

Legal Issues in Relation to Dental Records

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Abstract

Consumer Protection Act (CPA) is applicable on all hospitals who are charging from the patients. Lot of allegations are coming to the courts nowadays alleging negligence on the part of the doctors. Further, the investigating agency may require any documents pertaining to treatment of the patients. In such a scenario, it is important to keep the dental records updated. Dental records become the important document. Medico legal aspects of dental records have been discussed in the present paper.

Keywords

Dental records, update.

Introduction

Dental records have been helpful in settlement of various disputes in relation to death, injury and disability. Lot of policies by various insurance agencies are being floated for adults and old persons in particular to meet various expenses in event of diseases / mishap. With many insurance policy refusing to pay claims if person was having illness prior to start of policy, dental records assume great importance to prove / disprove the pre-existing illness. Apart there are various issues in relation to custody of records and discharge summary etc that has been highlighted in this paper.

Some of important medico legal issues in relation to dental records and insurance are.

Updated dental records : although primary duty of doctor is to save life of patients but medico legal formalities are also equally important. In non-MLC cases also, dental records of patients should be updated. It is essential the treating dentist himself should check the records of the patients. Actually it tells the tale of patient care in the hospital.

Doctor should properly note all the details of patients the chronological of illness, treatment

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given etc. gives references for further management. It also helps in settlement of insurance disputes.

Safety of dental records

The dental records are property of hospitals. Hence, it should be in the custody of properly designated dental records officer under medical superintendent of that very hospital. The records are to kept even if the patient has left against dental advice (LADA term is given by Balwant Rai). As a policy, OPD records are being kept for five years and medico legal records for ten years for causality and indoor patients.

Dental records and insurance claims

The courts realized on dental records. In the compensation cases, the records are summoned in court of law. The treating doctor may be cross-examined by party paying insurance claims. In cases pertaining to Workman's compensation, records may be required before settlement.

Issuing of discharge and death summary: The patient is entitled for discharges summary and investigations like X-ray, CT etc. If a patient dies in the hospital, the authorities are bound to issue death summary. Even in paid hospitals, death summary had to be given to the relatives without waiting for settlement of pending dues. The confidentiality of records has to be maintained. In fact many times the negligent suits are field ion retaliation by the relatives when dead body is withheld pending settlement of dues.

Conclusion

In India no Private dentist maintain a record, because of their carelessness. In my point of view courts should be take a strict decision or law against such type of careless dentists. There is need to maintain proper records of patient. It may be only available defense to the dentist or other doctor regarding proper precautions, reasonable care and skill. If other board reviews the records, it will be only defense for dentist if properly maintained.