Clinical Significance

Undiagnosed oral and dental conditions can be made worse if the patient selects self-treatment over seeing a professional, such as an orthodontist, and submitting to guided treatment. Without the supervision of a trained dental professional, tooth movement when there is undiagnosed inflammation can lead to bone loss. Teeth with pulpal necrosis that had no symptoms can suddenly develop pain and worse. Patients who choose to become their own dentists or orthodontists are likely to be dangerous and cause more damage than they would ever suspect.

With no professional guidance in place, the patient would be left to figure all those things out alone. Chances are not good that an untrained person would come up with all the right answers.

Other health care specialties offer self-treatment. Examples include home-based tooth bleaching, microdermabrasion, or even facelifts. The difference is that these treatments don't have to address the precision of occlusion or the fragility of oral structures. Orthodontics requires treatment under the supervision of a trained professional.

Greco PM: When the patient is his own doctor . . . . *Am J Orthod Dentofacial Orthop* 154:757, 2018

Reprints not available

LITIGATION

Breaching physician-patient confidentiality

BACKGROUND

What is covered by the physician-patient privilege? What if a court of law found that your patient records were needed to prove that you followed appropriate procedures and were not negligent? Should the court be allowed to obtain these records, having deleted all patient modifiers? The case of *Wipf v Altsteil,* No 27491-4-SLZ (S.D. Sup. Ct., Dec. 21, 2016 tested the various aspects of this situation.

CASE REPORT

In Wipf, the defendant had performed a hernia repair that was complicated by perforation of the patient's abdominal wall that required additional surgery, for which the patient filed a malpractice suit. Breach of the standard of care was charged because the defendant did not document having performed a bowel inspection specifically for perforations before concluding his surgery. The plaintiff requested the court to have the defendant produce the patient records from the previous 5 years to determine if the defendant was guilty of a negligent, recurrent, and substandard practice behavior. The court ruled the records were relevant and ordered that they should be produced without personal identifiers, which would shield the patients from a breach of confidentiality.

Statute SDCL 19-19-503 governed the matter and addresses physician-patient privilege. The South Dakota Supreme Court said that the statute does not protect all of a practitioner's medical records, but does protect that part that is confidential and relates to the diagnosis or treatment of the patient. South Dakota looked to other states who had dealt with this issue. Nearly all said that when adequate safeguards are in place to ensure the patient remains anonymous, relevant, non-identifying information is not considered privileged. They did state that the redaction must include potential patient identifiers as well as the size of the community in question, since a small community could render individuals more readily identifiable.

DISCUSSION

Health care providers should not disclose any information about a patient's diagnosis or treatment without the express consent of the patient. The public should not even be aware that the individual is a patient of a specific practitioner. However, inadvertent disclosures occur all the time. For example, dentists post welcome or congratulations boards with patient pictures and

Clinical Significance

We need to protect the private information related to each patient. Only if the patient permits it should that data be shared. If a court case hangs in the balance but could be decided if all the identifiers of the patients are removed, it seems apparent that if the patient information considered legally confidential will remain between the doctor and the patient, sharing the information will be allowed.

names, open-bay therapy areas are common, and computer screens aren't covered to ensure no one can see what's on them. Patients even post information on social media sites and contribute to the erosion of doctor-patient confidentiality.

Jerrold L: I want to see everything. *Am J Orthod Dentofacial Orthop* 154:883-884, 2018

Reprints not available

MEDICAL IDENTITY THEFT

Protecting against theft of your medical identity information

BACKGROUND

Medical identity theft affected approximately 2.3 million individuals in 2014-2015. The usual case is uninsured individuals who seek care under a stolen identity or obtain prescription medications fraudulently. Patients have spent an average of $13,500 to resolve a case of stolen medical identity, but greater than the monetary costs are the costs in terms of lost trust in medical providers for failing to protect private information. The principal scenarios for medical identity theft, red flags to watch for, and steps that can help prevent this crime were outlined.

SCENARIOS

Several scenarios are commonly seen in medical identity theft. The most common involve data breaches within medical care providers. Thieves gain access to medical data systems and steal the information. There are also "friendly fraud" cases where someone the victim knows simply assumes his or her identity.

In some cases, thieves target individuals by posing as employees of an insurance company, pharmacy, or health care office. They then ask for personal information, such as the individual's Social Security number or insurance plan identifiers. Often these thieves offer for free or discounted care to the unsuspecting individual to gain access to the information.

There are also cases where an employee of a medical or dental facility steals patients' private data with the goal of selling it. Sometimes the employee allows uninsured friends or family members to obtain free care using the information.

RED FLAGS

Certain behaviors or events can indicate a possible problem. For example, the individual may offer questionable or altered documents or signatures or provide information that doesn't match what was gathered previously. Sometimes the individual acts suspiciously, such as being unable to provide basic information quickly. The individual may also refuse to present identification or to provide information to the dental office.

In some cases, the individual offers forms of identification that don't match the his or her description. If the individual is accompanied by someone else, it can be suspicious if the companion uses a different name for the patient.

If a red flag pops up, the best course of action is to alert the authorities. Rather than refuse treatment, the dentist can inform the patient that some discrepancies need to be resolved and in the meantime, it's necessary to ask that another arrangement for payment be made.

PREVENTING MEDICAL IDENTITY THEFT

Preventing fraud begins with hiring practices. All staff must undergo comprehensive background screening as well as random audits of charts and billing activity for any friends or family members seen in the office. Employees should also be trained to ask for photo identification when patients come for care. Most dental patients are comfortable with providing photo identification, so this shouldn't be too concerning and does not violate HIPAA regulations. Some dental software programs have a built-in ability to take patient photos. Patients should be reassured that these photos are only for internal use and will not be posted anywhere or used for marketing purposes. It's helpful to let them know this is part of protecting their personal information and preventing fraud.

Patients should also be educated about how to keep their private data protected. They should be reassured that the dental office staff

Clinical Significance

Medical identity theft can be a complex crime that requires the efforts of patients, health care providers, insurance companies, and law enforcement professionals for prevention. Dentists and patients can take some simple steps to make it more difficult to fall victim to these thieves.