

Medico Legal Issues in Dentistry: The Necessity of the Hour

Nakul Arora*, Malaika Varma, Vaishnav Kalbhut, Kumar Gaurav Chhabra, Priyanka Paul Madhu, Amit Reche

Department of Public Health Dentistry, Datta Meghe Institute of Medical Sciences, Maharashtra, India

ABSTRACT

While providing health care services, a dentist must follow certain set of protocols to avoid any charges under the heading of malpractice. Medical record is a document certified as per the Indian evidence act, 1872. A dentist is bound by laws and conduct while providing treatment to his patients. Disclosure of complete details is important in understanding the treatment, it is essential to avoid any stage of negligence by the dentist. Medicine is a respectable profession, but the practice of medicine is affected by the physician-patient relationship and the movement between the knowledge of key health professionals. Health negligence can be challenged in court under two main categories, namely legal and criminal depending on the scenario. There is also a third way, under the consumer protection act, 1986, in which the professional management provided by the dentist can be challenged. A well-paid reimbursement insurance also known as protection cost covers all costs, costs and expenses incurred by the insured by their previous consent between inspection, protection or payment of any claim made to the insured will cover. Basic standards of medicine requires that experts address a variety of medical and legal concerns that help to report consistent data appropriately. In several surveys conducted to assess the level of knowledge among dental professionals, it has been found that dentists are often less aware to the rules that govern their work. Thus, nowadays it is important for health experts to have knowledge about the laws, which may be beneficial to patients and doctors and to society as a total. This review examines the need of incorporation of medico legal aspects in the profession of dentistry.

Key words: Law, Dentistry, Medico legal, Practices

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Corresponding author: Dr. Nakul Arora

E-mail: nakul05arora@gmail.com

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INTRODUCTION

The construct of law is one among a form and no single definition will cover all its parts. Simply put, law are often delineate as "the total range of rules lawfully enforceable in an exceedingly given country". The law affects each perspective of act, with relevance that dental medicine isn't exempt. The interface between law and dental medicine is interfered with by vital statutes associated with welfare, chief of that embrace the medicines and cosmetics act, the dentists act, etc. Moral measures of dental medicine embrace pushing a constantly decaying, advertising-driven framework. Absent of the charitable ideas which was given priority earlier as the sake of humanity [1]. The rise in corporate dentistry has deteriorated the dental field, whose concerns are entirely represented by concerns of profit and misfortune, despite the rise of measurable odontology, which guarantees that

every dental specialist has access to every for understanding there must be some sort of record keeping of what they treat. Delinquency of the dentist who fails or attempts to perform any strategy or treatment beyond his knowledge of dentistry and disregards patients for a specialist, is furthermore cause for negligence. The literature states that any complicated case of a specific feature should be referred to a specialist when the prognosis is uncertain. Points relating to medico legal issues are being reserved as they were within the legitimate specialty criminal law and criminal justice (criminology) and any other dental that agrees to the cross-sectional view on whether to eradicate Chennai. It is not being secured in college. A study based on the knowledge and validation of health experts, preparing ethics, showed that 74% and 35.4% of them had different knowledge and states of mind about the ethical code and 49% of respondents demonstrated that compulsory formal training should be provided on medico-legal issues [2].

LITERATURE REVIEW

Negligence

Negligence can be considered a violation of a legal obligation to worry. Violation of this obligation gives the patient write to initiate activity against negligence. All medical professionals, specialists, medical caregivers and alternative care suppliers area unit competent to shield the well-being and safety of their patients and area unit expected to provide quality of treatment. Dentist ought to be conscious of legal imperatives, as dentists United Nations agency have older such cases have a lot of notable conceivable consequences, particularly within the context of continuing strengthening of the joint to produce a extremely good job [3]. Consent now-days have become an important a part of treatment and management. Patients are requesting a much higher administration and a lot of info concerning to their treatment arrangements in health disputes between them starting from inadequate and improper treatment to serious problems related to dental malpractice and negligence. Before treatment, the dental practitioner ought to clarify the treatment outlined for the patient so as to clarify the complications and alternative attainable elements which will arise because of the projected treatment, conjointly concerning the likelihood of different treatment and acceptable consent should be obtained.

Case law

Parmley V. Parmley, the patient was anesthetized by the doctor due to tonsillectomy. The doctor along with the dentist removed some of her teeth without her consent. Thus, the patient sued both the dentist and the physician for negligence in relation to the unauthorized extraction of his teeth [4]. Dentist pursues third party process against the doctor, claiming repayment or commitment regarding liability found against him.

Prior to the procedure, clear pre-operative and post-operative instructions should be given to the patient in writing and written consent must be obtained. The examination will be viewed as a string for analysis or treatment without the patient's consent and may call for legitimate activity. The case, including issues of consent, has routinely intimidated the quality and degree of data that is given to a patient. Dentists should be aware of the following set of rules:

Table 1: Indian penal codes.

