



Current State of Malpractice Litigation in Orthodontics

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INTRODUCTION

The various types of malpractice litigation in orthodontics has not been explored recently. There are several reasons why a patient can file a malpractice litigation against an orthodontic provider. However, there can be similar complaints or litigation that tend to repeat over time. Mistakes that are repeated are unnecessary, expensive to both the orthodontist and patients and can be detrimental for both parties. Alternatively, there can be new complaints filed against orthodontists due to new or changing technology. It is necessary to investigate the current status of malpractice claims in orthodontics in the United States.

The United States currently ranks highest in health care spending among the world's developed nations. Defensive medicine is one of the main reasons for the increasing cost of health care. It has been shown that "there is a statistically significant correlation between a specialists' concerns regarding potential medico-legal disputes and the choice of defensive medical procedures."¹ Malpractice insurance premiums have increased, which can be attributed to the high cost of malpractice claims. This rising cost of business will, in turn, affect a doctor's income. While malpractice cases for doctors with an MD or DO degree have been studied in recent years, there are not enough studies on dental malpractice disputes.¹ Within dental claims, there is even less information on orthodontic malpractice claims, but these claims can be substantial.²⁻⁴

PURPOSE & OBJECTIVES

1. The purpose of this survey study and case review was to identify
 - a. the frequency of malpractice claims being filed against orthodontist, and
 - b. the common causes related to filing a malpractice claim against an orthodontist.
2. The objectives of this study are to examine the current state of orthodontic malpractice litigation, and the impact that the malpractice environment has had on the orthodontic specialty. It is difficult to obtain data on dental malpractice claims and payouts, and literature regarding it is scarce. A review of legal cases filed against orthodontists, even if the cases were dismissed or not decided on the merits, can provide insight into the causes and outcomes of malpractice claims against orthodontists. This can help inform practitioners to lower business costs and may support better patient care

METHODS

Online Survey

- The survey will be comprised of questions developed from the dental and business literature, with input from the research committee
- The survey will be anonymous and distributed electronically using Qualtrics to the American Association of Orthodontists Partners in Research Program

RESEARCH DESIGN

The research design is a qualitative, retrospective, cross-sectional study using the survey method.

VARIABLES

- **Orthodontists' demographic characteristics**
- **Orthodontist malpractice claims**
- **Orthodontists' practice management initiatives to mitigate malpractice claims**

INCLUSION & EXCLUSION CRITERIA

Inclusion Criteria

- All orthodontic malpractice litigation cases reported on Lexis
- All orthodontic providers irrespective of specialty status
- Litigation with and without jury verdicts and settlements.

Exclusion Criteria

- Non-orthodontic treatments
- Orthodontic litigation not termed as malpractice on Lexis
- Duplicate cases

STATISTICS

Statistical Package for the Social Sciences (SPSS) Version 27.0 will be used to run the following analyses:

- Descriptive statistics including frequencies and standard deviations
- Cronbach's alpha test for survey reliability
- Chi-square association analysis

ANTICIPATED RESULTS

Orthodontists will report a conservative number of malpractice claims because:

- 1) Historically few claims have been filed against orthodontists, and
- 2) Practitioners are hesitant to report a malpractice claim being filed against them.

REFERENCES

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