



Testament in Dentistry - Savior in Medico-Legal Claims

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Abstract

The documentation of patients connected details/issues is of preponderant importance in observe of medicine. Well maintained dental records serves its application in varied aspects of practice, one such is in cases of medico-legal proceeding. A honest record with adequate standards can act as a defensive tool and favors the medical practitioner once he/she is summoned by the court of law.

Keywords: Legal claims; Dentistry; Medical Procedure

Introduction

The observe of medicine involves associate moral and burden of the medical practitioner towards his patient care. A correct maintenance of patient dental record may be a vital side of excellent clinical observe. Criteria permanently record keeping embody that records should be clear, concise, unbiased and objective, freed from abbreviations (other than those wide accepted at intervals the broader body of the profession practicing in this space of health), readable and correct. If records aren't unbroken adequately, then it's argued that there has been a breach of the suitable normal of look after the health profession [1]. The patient dental records consists of documenting the demographic details of the patients, consents forms, chief grievance, medical history, clinical examinations that's performed, investigations suggested and their reports, study models, referral letters, consultants' reports, clinical images, results of investigations, drug-prescriptions, diagnosis, treatment-done, appointment details (canceled or incomprehensible appointments are a part of the dental record), follow up records and prognosis, patient compliance towards the treatment, patient just in case is unwilling sure enough medical procedure should be documented. All records should be contemporaneous, and

should be signed and dated. Legally, medical practitioner written records carry a lot of weight than patient's recollections [2].

The well maintained dental record serves for various functions such as:

- Keeping a track of patients' oral health standing which will act as an aid to preventive oral health care practices and watching the result of any treatment administrated and for continuity of care provided.
- Better communication is often established between the treating doctors just in case of referral.
- It is a written document to shield against medico legal proceeding or the other legal suit
- Forensic applications - in victim identification, in mass disasters
- Re-reimbursement and insurance claims
- Plays a crucial role in teaching, in research and evidence based practice
- To conduct clinical audits for adequate internal control of care provided

The most unremarkably practiced methodology of dental record maintenance by the dentists are manual methodology i.e. hand written notes on papers that is then filed, use of paper charts etc. Computerized filing systems and electronic maintenance of dental records by victimization of patient management soft wares are used terribly sparsely even supposing the area of higher quality and profit. Electronic health record standards for Republic of India, by ministry of health and family welfare sets the rules for electronic health record maintenance the benefits of electronic records outweigh the manual methodology, hence this methodology ought to be practiced by the practitioners/hospitals to travel paper less and become a lot of eco-friendly.

Protection Against Legal Proceeding

Dental records serve as a documentary proof once there's confront by a charge of negligence. Correct and adequately maintained records are a written document for defense. Medical records are the one amongst of the foremost vital side on that much nearly every medico-legal battle is won or lost.

Medical/Dental records are acceptable as per Section three of the Indian Proof Act, 1872 amended in 1961 in a very court of law. These are thought of helpful proof by the courts because it is accepted that documentation of facts throughout the course of treatment of a patient is real and unbiased. These are typically summoned to the court of law in varied forms of cases in our country. Records contain a written proof within the type of letter, circulars, reports, contracts, invoices, vouchers, minutes of conferences, books of accounts etc. In legal settings, the record is going to be scrutinized by knowledgeable witnesses for the litigant and therefore the defense. What the records don't contain could also be as vital as what they are doing contain once there's associate allegation that the patient's condition secure intervention or action that wasn't taken. Dentist and patients have the benefit of well-kept dental records. Smart files offer the simplest defense in law suits against dentists. Incomplete files could also be harmful to the medical practitioner and to the patient [3-8]. Patients are currently a lot of aware and legal proceeding is on the rise. The dental file is a politician document: supported that file the medical practitioner could also be prosecuted or cleared of alleged dental malpractice.

There is the necessity for maintaining the records formally and professionally to shield against any business, legal and medico-legal legal proceeding. Records are the foremost vital factors required to prevail within the proceedings. Written records, together with medical and dental history, chart notes, radiographs, images and models, are the sole obtainable pointers from that to deliberate in very negligent proceedings and should be meticulously unbroken.