Section codes	Standards
Section 304A (IPC)	Negligent putting to death-an act that will lead to the death of the patient Punishment-imprisonment for two years or fine (any amount) or each
Section 336 (IPC)	Example of putting patient's life in danger even in absence of injury as within the case of medical record Cardiovascular disorders wherever the patient is in danger while not a prophylactic antibiotic or discontinues acetylsalicylic acid use Fine-imprisonment for three months, or fine of Rs 250 or both

- To do no harm
- To do good
- Respect for patients
- Justice
- Veracity or truthfulness
- Confidentiality

The Consumer Protection Act (CPA), 1986 It is an act that lays down the rights of consumers and appears once the advancement and protection of the rights of people. Dental negligence comes underneath section two (0) of controller since Indian medical practitioner (Table 1). The Act doesn't contain any provisions that embody grant compensation, action against dentists for negligence and admitting patient complaints. In India DCI thinks about with maintaining ethics among dental specialists [5]. The code of ethics for dentists indicates bound obligations and rights of a medical practitioner that square measure associated with the welfare of the patient, numerous steps are taken to show dentists regarding ethics.

According to the supreme court of India, for associate act to be thought-about negligent, the subsequent aspects.

- Duty of dental professional to possess a precise normal of care
- The dental professional did not maintain standard protocol
- The loss was because of lack of care
- There should be a relationship (closeness) between the negligent act-injury damage

Non-negligent act:

- Not recording consent form just in case of emergency isn't negligence
- The patients not glad with the ongoing treatment cannot be termed as negligence
- Patient is not felling relieved after correct treatment isn't negligence
- Charging for the procedure and the patient thinks the amount is excessive isn't negligence
- Once a patient doesn't follow the doctor's recommendation and doesn't get satisfactory results, dentist can't be held negligent.

Section 337 (IPC)	Simple bruising throughout a dental procedure, like pain and swelling after extraction
	Penalty-imprisonment of half-dozen month or Rs five hundred fine or each
Section 338 (IPC)	Serious injury throughout the procedure like a jaw fracture throughout extraction
	Penalty jail for two yrs or Rs a thousand fine or each

The maxillofacial doctor ought to know the subsequent regulation of the Indian penal code (IPC) 1860, that classifies the wound or injury as simple/severe: Section 319, I.P.C-Injury that causes pain or sickness within the body to somebody [6]. The following forms of injury are thought-about below.

Section 320, IPC-complaints:

- Castration is predicted the misfortune of virility or loss of sexual management.
- Irreversible injury to the sight of either eye is moving the standard of lifetime of an individual by inflicting injury to organ.
- Irreversible injury to any ear is injury to the ear that is permanent.
- Closing of a joint or total loss of associate degree appendage or joint.
- Absolute resistivity of the standard of any person or joint or total misfortune of the work of any organ.
- Permanent concussion or face-to-face is an injury inflicting associate degree irreversible mark on the face or any organ amputation moving the patient's look.
- Bone or tooth breakdown or missing is an break in bone or tooth progression that's evident on radiographs may be treated as a fracture.
- Any damage that endangers life or that causes the victim to be in serious body pain or to be incapable of effecting his ancient interests, between associate degree interval of twenty days.

It was declared with the concurrence of the hon'ble state supreme court of state that the doctor ought to demonstrate to him regarding the patient's injuries rather than informing the police [7]. First, the explanation for specialists to save lots of lives at that point ought to be to expressly report all injuries in medico legitimate cases.

Dental professional awareness about consumer protection act

Nowadays, Indian citizens are very attentive to their rights as patients, thus it's necessary for staff employees to remember and attentive to the laws. In advanced apply, dentists and medical masters faithfully modify moral problems associated with patient-doctor connections and confidentiality. As an example, Radhika et al. surveyed medical professionals and awareness of CPAs, finding that the bulk of participants were attentive to the aggregation focus however very little concerning CPAs. Prasad et al. conjointly evaluated certified public accountant awareness among dental hygienists in dental faculties in Ghaziabad, India [8]. They found that the

postgraduate dental manpower was additional attentive to CPAs than alternative dentist. Another survey, co by Singh et al., compares the carefulness of certified public accountant provisions among dentist and medical professional in Udaipur, India. They found that restorative specialists were additional attentive to certified public accountant than dental professionals.

A systematic review by Singh et al., regarding certified public accountant information and attentiveness among Indian dental specialists, found that almost all subjects were aware that certified public accountant existed, however their information of its elementary rules and controls was lacking. Coin et al. expressed that, though an oversized range of dentists were attentive to certified public accountant, they were less attentive to its essential rules and controls.

Modern medication and dental medication odontology medical specialty specialists ought to understand the laws governing medicine as a result of they share identical phases and improve closely [9]. Dentists have to be compelled to update their certified public accountant info and supply quality aid to their patients.

