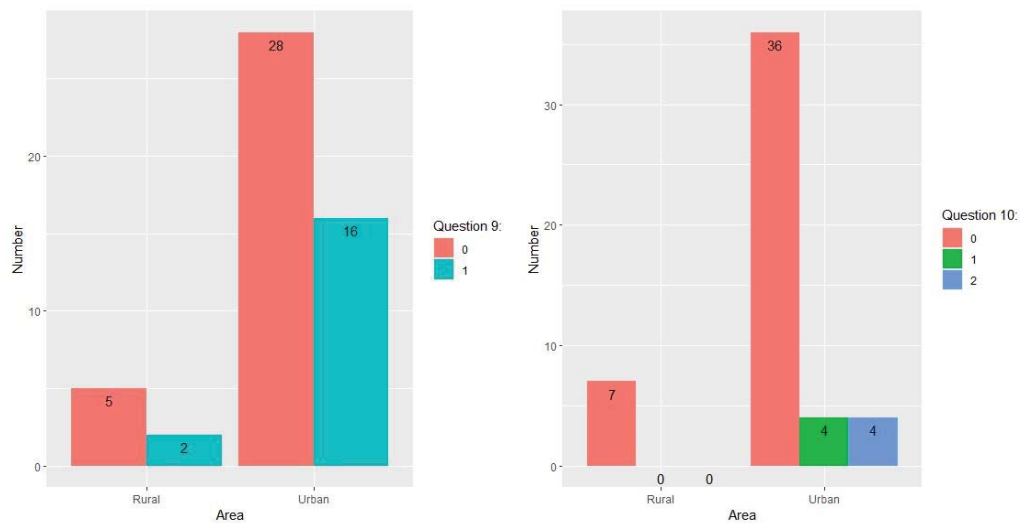


Figure 4. Statistical results for questions 9,10 according to urban and rural environment

DISCUSSIONS

The medical malpractice committed by dentists cause negative consequences that affect not only the patients, but also themselves. In addition to the legal liability of a civil or criminal nature committed by dentists upon finding that malpractice has been committed, their professional prestige is also affected. The damage to the professional prestige of dentists is quantified by the decrease in patients' requests and trust for healthcare, an aspect that will determine a series of negative consequences on the management of the quality of the services provided.

Therefore, we consider that the participation of dentists in continuing medical education courses focused on malpractice is a beneficial element both for them and for patients, increasing the level of awareness regarding the seriousness of the consequences that occur when various professional errors are committed during the provision of medical care.

The accumulation of new knowledge of a legal nature in the medical field by dentists contributes to the prevention of multiple errors in practice and also this aspect will give them greater confidence and safety when they have to perform even the most difficult and complex medical operations. By acquiring a series of legal knowledge, dentists will be able to prevent the occurrence of complaints that may come from patients, knowing what measures to adopt so that the medical act is performed safely and without violating the rights of those who request medical assistance.

CONCLUSIONS

According to the statistical analysis, it was found that the majority of dentists have the opinion that some accusations of medical malpractice can be prevented when the professional relationship with patients is not just restricted to the medical procedure. In order to increase patient satisfaction with regard to the medical services provided, it is necessary for dentists to resort to honest and open communication, being attentive to patients needs and ensuring that the information related to the diagnosis and treatment plan are clearly and correctly understood. The communication of the possible risks need a special attention and detailed explanations when are communicated.

Another aspect that we found with the interpretation of the questionnaires, is the importance of dentists' knowledge regarding the legislation in medical practice and dentist's relationship with patients. It has been found that once dentists know and correctly apply the legislation in the medical field, there is much less risk that malpractice complaints will be proven and lead to the application of sanctions for the specialized staff in the field. Most of the time, professional errors were committed by doctors who did not know the applicable legislation in the field, violating its provisions, also producing a series of negative consequences on the patients' health.

Another conclusion that emerged from the centralization and interpretation of the questionnaires, was that most of them consider it extremely useful to attend professional training courses that have as guest lecturers from legal domain who present issues from medical malpractice and from the perspective of the legal consequences. The doctors are exposed when they violate the law and commit professional errors. In this way, dentists would know from the beginning what legal consequences they are exposed to when committing malpractice. The trainings and counseling with lawyers increase doctors responsibility and they will adopt a diligent and prudent behavior in medical practice.

REFERENCES

1. Iacob G: Sindromul de stress indus de malpraxis medical, *Revista Medicală Română*, 2014; 4 (LXI): 256
2. Năsui G.A: Malpraxisul medical. Particularitățile răspunderii civile medicale. *Jurisprudența internă. Malpraxisul profesiilor liberale*, Ed. Universul Juridic, Bucuresti, 2016:100
3. Legea nr. 95/2006 privind reforma în domeniul sănătății, republicată în *M.Of. al României*, nr. 652/28.08.2015
4. Lazăr A.C, Buhătel D., Muresan O., Todor L., Păcurar M., *Legal approach regarding dental malpractice in Romania*, *Rom J Morphol Embryol*, 2021; 62(1):319-323
5. Șerban I., *Malpraxis*, Volumul I, Ed. Letras, Bucuresti, 2021: 55
6. Ciurea A.V., PleșH., Avram E., *Managementul în sistemul de sănătate privat*, Ed. Universitară, Bucuresti, 2014: 80
7. Boghian R., *Managementul calității în sistemul sanitar*, Volumul I, Ed. Pro Universitaria, Bucuresti, 2022: 40

8. Kevin M.D., 4 keys to manage medical malpractice stress syndrome, EDT, 2014: 9
9. Iorgulescu G., Elemente de stiinte comportamentale si neurostiinte în medicina dentară, Ed. Medicală, Bucuresti, 2017: 78
10. Luntraru L.B., Răspunderea civilă pentru malpraxisul profesional, Ed. Universul Juridic, Bucuresti, 2018: 164
11. Adam I. Răspunderea civilă medicală, Revista Dreptul, Bucuresti, 2021, 5: 39-40
12. Hanganu B., Modalități de prevenire a reclamatilor pacientilor privind răspunderea profesională medicală si a impactului acestora asupra medicilor, Teză de doctorat, Universitatea de Medicină si Farmacie Grigore T. Popa Iasi, 2020: 2