

Book Reviews

Friedman JW. *The Intelligent Consumer's Complete Guide to Dental Health: How to Maintain your Dental Health and Avoid Being Overcharged and Overtreated.* (Revised edition of the original Consumer Reports Book). Bloomington, IN: 1st Books Library, 2002. 298 pp. Paperback (\$18 including shipping and handling). Book may be ordered directly from the author at jfriedman@universalcare.com or from the publisher at www.1stbooks.com.

After 11 years, it is timely that Dr. Jay Friedman has released a revised edition of his comprehensive consumer's guide to oral health and dental care. The author is highly qualified for this task by his experience in quality standards, group practice, dental insurance systems, and especially insurance claims review.

The complexity he faces in adequately addressing this topic for consumers is accompanied by the necessity for health consumers to become far better informed than the paternalism of the past allowed. What ever you may think of the shift to marketing dental health and cosmetic services—and there are many who shrink from the excesses and half-truths of such motivation and manipulation of the public in the name of health care—there is no turning back.

For the public, then, caveat emptor is the corollary to marketing of dental services. Just how the public can become aware and wary, while not losing faith in the inherent value of regular but evidential dental care, and while improving personal preventive behavior, is the task Jay Friedman accomplishes in this revised edition. He succeeds as a consumer advocate, maintaining a necessary distinction from professional advocacy.

Most will not read this book as a text, but as a source of specific information. The book is comprehensive and yet has sufficient replication of advice to be self-contained within its topics. A comprehensive index and a glossary allow the reader to cross-check additional information. Most

chapters end with a concise summary and references.

The book begins with a discussion of attaining lifetime dental health. Understanding the need for consumer choice in treatment, the author consistently describes the options. Most importantly, he informs on the option of no treatment and its concomitants. In this he follows the much-ignored ethical dictum "primum non nocere," first do no harm. Frequency of recall examinations, of radiographs, of preventive measures, and the functional need for missing tooth replacement and orthodontic treatment are discussed. Then the impacts of overtreatment on patients' out-of-pocket costs, on future insurance rates paid by consumers directly and as a benefit of employment in lieu of salary, and on oral health outcomes are systematically explained. Through his use of the aphorism FUN (functionally unnecessary) treatment, Dr. Friedman makes it clear who is enjoying this enterprise. Thus he advocates that consumers clearly understand that cosmetic dentistry is elective and that they should research its risks, benefits, longevity, and prognosis.

The language to the public is refreshingly direct: "You are at risk of ... being viewed as a financial target," "Dental assistants and hygienists ... combine with the dentist to make a powerful sales force to entice you ... to buy more and more expensive treatment than you need," and "If treatment needs are complex, a patient should be given a choice of alternative treatment plans to match his or her preferences and budget."

The question is, can the public become not only better informed but also break through the expectation and intimidation barrier to assert the desire for information, choice, and more autonomy? These barriers can exist even without overt marketing. The answer of course lies in the need for dental professionals and patients to strive for an ever-improving balance of patient versus dentist autonomy, beneficence, veracity, and social justice. But consumer education, such as this book provides, is needed if this ideal is to be

approached. Another driver of the necessity for a better informed public is managed care and dental insurance of all types, where a public understanding of the complex choices offered to plan participants is essential if cost containment and quality are ever to be attained. Here, too, this book will not disappoint the consumer.

A citation of the first edition of this book was made in a symposium on caries risk management, where it was stated that the book was more up to date in its application of caries de-/remineralization than many textbooks of operative dentistry. Unfortunately, this remains the case. The failure in the United States to follow the implications of sensitivity and specificity of traditional and newer caries detection methods in an era of overall lower caries prevalence and incidence makes for institutionalized overtreatment. It is a pity that the author speaks of "watching a small cavity" when he might have said "promote the remineralization of caries of enamel and observe the outcomes at recall." Harnessing remineralization should not be a passive enterprise for dentist or patient.

With both fee-for-service and capitated systems, diagnostic codes are needed for justification of fees and outcomes. Dr. Friedman expresses the hope that an informed public will draw the attention of dentists to this weakness; thus, it is disappointing that he does not also describe how the insurance industry could promote diagnostic codes and evidence-based care to help bring about these improvements. He forthrightly advocates for expanded duties of dental hygienists and assistants, and warns that the risk of unnecessary fillings increases as consumers change dentists.

The author also emphasizes indirect pulp capping procedures in the attempt to maintain pulp vitality and avoid more expensive and invasive endodontic treatment when possible. He proceeds on to a discussion of the various types of restorations, their justification, and potential misuse.

