

bendbulletin.com

The Bulletin

## Patients need better control over their care

Published: April 28, 2012 4:00AM PST

Does a patient have the right to refuse a specific treatment?

Most people would say yes, but what if it means getting kicked out of the doctor's practice and therefore getting no care at all?

That makes for a pretty hollow right to refuse treatment.

Some patients in Bend have faced this dilemma because they didn't want dental X-rays. In one case the reason was financial; in another, it was a desire to avoid radiation exposure.

The dentists said: No X-rays, no treatment. Not even a cleaning.

They told Bulletin reporter Markian Hawryluk in a report published Friday that they'd risk losing their licenses or having to fight malpractice lawsuits if they didn't follow standard practice.

And they said it wouldn't help even if patients signed waivers taking responsibility for deciding to forgo X-rays.

The patients were told to find care elsewhere.

First and foremost, we object to the loss of control by the patient. The woman who cited financial reasons was trying to make good decisions about where to spend her limited dollars. If she can't afford all the medical care recommended, she has to make those choices. Unless another dentist takes a different position, she is left with no dental care, surely not a better medical situation.

The patient who cited radiation exposure is entitled to make the choice for himself about balancing the benefits and risks. He, too, now gets no treatment instead of some treatment, unless he can find another dentist with a different view.

So why were these dentists so rigid?

They cited a recent newsletter from the Oregon Board of Dentistry, which states that "the standard of care in Oregon requires that current radiographs are available prior to providing treatment." The board said a patient waiver doesn't matter.

So what does "current" mean? The board doesn't say, and national standards are varied.

In such an uncertain climate, the dentists have no incentive to take the chance that their judgment might later be found faulty, so sticking with the most frequent X-ray guidelines makes sense for them, even if it doesn't make sense for the patient.

One important caveat: In cases where extensive dental treatment is needed, there's little dispute that X-rays are needed to guide it. Our objection is in cases where no significant problems have been identified or are suggested by visible evidence or the patient's background.

Good, economical medical care requires judgment that balances myriad issues. Patients and doctors need to be in control, without unreasonable fear of licensing boards and malpractice suits.

That means licensing boards need to affirm their respect for medical judgment, not just for adherence to guidelines. It also argues, as we've said before, for serious malpractice litigation reform.

Published Daily in Bend Oregon by Western Communications, Inc. © 2011

**[www.bendbulletin.com](http://www.bendbulletin.com)**