

FOR SOLICITORS - WHAT DO DENTAL EXPERTS WANT ?

Solicitors instructing dental experts always make the assumption that it is broadly similar to instructing medical experts. It definitely is not. There are a number of factors that make dental personal injury and alleged clinical negligence reports very different.

The first is the tedious chore of dealing with the notation of so many teeth in the mouth, and interpreting both handwritten and computerised dental records. The fact that both NHS and increasingly private dentistry is not without a monetary relationship adds a dimension not seen in medicine. Furthermore, the relatively modest settlements compared to medical cases acts as a disincentive. However, set against these difficulties is the certainty that almost all dental cases settle without trial.

Solicitors are very good at reminding doctors how they want their compliant Part 35 CPR reports to look like. Unfortunately, large blocks of pre-formatted text do not always apply to the dental expert. What is it that dental experts want? They want:

- Disclosure of all the client's dental records including those prior to the accident/ failure. This is absolutely essential in order to determine the pre-incident condition of the teeth. An example would be a root filled front tooth that fractured. Since such a tooth has a finite longevity it becomes relevant since it is at risk in any event. Another example is a failure to diagnose/treat gum disease. Since the successful treatment of gum disease involves a maintenance programme of oral hygiene past records of patient compliance are essential.
- Disclosure of an updated self-administered medical questionnaire taken in the dental surgery at the beginning of a course of treatment. This is not the same as the family doctor records. GP records are mostly useless and a waste of time forwarding unless specifically asked for.
- Original or duplicate dental x-rays - definitely not photocopies. If a dentist discloses photocopies they should be sent back by solicitors without settling administrative costs. Photocopies are useless. Needless to say all disclosed dental x-rays and photographs should be properly dated.

Since for virtually all cases x-rays are an integral part of treatment planning and the consent process solicitors instructions should confirm that their absence is either because none were taken or that they have been lost. This can be of significance.

- Where crowns, bridges, dentures or implants have been provided disclosure of laboratory work-sheets or invoices.
- Instructions concerning orthodontics are rare. However, disclosure of pre- and post-treatment study models (casts) are mandatory in such cases.

Lastly there is the matter of horses for courses. Medical consultants, particularly in the largest speciality orthopaedics, often recommend maxillo-facial oral surgeons where a dental input is required. Bearing in mind that most of dentistry is carried out in the High Street by general dental practitioners it might be more appropriate if solicitors looked more at this peer group in the dental expert business.