Because of the relatively small number of orthodontic specialists and the high demand for orthodontics, little time is spent communicating with patients. With the demand so great, large numbers of general dentists and cosmetic doctors have started practicing orthodontics. There have been many mistakes made, which has made the public question the quality and validity of orthodontic treatment.

The increasing number of orthodontic medical disputes is also related to social influences. Various negative reports have increased the awareness of the public of the legal rights of patients. Sensationalized and unverified reporting in the mass media may have led to a deterioration of the doctor-patient relationships and a loss of public trust in the orthodontic profession. This, in turn, has led to an increase in legal disputes.

In medicine, a number of unscrupulous people are profiting from these disputes. The Chinese Medical Society investigated 116 hospitals and found the highest compensation for a single medical dispute was 920,000 RMB (about $133,000), with an average of 108,100 RMB (about $15,000). Some in the unemployed population were hired to make false claims against the hospitals for profit.

Current governmental medical insurance excludes orthodontic treatment as a regular health insurance item. Consequently, orthodontists are strictly fee-for-service, which also heightens the risk of legal disputes.

The purpose of the present study was to investigate the nature of medicolegal disputes of orthodontic treatment in China.

Sixty-one cases of orthodontic medical disputes were investigated. There were 46 cases with patients younger than 18 and 15 cases were adults. Twenty-six patients were male and 35 were female.

These patients were evaluated by three senior orthodontic specialists who were associate professors and professors in a major university. They evaluated orthodontic treatment planning, case records, models, radiographs and photographs. The causes of disputes with some examples are summarized as follows:

- **Inappropriate treatment plan.** There were 16 patients with inappropriate treatment plans; a typical example would be orthodontic treatment instead of combined orthodontic and orthognathic surgical treatment in patients who exhibited severe skeletal deformities.
- **Inadequate communication.** There was miscommunication with 15 patients. Some examples investigators found were guaranteed results or a guaranteed prognosis or that treatment fees had not been adequately clarified.
- **Insufficient clinical experience.** The causes of orthodontic medical disputes include excessive retraction of anterior teeth or anchorage loss.
- **Negligence.** Examples include direct injury, e.g., a band in the esophagus and/or trachea; or injuring the mucous membrane by a needle holder.
- **Insufficient compliance.** Examples include obsessive compulsive disorder (OCD), depression or emotional changes of orthodontists.
- **Developmental problems.** This and compensation have become the focus of medical disputes.
- **Relapse.** This was not explained and not dealt with.

The data shows that an incorrect treatment plan, inadequate communication and insufficient clinical experience are the three major causes of orthodontic medical disputes (26.2 percent, 24.6 percent and 16.4 percent respectively — see Table 1).

### Table 1: Distribution of medical disputes

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inappropriate treatment plan</td>
<td>16</td>
<td>26.2%</td>
</tr>
<tr>
<td>Inadequate communication</td>
<td>15</td>
<td>24.6%</td>
</tr>
<tr>
<td>Insufficient clinical experience</td>
<td>10</td>
<td>16.4%</td>
</tr>
<tr>
<td>False manipulation</td>
<td>3</td>
<td>4.9%</td>
</tr>
<tr>
<td>Negligence</td>
<td>4</td>
<td>6.6%</td>
</tr>
<tr>
<td>Insufficient compliance</td>
<td>5</td>
<td>8.2%</td>
</tr>
<tr>
<td>Suspected psychotic disorder</td>
<td>5</td>
<td>4.9%</td>
</tr>
<tr>
<td>Developmental problems</td>
<td>3</td>
<td>4.9%</td>
</tr>
<tr>
<td>Relapse</td>
<td>2</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

More time should be devoted to communication during the initial phases of treatment. Treatment plan, duration and cost should be discussed before treatment is initiated. An informed consent form should be signed. If there is more explanation and education of patients, fewer disputes will arise. Make sure patients’ expectations are not more than can be provided with orthodontic treatment.

Describe the retentive phase before orthodontic treatment is initiated and explain the importance of retention.

Fundamentally, it’s urgent for the Chinese orthodontists to improve their proficiency and skill. Applying no-fault liability to medical injury compensation and adopting the liability insurance system can mitigate many conflicts and would be beneficial to both patients and orthodontists.

Improving the contemporary faulty medical treatment system and the medical liability insurance are necessary and inevitable ways to mediate the medical issues.

### Suggestions for the prevention of orthodontic medical disputes

- More time should be devoted to communication during the initial phases of treatment. Treatment plan, duration and cost should be discussed before treatment is initiated. An informed consent form should be signed. If there is more explanation and education of patients, fewer disputes will arise. Make sure patients’ expectations are not more than can be provided with orthodontic treatment.
- Describe the retentive phase before orthodontic treatment is initiated and explain the importance of retention.
- Fundamentally, it’s urgent for the Chinese orthodontists to improve their proficiency and skill.
- Applying no-fault liability to medical injury compensation and adopting the liability insurance system can mitigate many conflicts and would be beneficial to both patients and orthodontists.
- Improving the contemporary faulty medical treatment system and the medical liability insurance are necessary and inevitable ways to mediate the medical issues.

**About the author**

Dr. Youqian Peng is a professor and vice director in the Department of Orthodontics at the School and Hospital of Stomatology, Wuhan University, PR China. Contact him at: Department of Orthodontics School and Hospital of Stomatology Wuhan University 257 Luoyu Road Wuhan 430079, PR China. Phone: +86 (27) 87686225 E-mail: pengyounger@163.com