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PROFESSIONAL LIABILITY INSURANCE IN FORENSIC ODONTOLOGY IN THE U.S.

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A Most dental professional liability insurance policies in the U.S. do not cover dental professional services solely in the performance of providing forensic odontology and expert witness services to others for a fee. It is also known that cases of liability related to forensic findings that were eventually proven to be erroneous have been brought to trial by the indicated suspects attempting to be awarded monetary damages claimed by the individual.

To investigate the general knowledge, perception and interest in such malpractice coverage among forensic practitioners, two confidential online surveys related to liability coverage directly related to forensic odontology were submitted to the members of two forensic organizations. The first dataset represented the American Society of Forensic Odontology (ASFO) and the second dataset was obtained from the American Board of Forensic Odontology (ABFO). There was a response rate of N=148 for the ASFO group and N=30 for the ABFO group.

Participants were first asked to state the annual income garnered from their practice solely based on forensic odontology. The respondents from the ASFO group indicated that 73.7 percent earned equal to or less than \$10,000.00 per year with 35.8 percent earning \$0 to \$1,000.00 dollars per year. For the ABFO group, the percentage was 43.3 percent for \$10,000.00 or less with only 6.7 percent earning less than \$1,000.00 per year. Also, 46.6 percent of the ABFO group earned between \$10,000.00 - \$50,000.00 annually while with the ASFO group, the percentage was 22.3 percent.

Participants were also queried as to whether their current dental malpractice insurance policy would cover claims against them regarding forensic expert reporting and expert witness testimony. In both groups, the responses were statistically equal in the following survey responses: "yes", "no", and "I don't know". However, the largest percentage was in the ASFO group with 44.9% responding "I don't know". When participants were asked if they would be interested in purchasing a 'hold harmless' forensic malpractice insurance plan, 69.6 percent of the ASFO group responded in the affirmative while the ABFO positive response was 83.3 percent. Also, when asked what the 'outward limit' of the policy should be, 48 percent of the ASFO group chose \$1,000,000.00 while 63.3 percent of the ABFO selected that same amount of coverage.

Based on the data that were recovered in this survey, the ASFO leadership negotiated a forensic odontology liability policy with a choice of two levels of 'outward limits' at a substantial discount exclusively for its membership.

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