



# "Welcome to the Jungle"

## Tips for Setting Yourself up for Success by Getting an Overview of Dental Professional Liability Insurance Basics

As a dentist, you work hard to deliver excellent dental services to your patients and to maintain a successful practice. Choosing the right dental malpractice insurance carrier is an important part of your practice's foundation and is the best first step to protecting yourself against a malpractice claim. There are several key considerations to factor in when making that choice, followed by a lifelong commitment to maintaining best practices in your day-to-day treatment of patients. The following tips are important to keep in mind when you are starting out and making a carrier choice and as you advance in your professional career.

### ▶ Choose a carrier that checks off many of these boxes:

- Has extensive dental claims experience in New York State and advocates for you when it comes to legislative matters.
- Offers both claims-made and occurrence policies with a variety of limits and makes sure you understand the key differences between the two policy types.
- Provides discounts such as for completion of risk management courses, for new dentists, and consent vs no-consent policy provisions.
- Offers coverage options for professional entities and employees.

### ▶ Keep up with risk management course offerings.

Not only will this yield savings on your insurance premiums, just as importantly, it will keep you up-to-date on trends in the most common claims and will reinforce strategies and best practices to mitigate risk and avoid common pitfalls that lead to claims.

- ▶ Remember that more than half of malpractice claims stem from the performance of a procedure, followed by management of the treatment plan, foreign bodies, and failure to diagnose. Frequently, claims can involve a combination of these.
- ▶ The procedures involved in most claims are as follows, starting with most frequent: root canals, crowns/final restoration, extractions, bridges/dentures and removable appliances, and implants.

- ▶ The diagnosis-related claims are failure to diagnose oral cancer, periodontitis, infections, and caries.

- ▶ **Good communication, proper documentation, and informed consent** are the leading best practices that are most helpful in avoiding claims. Your carrier should offer risk management support, including courses, tip sheets and check lists to guide you in these areas. The carrier should also be able to give you general and procedure-specific informed-consent documents.

- ▶ **Effective communication** with patients is critical and encompasses both documentation and informed consent. Establishing a good rapport with a patient goes beyond the dentist and extends to all of the employees of a dental practice.

- ▶ **Documentation can be encounter-related;** patient compliance and input-related; related to communication, including referrals made and potentially not followed or refused; telephone conversations, text messages and emails; and explanation of treatment plan, including noting patient understanding and any changes made to the plan.

- ▶ **Informed consent** is a discussion and not simply a signed form. It is a conversation between a dentist and a patient prior to treatment in which options, benefits, alternatives (as applicable) and material risks of the proposed treatment are explained and discussed. Informed consent allows the patient to ask questions. This should be documented in the patient record and include a signed consent form as proof of the discussion.

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### QUICK LINK RESOURCES



#### HAVE FOLLOW-UP QUESTIONS?

Please contact Al Anthony Mercado, Esq., at [amercado@mlmic.com](mailto:amercado@mlmic.com).

You can also contact [dental@mlmic.com](mailto:dental@mlmic.com); 1-800-416-1241; or 1-800-ASK-MLMIC.

More information on policy types can be found here: [MLMIC Coverage](#)

Some of the most frequently asked questions can be found here: [FAQs](#)

MLMIC Insurance Company and the New York State Dental Association (NYSDA) have worked together since 1992 to provide dentists with the best liability protection available at the lowest possible premiums consistent with fiscal responsibility. MLMIC policyholders from Buffalo to the Bronx enjoy localized risk management guidance, claims protection, underwriting support, in addition to benefits and expertise not found anywhere else.

For over 40 years, MLMIC has been a leader in malpractice insurance and is the #1 dental liability insurer in New York State. For dental malpractice in New York, nothing compares to MLMIC.

To find out about coverage with the program, run by NYS dentists for NYS dentists, visit [MLMIC.com](http://MLMIC.com), or speak to a MLMIC representative at 800-683-7769.

