



### G53 The Evaluation of 73 Dental Malpractice Cases From the Counsel of Forensic Medicine

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After attending this presentation, attendees will be familiar with types of malpractice lawsuits filed against dentists in Turkey.

This presentation will impact the forensic science community by describing the distribution of malpractice lawsuits in Turkey according to different disciplines of dentistry.

Harm caused because of substandard care is the reason for most dental malpractice cases. Like other malpractice cases, the numbers of dental malpractice cases are increasing, especially after changes that were made to Turkey's compensation laws in 2005. It is important that judgment on these malpractice cases be fair and just.

Dental malpractice claims are encountered as fines and lawsuits. According to the legal system of the Republic of Turkey, dental malpractice cases can be settled by fines, monetary punishments, or both. A proven malpractice case will result in a monetary fine and/or imprisonment. It also is possible that the practitioner could face punishment by the appropriate professional board. Expert witnesses are used in Turkish court systems to evaluate malpractice cases and can be from forensic medicine, dentistry, or faculty members. Dentists can be hired as an expert witness. The most preferred experts are members of forensic medicine. There is a department for evaluating malpractice cases within the forensic science department.

This study examined 73 cases of malpractice filed at the Institute of Forensic Medicine. Of these, 49.3% were referred by the prosecutor's office for investigation. A total of 60% ( $n=44$ ) of the complaints were filed by males and 49% ( $n=29$ ) were filed by females. The average age of male and female complainants was 31.55 years and 37.45 years, respectively. A total of 76.7% ( $n=56$ ) of the claimants were treated at a private practice site, 12.3% ( $n=9$ ) at family health centers, 6.8% ( $n=5$ ) at state hospitals, and 4.1% ( $n=3$ ) at teaching hospitals. Distributions of practitioners according to their education levels were as follows: 89% ( $n=65$ ) were general dentists, 9.6% ( $n=7$ ) were specialist dentists, and 1.4% ( $n=1$ ) were dental technicians. Most lawsuits were filed after a tooth extraction; 14 of these cases were related to wisdom tooth extraction and 12 involved extraction of other teeth. There were 13 cases filed for prosthetic crown procedures, 12 cases for implants, and one case for falsifying a medical report.

The majority of malpractice cases (76.7%) were filed against private practices and the least number of complaints (4.1%) were filed against teaching hospitals. Of the total complaints against dentists, 89% were filed against general practitioners. Evaluation of the 73 malpractice cases filed against dentists in the forensic medicine institute's files revealed that 24 cases (33%) had merit and 49 cases (67%) were frivolous lawsuits. There was no statistically significance difference ( $p>0.05$ ) with respect to gender in the studied cases.

Like any other medical practice lawsuits, protection of patients' rights and appropriate care should be an important part of the outcome of dental malpractice. Patient-doctor relationships, the attitude of the staff toward patients, empathy, and patients' sense of confidence play significant roles in reducing malpractice complaints against practitioners. Educating doctors and following the standards of practice by practitioners have proven to reduce the numbers of lawsuits filed against dentists.

**Dental malpractice, Council of Forensic Medicine, Turkey**