DISCUSSION

Misdiagnosis

Proper diagnosis is fundamental to starting any treatment. Sometimes, the conclusion is the same and in the event of a crisis, treatment needs to be started. For proper diagnosis, case history and various essential tests play a major role. In some cases, perceived suffering can also lead to out-of-base conclusions [10]. Treating off-base teeth without valid conclusions or adequate consent is considered neglect. Essentially, the persistent need to be treated for one's own illness. You have the right to know about your condition and treatment. This understanding should be thoroughly clarified by informed, written and oral consent prior to initiation of treatment.

Antibiotic prophylaxis

Taking appropriate case history, computing medical, pharmacological and family history is essential to support appropriate treatment and medications. Patients with a history of rheumatic fever, cardiac problems or immunocompromised patients are at potential risk of spontaneously acquiring systemic diseases. Therefore, these patients require anti-microbial prophylaxis, 1 h of recent treatment as a preventive measure. It is the duty of the dentist to prescribe anti-microbial prophylaxis for contamination control at work place or remote location.

The dentist should assess all the surrounding and general variables that may increase the risk of disease [11-13]. Consistent, discriminatory or randomized support of anti-microbial is not suggested unless patients are shown to treat local infection or within the likelihood of excessive contamination appearing soon. Failure to record micro-organisms, not prescribing or administering drugs in the same way to high-risk patients, is considered life-threatening negligence.

Sodium hypochlorite accident

Passive irrigation of the root canal is consistently suggested to maintain a strategic distance from its removal from the top which may result in hypochlorite accidents. A working dentist must give the patient a valid anesthetic solution. The possibility of irrigating by Boch or if sodium hypochlorite in an irrigation solution is ignored, it can cause soft-tissue damage and necrosis that would be considered negligence. To avoid this kind of carelessness, it is always better to do color coding for syringes and when in question, toss the syringe and use a new needle, syringe and anesthetic solution.

Wrong tooth extraction

The cases of wrong tooth extraction basically not that much reported and exceptionally few publications exist dentist do not admit wrongdoing and therefore the consequences and repercussions of such confirmation. A survey conducted in Federal Republic of Nigeria assessed that the chances of peripheral tooth extraction was 13%. Another article published in Israel found that the majority peripheral tooth removal was performed by general dental specialists (71%). Conjointly the latter thought found that the bulk of cases of peripheral tooth extraction concerned the extraction of associate in nursing adjacent tooth (67%), whereas 15% were because of quadrant dislocation, 13% between a vital and a adult tooth were because of malformations and 14% were because of incorrect designing of the tooth extraction. Incorrect tooth extraction are often a true however preventable complication.

Dental insurance

Dental protection is wide offered in Western countries; in any case, in India, it's still in its early stages, with very few insurance firms giving the service [14]. Maniyar and Umashankar value the attention and approach to dental insurance, likewise as analysis of patterns within the use of dental administration among safety internet suppliers and uninsurable patients visiting a dentist in Bengaluru, India. They reported that the backup plan bunch created additional use of dental services. Intrinsically, it's vital in Asian nation to introduce dental compensation protection within the interest of patients and facilitate dentists perform higher duties whereas providing services. Treating patients with advanced diseases that are wrongfully and financially dangerous. Whose results are questionable and faulty. The claims don't seem to be as a result of they were perpetually increasing in variety and value, however as a result of

they're proving to be systematically jeopardizing treatment. The Ministry of Health of India ought to coordinate with the dental council of India to create dental insurance necessary once registered with the dental society. The govt ought to approach compensation security to all or any its dental representatives World Health Organization treat patients [15]. Fast-track courts ought to even be created to listen to cases associated with dental or medical compensation for quick call among the conspiracies of this respectable profession.

CONCLUSION

Nowadays with the development of the web and other media, patients are extraordinarily aware of their condition and the care they seek. Practicing medicine in the present day is not a simple process. A specialist is solely responsible and responsible for every activity he undertakes to provide care and treatment to his patients. Therefore, if anything goes wrong with medical treatment, the doctor must be wary of the consequences he will face. When involved in a medico-legal issue, the doctor needs to be aware of the safeguards. Medico-Legal Cases (MLCs) are an essential part of medical practice that health experts often experience. Within both respectable and armed strength, MLCs have grown in close proximity. In order to avoid legal issues, careful handling and documentation of these matters is essential.

Strong national financial growth, rising family livelihoods, better socio-economic environment, rapid growth in the private division has made healthcare a rapidly developing private sector and has led to increased health awareness. Developing awareness has increased the demand for better healthcare facilities, with the health care awareness among urban people being impressively higher than among rural individuals. Request for quality health care at reasonable cost is a common result of this development. Despite all this, there are cases of negligence in dental treatment and there still remains a huge void to deal with such cases and pay proper compensation to the patient.

Dentists are unaware of the laws governing their profession. The only proof on the market is while we tend to be defensive ourselves in a very negligent trial. Legal proceedings are loud and worsening thus it's perpetually higher to prevent. Once a legal suit is filed it not solely becomes a monetary burden however it additionally showing emotion and psychologically drain one.

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