Tampering of Medical Records

1. While writing the medical notes, as way as attainable don't write. If the amendment is required, strike the full sentence. Don't leave ambiguity. Create a habit of signing if amendment is created. Ideally place the date and time below the signature. Attempting to obliterate the erroneous entry by applying the whitener or scratching through the entry in such a way that the person cannot determine what was written originally written raises the suspicion of someone looking for negligent or inappropriate care.
2. Do not alter the notes retrospectively. If one thing written was inaccurate, deceptive or incomplete then insert an extra note as a correction.
3. Entries in a very anamnesis ought to be created on each line. Skipping lines leave the area for meddling with the records.
4. Amend on electrical record by hanging through instead of deleting and overwriting the initial entry. When inserting the new note, add date, time and doctor name.
5. Correction of the non-public identification information of the patient like name, age, father/husband name, and address ought to solely be created on the premise of testimony authenticated by notary or 1st class magistrate [9].

Maintenance of Dental/Medical Records

According to dental code of ethics 2014 in Asian country states that [10] every tooth doctor shall maintain the relevant records referring to his out- patients and inpatients (wherever applicable). These records should be preserved for a minimum amount of 3 years from the date of commencement of the treatment in a very format determined by the Council or accepted as a regular mode of documentation. If any request is made for medical or dental records either by the patients/authorized attendant or legal authorities involved, the same may be issued to the competent authority within 72 hours after having obtained a valid receipt for all documents. It is prudent to stay certified photocopies/carbon copies of such submissions. A Registered Dental practitioner shall maintain a register of medical certificates giving full details of certificates issued. Once issue a medical certificate he shall invariably enter the identification marks of the patient and keep a duplicate of the certificate. He shall not omit to record the signature and/ or thumb mark, address and a minimum of one identification mark of the patient on the medical certificates or report. According to client protection act 1986, the consumer will file a grievance until two years when the service was provided. Hence there may be a demand of maintenance of records for quite 3 years. As per board general of health services applicable to government hospitals, to keep the medical records is up to five years for

outpatient departments, in patient records up to ten years [11,12].

Dealing with Requests for Dental Records

The dental practitioner has tutelary rights to the record; the patient has proprietary rights. Records cannot be withheld from patients for any reason after the area unit requested; but, solely copies ought to be provided. The dental practitioner ought to receive a correct authorization before emotional copies of records. The dental practitioner must not ever dispense with the initial dental records or any of the initial parts. Most states enable a minimum fee per page for copies; but, records cannot be withheld from the patient for payment of a dental bill [13]. Patient information should only be disclosed to other people with the patient's consent or if there are legally permitted circumstances, and there can be quite a few circumstances that justify the disclosure of information.

There are a Unit Sure Circumstances once info is Disclosed and that they Embody

1. Sharing of relevant info with different health care professionals concerned in a very patient's treatment.
2. Information is also passed to a 3rd half if the patient or legal authority provides written consent, as an example, associate non depository financial institution.
3. Where information is requested a few deceased patients associated consent of the estate or relative is wanted and there's an investigation of fast, suspicious or unexplained death.
4. Information is needed within the preparation of legal reports containing solely relevant dental treatments.
5. Access to dental records by the police. Search and seizure warrants might not embody dental records, and thus ought to be rigorously checked.
6. Clinical analysis protocols and critique procedures. The name of the patient should be unbroken confidential. If information is to be used for teaching functions, then the patient's consent should be obtained [14].

With the ever-changing situation of doctor patient relationship, the patient management systems abundant conjointly catch up with the trend. Decades ago the doctor was thought of as God and his words are final, which isn't same currently. There is rise awareness among the general public concerning rights and duties of health care team and system towards them. This is appalling because the Dental practitioners in Asian country are not maintaining all or keeping a poor quality of records [15,16] The awareness regarding the importance of dental record maintenance among the dentist is good but the practice followed is not adequate. The duty of the dentist to maintain accurate dental

records is essential for good quality patient care as well as it being a legal obligation. Efforts shall be made to digitalize dental/ medical records for quick retrieval. The dental record is critical in the event of a medico legal litigation, keeping accurate and appropriate dental records are the dentist's best prevention and defence in such circumstances.

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