The discussion of oral mucosal dis-

ease is very informative and well founded in both the preventive and therapeutic sense. In a brief discussion of HIV/AIDS, no information on infection control measures a consumer should expect to observe in a well-run practice is given. And while the prevention and early detection of oral cancer is well covered, the text does not include currently advocated tobacco cessation measures as a prime means of preventing oral and other cancers in dental practice.

Three chapters are devoted to periodontal disease that emphasize longitudinal clinical observation, express healthy skepticism about nonprescription antibacterial mouthrinses and other magic bullets, and describe the necessity for a primary phase of treatment and self-applied prevention before determining the need for surgery.

In the chapter on cosmetic dentistry and orthodontics, Dr. Friedman discusses risk and benefit, permanence versus relapse and retreatment, and advises consumers to ask about the dentist's policy on early failure. He is evidence-based in debunking professional promotion of treatment of malocclusion because of supposed general association with periodontal disease, inadequate chewing ability, myofascial pain, temporomandibular joint disorder, bruxism, and impacted molars. He advocates for limited orthodontic treatment for those many families unable to afford "ideal" treatment.

Some dentists who would never dream of buying a new car without negotiating and comparing prices reserve special disdain for patients who "shop around." Given the marketplace many dentists and insurance companies have themselves created, this makes no sense today and Friedman is not reluctant in advising consumers to compare and negotiate prices.

We all face growing accountability in every aspect of life. It's no use pretending a self-contained Victorian code of professionalism can operate today, when we now have highly developed consumer, professional, and occupational laws and regulations designed to protect both the public and the profession. Nineteenth century notions of professional autonomy were not considerate enough of patient autonomy for our times. This is exemplified by the ethical and legal changes

in consent to treatment, from the reasonable practitioner standard to the present reasonably informed patient standard. Inappropriate and unchanging ideas of professional autonomy occasion embarrassing professional group behavior, such as dentistry's attempts to reject Occupational Safety and Health Regulations and the ongoing weak public representation on dental licensing boards. As Friedman says, "In the long run what is best for the public will also be best for those who serve it." One wonders why this has to be so only in the long run.

In the chapter on prosthetic dentistry, the author could address more explicitly those older consumers who, having attained full dentures, believe all their dental problems are permanently solved, while remaining ignorant of the ongoing oral cancer risk. Detailed advice on prosthetic treatment, including implants, is conveyed.

He describes widespread overcharging for tooth extraction by escalation of treatment (difficulty) code, routine but unnecessary supporting treatments, and repeated radiographs because of common failure to send current films for referred or transferring patients. The author makes very clear that a second opinion should be sought when nonresponse to treatment of complications of care persists, as well as to help decide on more complex treatment plans.

The chapter on drugs and anesthetics is inadequate on behavioral management of pain and anxiety, relying more on drugs that typically inhibit a more appropriate learned response to perceived threat. Working with a clinical psychologist would also be productive for dentist and patient in severe cases. Likewise, patient linkage to a clinical nutritionist is desirable if diet-based factors continue to result in oral disease. Neither is addressed, and the failure to include such referrals under insurance is further evidence of the undesirable separation of dental and other health care.

The chapters on choosing a dentist and financing dental care are gems. Dr. Friedman warns persons seeking a dentist to protect themselves from greed and charlatanism of unethical dentists. The informed patient can more confidently approach this difficult task. The author also stands for the secondary negative alternative, the

right to reject a dentist and choose another.

He goes on to discuss the intricacies of the various forms of managed care. Those open panels that can include "any willing provider" greatly inhibit quality assurance systems and Friedman comes down in favor of the staff model HMO as having the best chance of cost containment with improved quality and patient satisfaction. This model is not available in many regions. He sees its illegality in some states as more of a tribute to dentists' rigid notions of organizational structure of practice than to progressive innovation. As the inability of much of managed care to contain cost and to comprehensively improve quality is now apparent to us, the HMO model is not generally thriving. HMOs are reeling under the onslaught of takeovers by insurance companies and their growing need for profit. As the insurance industry finds such enterprise no longer worthy of investment, this side of managed care collapses. We can only be sure that many consumers will continue to be faced with great difficulty in accessing affordable dental care in these unstable circumstances.

The discussion on financing dental care, however, does not adequately guide the consumer with lower income on how to utilize public insurance effectively—Medicaid and the State Children's Health Insurance Programs. This is a lost opportunity, not just in the case of the individual seeking such guidance, but because the families who use public insurance could become advocates for improvement of these essential programs. Benefit to the public and to dentists would result.

Those many dentists whose foremost aim is to serve patients should consider placing a copy of this book in the reception area. This would be rewarded with better informed patients who have a firmer basis of trust in their dentist and dental hygienist.

