

MEDICAL EMERGENCY PREPAREDNESS: *strategies to maximize protection*

By Larry J. Sangrik, DDS

When I lecture on medical emergency preparedness, I am often asked, "Legally, how can I best protect my office?" Though I am not an attorney capable of offering legal advice, my background on this subject allows me to offer some general insights about how patients, attorneys and the legal system view the issue of medical emergencies during dental care.

Medical emergencies in dental offices can occur for one of three reasons.

Yes, sometimes dentists err. While doctor errors are the least likely cause of medical emergencies occurring during dental treatment, iatrogenic emergencies are most lethal and consequently garner the greatest media response.

The event may be random. If a person is destined to suffer a heart attack at precisely 9:30 AM, that event could occur anywhere, including in a dental office.

The event may be a reasonable risk of treatment. For example, a patient faints during a local anesthetic injection. That event is neither the patient's fault nor the dentist's fault. It is merely a reasonable sequela of the procedure and a risk both parties must accept.

Knowing the three causes, dentists presume if they did not cause the event (situation #1), they are protected from litigation. Not so. In determining whether to seek legal counsel, a patient (or the patient's survivors) is more likely to be guided by three questions:

✦ How serious was the event?



✦ How rare is the event?

✦ How costly was the event?

From the patient's perspective, medical emergencies that are severe, rare or costly are probably worthy of a lawsuit regardless of whether or not the dentist is at fault.

At this point, the legal system offers the dentist some level of protection. Many attorneys who work for a plaintiff are only paid when there is a financial settlement. One of the four steps the attorney must prove in a malpractice case is causation. Consequently, one would expect attorneys to act as a gatekeeper and only pursue cases where the dentist is clearly the cause of the medical emergency. However, in addition to reviewing if the dentist directly caused the emergency, an attorney will likely examine how the dental team responded to the crisis. If the response was inadequate, a dentist (who might not be directly responsible for the initial cause of the emergency) may still be found

liable for allowing a minor problem to worsen if the patient suffers damage while under the dentist's care.

In short, if something bad happens, expect litigation. Now, the greater question becomes, "Can you defend yourself?"

This leads to the issue of "standard of care." As dentists, we are trained to be highly organized and procedure oriented. There is a proper shape to prepare a decayed tooth and then a specific list of procedures to place the restoration. Unfortunately, unlike placing a composite, there is no specific list of things a dentist must do to meet the standard of care for medical emergencies occurring during dental care. The state dental board does not have one; neither does the ADA or any dental organization.

In such cases, courts are guided by the concept of reasonableness. The standard of care is what a

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reasonable person would do in such a situation.

Bear in mind, a reasonable response is not necessarily the most popular response. It is not the most cost efficient response.

In 2013, I surveyed 500 dental patients from across the nation about their expectations of the profession and their individual dentist on medical emergency preparedness. In 2014, I surveyed the major lecturers on medical emergency preparedness in dentistry to learn if their lectures reflected patient's expectations.

Six common themes emerged. The public expects:

- ✦ dentists to periodically train for a medical emergency.
- ✦ the staff to be trained to assist the dentist.
- ✦ the dental team to periodically practice emergency scenarios.
- ✦ the office to maintain a defined emergency plan of response.
- ✦ the office to stock basic emergency medications.
- ✦ the office to have

basic emergency equipment.

The six areas the public identified as their expectations are in line with the topics the major speakers include in their programs. In effect, the people that ultimately serve as jurors accurately anticipated the major themes of those that lecture the dental profession on medical emergency preparedness.

While the concept of reasonableness as the standard of care may strike some dentists as vague, it really comes down to common sense. The issue is not a legal one but rather an ethical one. If you took a loved one to a dentist for treatment and a serious medical event occurred, what would be your reasonable expectations of the dental team? It is likely your expectations revolve around the six areas my survey identified. ✦

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BALANCE

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5 Eat right and sleep well. Eat a healthy diet, include physical activity in your daily routine and get enough sleep. Set aside time each day for an activity that you enjoy.

6 Develop an appointment schedule that best suits you. Most of us go through the day using a "push through" approach, thinking if we work the full eight to 10 hours, we'll get more done. Instead, productivity goes down, stress levels go up and you have very little energy left over for your family. Schedule a break throughout the day to walk, stretch or just relax.

7 Influence others. If you notice that a patient is anxious or fearful about a procedure, tell them you understand and instruct them to breath with you. Bringing down their anxiety levels will allow you to be at ease during the procedure.

Maintaining a healthy balance between work and your social obligations has a direct correlation to your quality of life. Stress can sometimes be unavoidable. Developing strategies to deal with stressors when they arise can have short-term and long-lasting effects on both your mental and physical health.

The ADA Center for Professional Success provides resources developed to help dentists face wellness issues like depression, stress and/or lack of energy. The ADA member-only web resource also provides practice management information and other support tools to assist you with the daily business challenges you face in your office. Visit the site today at Success.ADA.org. ✦

Jordan Sarver is the manager of digital writing and content for the ADA's Center for Professional Success. The Center is an interactive web portal that provides practice management content and decision support tools with the goal of helping members practice successfully, learn conveniently and live well. You can visit the Center for Professional Success at Success.ADA.org.

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