

## Malpractice Claim Prevention

### 2026-27 Risk Management Program for Doctors

Name: \_\_\_\_\_ AAOIC Policy No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Date: \_\_\_\_\_

\*All questions were taken from the program\*

1. If you have a corporation or partnership, your entity will likely be named as a defendant in any malpractice lawsuit filed against you. Generally, a doctor's individual coverage will not protect the entity. You need to add coverage for the entity to your malpractice policy in order to protect yourself.

Yes                  No

2. If an orthodontist leaves the practice and you take over the treatment of his/her patients, you do not need to obtain your own informed consent if the patient signed one for the original doctor?

Yes                  No

3. An orthodontist owns several practices; he/she staffs the various offices with employee orthodontists. A patient alleges injury as a result of an employee's negligence. Could the practice owner (the employer) be held responsible under the theory of vicarious liability?

Yes                  No

4. If a patient/parent files a complaint with a state dental regulatory agency, that agency can and often does investigate an orthodontist and the incident beyond the scope of the patient's complaint, such as reviewing sterilization records, or continuing education activity.

Yes                  No

5. The National Practitioners Data Bank does require an incident report from an orthodontist who refunds fees to a patient from personal accounts.

Yes                  No

6. Reports made to the National Practitioner Data Bank are public record and can be obtained by patients/parents and their legal representatives.

Yes                  No

7. If a patient is non-compliant and treatment is not going well, one possible way to handle the problem is to terminate the patient's treatment early.

Yes                      No

8. If a parent or patient does not speak English, an orthodontist should employ a qualified translator/interpreter for key appointments, such as discussing the treatment plan and treatment objectives, obtaining informed consent, addressing critical issues related to the treatment.

Yes                      No

9. Progress x-rays are beneficial in which of the following cases?

- a. Cases in which there are risks of root resorption, bone loss, or periodontal disease.
- b. Treatment that has extended beyond original estimated time.
- c. Treatment that is not progressing as expected.
- d. All the above.

10. If your patient begins to dictate the treatment he will allow, and you disagree with his/her chosen plan, you should provide that treatment in order to please him.

Yes                      No

11. Which treatment issues frequently result in orthodontic malpractice claims?

- a. Development of root resorption.
- b. Development or exacerbation of periodontal disease.
- c. Excessive caries and decalcification.
- d. All the above.

12. If your records are electronic, an audit trail can be obtained that will show all transaction entries that have been changed or deleted. Any records alterations will be easy for the patient to prove.

Yes                      No

13. If you discover that a patient has developed root resorption, what is the proper course of action?

- a. Tell the general dentist and let him/her tell the patient/parent at their next visit.
- b. Tell the patient/parent immediately, explain the ramifications and appropriate future treatment, and make the appropriate referrals.

14. If you decide to terminate treatment early, at a minimum, you should notify the patient/parent that you will be available to treat emergencies only for at least 30 days.

Yes                      No

**15.** If a patient frequently misses appointments and consistently over time receives poor grades for oral hygiene despite multiple warnings and coaching from you and your staff, which of the following actions will best protect you from a serious malpractice claim or regulatory complaint?

- a. Continue treatment and note on the chart that you have informed the patient/parent of possible consequences if missed appointments and poor oral hygiene do not improve.
- b. Remove brackets and wires to allow for a cleaning by the patient's general dentist, then continue with orthodontic treatment.
- c. Terminate the treatment before damage is done to the teeth.

**16.** Emails and text message between a patient/parent and the orthodontist are not part of the patient records?

Yes                      No

**17.** If you forget to enter an important fact into the patient chart, you can do so later by noting the current date and adding the previously omitted information. In the chart, note the actual date of the activity or discussion.

Yes                      No

**18.** Your find that your orthodontic assistant is performing activities outside the scope of the State Dental Assistants Practices Act and a patient is injured. If you had prior knowledge of this unapproved activity, and failed to address it with the employee, could your professional liability insurance carrier deny coverage for a resulting claim?

Yes                      No

**19.** Obtaining a pre-treatment periodontal exam by a periodontist on an adult patient is excellent protection against allegations of exacerbation of periodontal disease and bone loss because of the orthodontic treatment.

Yes                      No

**20.** If a patient/parent asks for a copy of the records, what is he/she entitled to receive?

- a. Photos/x-rays.
- b. Diagnosis and treatment plan, and photos/x-rays.
- c. The entire patient file.

**21.** If a patient transfers into your office, it is important to take new records to document the status of treatment and the condition of the patient's oral health before beginning treatment in your office in order to establish when the prior orthodontist's treatment ended and yours began.

Yes                      No

**22.** The patient is a child and his/her treatment is progressing well. However, the family is behind on payments. Should you stop treatment or refuse to remove the braces until the account is brought current?

Yes

No

**23.** Failure to promptly report a potential claim or problem involving a patient/parent to your professional liability insurance carrier can result in the denial of coverage if a claim or lawsuit is filed against you.

Yes

No

**24.** The orthodontic standard of care is determined by expert witness evaluation, judges, juries, and educational institutions.

Yes

No

**25.** An orthodontist is required to follow HIPAA rules regarding protecting patient privacy when posting on social networks such as Facebook, Instagram, etc. and when responding to negative reviews posted on Google, Yelp, etc.

Yes

No

**REMEMBER: If it is not documented in the chart, it didn't happen!**

By clicking SUBMIT, the exam will be graded. A passing score is 75% or greater. The test can be retaken if necessary. Once passed, CE credit will immediately be available for download. The AAOIC Underwriting Department will be notified of the passing score and will process the 10% premium discount, which is available for two years.