It also ought to be read by all dental students so fewer would leave school with inadequate information, understanding, and appreciation of their public. The underlying public service ethos, the common sense and evidential nature of its advice, the development of the public's perspective of our profession, and its explanations of dental care financing are a reality

check for dental professionals and a valuable resource for consumers.—*John P. Brown, BDS, PhD, UTH-SCSA Dental School, Department of Community Dentistry, 7703 Floyd Curl Drive, MC 7917, San Antonio, TX 78229-3900. E-mail: brown@uthscsa.edu.*

Pollack BR. *Law and Risk Management in Dental Practice*. Chicago, IL: Quintessence Publishing Company Inc., 2002. 284 pp. Paperback (\$49.00).

"Law and Risk Management in Dental Practice" provides the practicing dentist with a basic guide to the US legal system and how the law impacts a dental practice. Burton R. Pollack, DDS, MPH, JD, professor of health law and dean emeritus at the School of Dental Medicine at Stony Brook and one of the preeminent scholars on dental law and dental risk management, offers a book that is the only current in-depth treatment of the law as it relates to dentistry. The only other current treatment of dental law appears in chapter 17 of Jong's *Community Dental Health* (Gluck GM, Morganstein WM. Jong's Community Dental Health. 5th ed. St. Louis, MO: Mosby-Year Book Inc., 2002). However, at 41 pages, that chapter provides only a cursory look at dental law.

"Law and Risk Management in Dental Practice" is much more comprehensive. Although the book is very detailed, it is easy to read and basic in its concepts. The strengths of this book are in its simplicity, its practicality, and its ease of use. Any lay dentist, dental student, or dental health care worker should be able to understand the legal system, legal principles, and risk management suggestions that Dr. Pollack presents. This book should be on every practicing dentist's bookshelf and should be included in every dental school's curriculum.

The concept of the book is to introduce the practicing dentist to the law, not make the practicing dentist an expert in the law. The book begins with an introduction to the US legal system. It describes how the legal system can and does regulate the practice of dentistry. The first two chapters give the reader not only a practical view of the current status of how the legal system affects the practice of dentistry, but also gives a historical account of how the laws and regulations have

changed through the decades. This historical information allows the reader to understand how laws and regulations develop. Moreover, it gives the reader the perspective to see how the laws and regulations that impact the practice of dentistry may change in the future.

The book goes into a detailed, but easy to read and understand, discussion of topics relevant to medical malpractice and negligence and how to prevent this from occurring. The book covers everything from practical matters, such as what is informed consent and how to handle patient records; to procedural issues in a malpractice case, such as expert witnesses, statutes of limitations, and evidence. My only criticism is of the organization of the chapters. For improved flow of the materials, chapters 3–6 ("The Dentist–Patient Relationship: Contract Law"; "Is It Negligence, Malpractice, or Breach of Contract?"; "Statute of Limitations and Statute of Repose: How long the Patient Has to Sue"; and "Experts and Standards of Care") would be better immediately preceding chapters 13–16 ("Trial of a Suit in Malpractice: Res Ipsa Loquitur, Hearsay Evidence, and Contributory Negligence"; "What to Do and What Not to Do If You Are Sued"; "Dentist as Witness"; and "Reports on Jury Trials and Disciplinary Proceedings"). All of these chapters discuss the more technical and procedural issues of a medical malpractice, negligence, or breach of contract court case. In contrast, chapters 7–12 ("Vicarious Liability and Respondeat Superior"; "Does the Dentist Have to Treat?"; "Consent, Informed Consent, and Informed Refusal"; "Abandonment and Dismissal of a Patient"; "Taking the Medical-Dental History"; and "Patient Records") and 17 ("Risk Management in a Dental Practice") are more concerned with the more practical issues of how to manage risk in the office.

While this book stresses risk management and discusses it in the context of medical malpractice and negligence, it also provides many other nuggets of useful information. From contracts to incorporation to employment issues, the book discusses the laws regulating these topics. However, the organization of these other topics is haphazard. This unsystematic design compromises the reader's ability to quickly reference these top-

ics.

Additional chapters, specifically devoted to nonmedical malpractice or nonnegligence issues, are warranted. The book begins to do this in chapters 2 and 3, discussing other regulatory bodies (e.g., the Occupational Safety and Health Administration [OSHA]), statutes (e.g., the Americans with Disabilities Act [ADA]), and contract issues. However, the information the book provides does not go far enough. While the book does discuss the ADA in relation to the treatment of patients with HIV and AIDS, it is surprising that the book fails to mention *Bragdon v. Abbott*, (524 US 694 [1998]), the Supreme Court case (which coincidentally involved a dentist and his treatment of an HIV+ patient) that established HIV/AIDS as a disability. Moreover, the book only touches on the issues of how the ADA impacts office design and accessibility, and employment.

