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Using Written Informed Consent Forms

Written informed consent forms are used to supplement, but not replace, informed consent discussions. Most patients do not remember all that they were told during the informed consent discussion, making written forms a valuable reminder to both the patient and the dentist. When used, they should have uncomplicated language that the patient will understand.

When is it advised to use such a form? We recommend written informed consent forms for procedures with high claim frequency, a significant risk of injury, and those having the potential for patient misunderstanding. This includes, but is not limited to, procedures such as extractions, root canal treatment, crown and bridge, implants (both placement and restoration), surgery involving incision and flap reflection (perio, endo, preprosthetic, etc.), cosmetic dentistry, orthodontics, TMD treatment, and IV sedation or general anesthesia (use a separate consent form).

We also suggest that you employ a written informed consent form with patients whom you feel present an increased risk, whether for their argumentative nature or their forgetfulness. In practical terms, you may use a written informed consent form for any procedure you choose. For simple procedures, such as operative dentistry, an informed consent form may seem impractical. But what if you're placing a large direct MODB composite on #30 due to deep recurrent decay around a 30-year old amalgam? It is an operative procedure, but one with a significant risk of a pulpal exposure or pulpal trauma that could lead to root canal treatment and a crown. Does the patient know of these risks and accept them?

An alternative documentation method is to write in the patient's chart the important points of the informed consent discussion and ask the patient to sign the record entry. However, a cursory entry that "risks, consequences, and alternatives were discussed" has significant limitations: the dentist would still be required to explain in court the express discussion, but without being able to refer to a comprehensive record of the specific points and topics that were covered.

Effective informed consent forms should be customized to both the patient and the procedure, after which the patient is asked to sign the form. A good form will help direct the discussion and will act as a reminder to the dentist to cover certain important points. Think in the context of educating the patient to pass the 3-question quiz mentioned earlier. In addition, the dentist should sign the form and retain a copy in the patient's chart.

Written informed consent forms should include the following *minimum* information: the name of the dentist who will be providing care, the name of the treatment(s), procedure(s), or test(s), the nature of the proposed treatment (necessity and benefits), the potential complications and general risks of the procedure and any specific risks for this patient, and the available alternatives to the recommended treatment. Additionally, the form should be able to be tailored to individual patient needs, using checklists and/or fill-in blanks.

Some dentists also include blank areas for patients to describe, in their own words, their understanding of the discussion. Written patient comments serve to verify that the patient has understood the information presented.

When using written informed consent forms, give the form to the patient on a date prior to the treatment date so there is time to think about the decision. Always ask the patient to sign the form, although a

patient signature is not necessary to prove that an informed consent discussion took place. Keep the original form in the patient's chart to document the specific information given to the patient, then document the use of the form in the progress notes. And always give the patient a copy of the form to keep.

For your reference, we have posted a sample informed consent form. You'll notice that it allows for customization and personalization by filling in the blanks with specific information that accurately describes the issues addressed in the informed consent discussion. Other forms are available from other sources. If the forms you see are not satisfactory due to length or language, do not simply dismiss their use. Instead, create your own form using components from various sources. We also encourage you to create procedure-specific consent forms for those dental procedures you perform frequently. Whatever form you choose to use, you should consult with your personal attorney to ensure compliance with state statutes. In any case, you can use this sample form as a "prompter" to help direct the discussion.

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