



JOURNAL of FORENSIC ODONTO-STOMATOLOGY

VOLUME 31 Supplement 1 October 2013
Abstract book IOFOS Conference 2013 Firenze

CIVIL LIABILITY OF DENTIST: PROFESSIONAL'S KNOWLEDGE AND ANALYSIS OF LEGAL PROCEEDINGS

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The authors declare that they have no conflict of interest.

A Background: Issues concerning dentist's liability have gained importance nowadays and there has been an increase in the number of conflicts between professionals and their patients, related to the received dental treatment. The aim of this study was to investigate the lawsuits involving civil liabilities filed against dentists in the Ribeirão Preto Court, SP, Brazil and analyze the local dentists' knowledge of civil liability and means of protection.

Methods: A list of dentists and dental clinics registered in the city was requested from the Regional Council of Dentistry. A nominal search of professionals and clinics involved in civil lawsuits was performed using the online database of the São Paulo State Court. This search resulted in 145 cases, which were subsequently analyzed directly at the Court regarding their relationship to professional liability. In the second stage of the study, 100 dentists were randomly selected from the list of professionals registered in the Regional Council of Dentistry and were asked to answer a questionnaire containing 19 questions.

Results: From 145 cases retrieved from the online search, 45 cases involved dentist's civil liability and were included as of relevant interest for the present study. Out of these, 33.3% had already been solved. It was observed a significant increase in the number of lawsuits in the past five years, most of them involving the areas of dental prosthesis (35.6%) and implantology (26.6%). Expert dental examination was requested in 33.3% of cases. Based on the analysis of the questionnaire, all professionals consider important the knowledge of their responsibility in dental practice and 94% have heard about this subject. Regarding the type of obligation assumed by the professionals, 28% believe that the dentist should ensure results, 28% believe they do not, and 44% related the assurance of results to the dental field. Regarding the increase in the number of civil lawsuits against dentists, 79% are aware of this fact and 57% know at least one case of prosecution. Moreover, 41% of the professionals revealed to be unsure in dental practice. In this search about means of protection, 72% know about civil liability insurance, 45% use this kind of insurance and 82% would feel safe if hired this type of protection.

Conclusion: *There was an increase in the number of civil liability cases against dentists in the city Ribeirão Preto, SP, Brazil. Furthermore, dentists are concerned about the issues involving civil liability, but there still are divergences among the professionals about the nature of their duty in exercising dental*

KEYWORDS: Forensic Odontology, Diagnostic Accuracy, CBCT and OPG.

JFOS. October 2013, Vol.31, Sup.No.1 Pag 25-26
ISSN :2219-6749