

HOW TO PROTECT YOURSELF FROM MALPRACTICE CLAIMS AS A DENTAL HYGIENIST

Malpractice is one word you dread hearing. Oral healthcare can be inherently risky. When you're practising for long hours, trying to work quickly and efficiently to see as many clients as possible in a limited amount of time, there's no telling what can happen. There are steps you can take to minimize the potential damage of a malpractice claim.

Top Malpractice Claims Against Dental Hygienists

Here are the five most common malpractice claim types made against dental hygienists - and how you can prevent them from happening:

Recordkeeping Errors

Clinicians are responsible for obtaining a complete medical history from their clients and keeping notes during appointments, including notable events, materials used, instructions given, and medications prescribed. Detailed, high-quality client charts aren't just necessary for safe and competent healthcare - they're also your best defence against a claim. Records alone can even stop an accusation from ever reaching the courts.

Failure to Detect Oral Disease

Dental hygienists are trained to identify abnormalities like cancer. If you're in a hurry, you might miss the signs, or forget to follow up. Early detection of oral disease is crucial, and proper screening won't just save you thousands of dollars in damages—it might even save someone's life.

Client Injury

Whether it's a burnt lip or lacerated tissue, you could accidentally injure a client. Even if you don't directly harm them, you're still liable for any oral infections or abscesses that develop because of health and safety violations. Depending on the injury or procedure, your client might not even realize it. Make sure the client gets medical attention if needed, and thoroughly document all the details!

Performing Outside the Legal Scope of Practice

This can include performing treatments beyond your level of competence and providing unnecessary treatments. Since dental hygiene regulations vary across Canada, if you're moving provinces, research what's legally allowed so you don't accidentally breach them.

Having an Intimate Relationship with Clients

Dental hygienists are strictly forbidden from treating individuals with whom they're having a sexual relationship unless they are legally considered a spouse or common law partner under the legislation. If found guilty, you'll automatically lose your certificate of registration for at least five years.

Professional Liability Insurance for Dental Hygienists - What's Covered?

No matter how careful you are, sometimes malpractice is unavoidable. But it's not unmanageable. When a single lawsuit has the power to devastate your finances and reputation, you'll need the expertise of a team that understands the unique threats you face as a dental hygienist.

That's why PROLINK—Canada's Insurance Connection has partnered with ODHA to offer a comprehensive, cost-effective professional liability insurance program exclusive to all association members. We'll cover you against allegations brought by a third party (i.e., a client) seeking damages resulting from a negligent or wrongful act, error, or omission within the dental hygiene scope of practice.

The best part of all—it's automatically included with your ODHA membership! For more information, visit prolink.insure/ODHA.

Am I Covered If I Go on Leave or Retire?

Professional liability insurance is a claims—made policy, which means the policy you have in place at the time an allegation is reported will respond—NOT the policy you had in place at the time you committed the alleged act. Keep in mind you can be served years later, long after the event giving rise to the claim has taken place. And if you don't have insurance when the claim is reported, you won't be covered for any care you provided prior to the cancellation of your policy.

How can this be avoided? Through an extended reporting period (ERP), also known as tail coverage. An ERP keeps your policy in force for a specified period of time following cancellation or non-renewal. With a continuous policy, you'll be covered whenever a claim is reported, even if you go on leave or retire.

The good news? Your ODHA policy automatically offers a free ERP of up to 12 months for members that are retiring or going on leave to help avoid in gaps in coverage. To learn more about your ERP options, connect with PROLINK at prolink.insure/ODHA.

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Insurance column