The book's coverage of contracts is good. However, it does not really discuss what to look for in certain contractual relationships such as those with third party payers or associate dentists and other employees, or the validity or legality of certain types of clauses such as "noncompete" or "restrictive covenant" clauses.

The book discusses the issue of incorporation over three pages in chapter 7, "Vicarious Liability and Respondeat Superior." However, the issue of whether to incorporate, the types of business organizations available, and the pros and cons of each type of organization—not only the liability issues that the book discusses, but also the tax benefits or burdens of each and how to incorporate—could fill an entire chapter.

There are other issues and materials that the book could have covered that are important to the practicing dentist. Besides the issues mentioned previously, coverage of computer records, taxes, licensure, and fraudulently billing for services could be included or expanded upon in the book. For example, the federal government and most states have False Claim Acts—laws that provide for civil sanctions of treble damages, plus up to a \$10,000 fine for each fraudulent submission (line item vs form). Generally, this covers only federal or state-sponsored insurance plans. However, many private insurance companies

and states argue that these acts should cover fraudulent claims upon private insurance as well.

Another of the drawbacks of the book is that it leans heavily on New York State laws and regulations. To remedy this, the book could include more tables giving a state-by-state indication of the legal procedures the book raises. Such a table is included for statutes of limitation (p 66, Table 2), but not for other legal procedures, such as for standards of care. Addi-

tional tables would make the book more practical and user friendly for dental practitioners in all states. Lastly, I would suggest a list of relevant federal and state Web sites that the reader could access to investigate pertinent federal and state laws and regulations. Better yet, the author could provide a Web site that would track any relevant court cases or legislation impacting current laws and regulations that affect dentistry.

Overall, this book would be a valu-

able tool in any dental professional's office. The office audit (chapter 18) alone is worth the price and time spent on the book. If more dentists understood and followed the information and suggestions in this book, their risk and potential liabilities would go down.—*Douglas T. Manning, DMD, JD, MPH, University of Florida College of Dentistry, Division of Public Health Services and Research, PO Box 100404, Gainesville, FL 32610-0404. E-mail: dtmanning@yahoo.com.*

Archives

Maria Teresa Canto, DDS, MPH

Appointments

Valerie Robison, DDS, PhD, MPH, joined the Division of Oral Health at the Centers for Disease Control and Prevention as a dental officer/epidemiologist in November 2002. Dr. Robison resides in Atlanta, GA, with her husband and two children. She received her PhD and DDS from the University of North Carolina and her MPH from Johns Hopkins University. From 1996 to 2002, Dr. Robison was on the faculty of epidemiology at the School of Public Health, Johns Hopkins University. Between 1996 and 1999 she directed field activities in northern Thailand for the HIV/AIDS collaborative research program between Johns Hopkins and Chiang Mai universities. Previous professional roles include senior lecturer at the Department of Community Dentistry, University of Dar es Salaam Faculty of Dentistry in Tanzania; national coor-

dinator of Community Oral Health Programs in Tanzania; and director of the Hospital Dental Department in Kathmandu, Nepal. Currently, Dr. Robison is an active volunteer in international programs of the American Dental Association and Health Volunteers.

Awards

Alice M. Horowitz, PhD, MA, RDH, received the Hispanic Dental Association President's Award at the association's annual meeting held in San Diego, CA, in November 2002. The award recognized her efforts to better the oral health of diverse US populations, as well as her mentorship of Hispanic oral health professionals. Dr. Horowitz is senior scientist at the National Institute of Dental and Craniofacial Research. She earned her dental hygiene, undergraduate, and master's degrees at the University of Iowa and her PhD in health education at the University of Maryland. Dr. Horowitz is a

past president of AAPHD.

Dushanka V. Kleinman, DDS, MScD, received the Hispanic Dental Association President's Award at the association's annual meeting held in San Diego, CA, in November 2002. The award was in recognition for her dedication and support of oral health research and initiatives to reduce oral health disparities in the United States. Dr. Kleinman is the deputy director of the National Institute of Dental and Craniofacial Research and the chief dental officer of the US Public Health Service. She received her DDS from the College of Dentistry of the University of Illinois and her MScD from the Henry M. Goldman School of Graduate Dentistry, Boston University. Dr. Kleinman is a past president of AAPHD, and a diplomate and past president of the American Board of Dental Public Health.