



G5 Forensic Dentistry and Malpractice Lawsuits in Turkey

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After attending this presentation, attendees will be familiar with Turkish malpractice laws, cases that have been brought against dentists, and general statistical data about dentistry in Turkey.

This presentation will impact the forensic science community by presenting a history of forensic dentistry in Turkey.

The 2012 census shows the population of Turkey to be 75,627,384 with 24,725 practicing dentists. This gives a ratio of 27 dentists per every 100,000 Turkish citizens. Dentists complete their education in a five-year curriculum in one of the 55 universities which offer the course. Article 10, document number 1219 of Turkish law forbids foreigners from practicing medicine in Turkey; however, with recent changes to the law, if they meet standards set forth by the law, their practice in dentistry is lawful. The Ministry of Health's data shows that 89.3% of individuals between the ages of 35 and 44 years had at least one tooth missing and there were seven million fillings performed by dentists working for the ministry.

The number of malpractice lawsuits is on the rise in Turkey. Some of the reasons for this increase include an increase in the number of people seeking medical services, higher patient expectations, media obsession with these cases, and the fact that some attorneys solicit and recruit patients for filing malpractice lawsuits.

Below are two Turkish Penal laws as they are written in the statutes:

Reckless Homicide Article 85: the punishment of an individual who commits reckless homicide will be imprisonment for two to six years.

Willful Injury Article 86: (1) the punishment of an individual who causes pain or detriment to someone's health or ability to function normally will be imprisonment for one to three years; and, (2) provided that the willful injury has a mild effect on the victim's health and well-being and can be remedied by a simple medical intervention, the perpetrator is punished with imprisonment of four months or a judicial fine.

Patient confidentiality and obtaining consent for treatment are the dentist's responsibilities. Some of the cases brought against dentists in respect to these areas include: forcing the patient to give consent; medical intervention of an incapacitated person without consent of their guardian, curator, or the court; asking the patient to sign a blank piece of paper or write, "I accept any intervention;" and, so forth. As for malpractice cases against dentists in Turkey, reasons for these lawsuits include not meeting medical standards due to lack of knowledge or neglect and medical device malfunction. According to a review of judicial files, there were 101 malpractice lawsuits filed against dentists between 1984 and 2008: 44% of the cases were for faulty dentures; 29% for wrongful surgery; 9% for wrongful orthodontic treatment; 8% for faulty implants; 5% for wrongful periodontal treatment; and, 5% for other dental treatments.

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