



### F43 Dishonest Dentist Descend - Despite Denial

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After attending this presentation, attendees will understand the impact of not being honest in all of their financial arrangements with patients and insurance companies. They should remember that consultants to insurance companies and law enforcement will be diligent in their investigations and understand that the citizens of the United States regard dentistry very highly and it is up to every practitioner to maintain that status.

This was a case brought by the Dental Board of California against a dentist who allegedly charged for work he didn't perform. The subject dentist has an established general practice in Southern California. A family of four continued to visit him after they moved to Northern California. Once a year, the family would make the 500+ mile drive down to Southern California on a Friday. The entire family would be seen by the dentist on Saturday and then drive back on Sunday.

The family's dental bills were covered by an employer-sponsored dental plan. The employer became suspicious when he received several invoices for services in Los Angeles on days that the employee was doing highway construction in Northern California. The dentist's records show that the family returned on multiple occasions for treatment. For example, in one year, the dentist's records revealed that the family visited the dentist around Thanksgiving and returned every week until Christmas, including the day before Christmas. The dentist's records showed that some of the treatment consisted of nothing more than minor restorations which the dentist conceded would have only taken a few minutes. Further, the employee's definitely established that he was at work on many of the dates identified. The employer requested that the family be examined by a local dentist in their area, who confirmed after taking x-rays, that not all of the procedures invoiced had been performed. X-rays were taken prior to the treatment being performed in each of the two years of issue. When an investigator inspected the dentist's files he found no x-rays. The dentist claimed he had provided them to the employer. The employer confirmed he had received x-rays for the first year but did not have any x-rays from the second year.

Shortly before trial, the dentist claimed to have located a copy of one of the missing x-rays of one of the children. During the trial, the dentist who examined the patients for the employer testified that this x-ray of the child did not match the x-rays he had taken. The accused dentist offered the testimony of a faculty member of UCLA's dental school, who testified that he believed the x-rays were of the same person. On cross-examination, he testified that he was ninety percent certain it was the same person. In support of this opinion he testified that the pulp chambers at teeth #3 and 30 looked identical in both x-rays. He testified that the pulp chambers are unique and analogized them to fingerprints. He also said that the occlusal surface looked the same in both x-rays. Accordingly, a California Deputy Attorney General contacted the author in order to resolve this issue. The xrays and documents in the case were subsequently forwarded by the enforcement unit, Dental Board of California.

On February 4, 2005, the author was sworn and testified at an administrative hearing in Los Angeles. Differences between restorations and anatomical landmarks were explained to the judge. After the author was dismissed, at the end of the morning session, it was announced that the accused dentist was going to present a second faculty member from the radiology department of UCLA. At the afternoon session, the faculty professor who had written several books on dental radiography, examined the involved radiographs and within a few minutes into his testimony, agreed with the author that the films were not of the same person. At this point, the accused dentist may be put on probation or have his dental license revoked or suspended, if the allegations are upheld. The decision has not yet been made.

#### **Insurance Fraud, Dishonesty, Administrative Hearing**