LABORATORY CONSCIOUS?

Then why not select a Ticonium Laboratory to insure beautiful craftsmanship supported by the finest chrome alloy in existence. Ticonium.
TIC January, 1948

Index of 1946 TIC

Medical and Dental Relations, B. B. McCollum, D.D.S. .......... February
Mucostatics .......... April
Old Reviews of Required Strategy In The Management Ponticless Bridge For Restoring Functional Balance War-Postponed Medical-Dental Care .., Responsibility, The, Anniversary Square Deal In Dental Health Administration Downtown Dental Editorials, by Au Revoir Cartoons, .. Special Monthly Features

1947 TIC INDEX

THE WONDERFUL WELCHES Joseph George Strack 2
THE DENTIST AND THE LAW Hugh D. Combs 7
WHAT THE DENTAL PROFESSION IS READING Josephine P. Hunt 10
DEPRECIATION AND YOUR INCOME TAX Harold J. Ashe 12
TAX TIME TABLE 13
THE SHARP EXPLORER Shirley Easley Webster, B.S., R.D.H. 14
15

—AN OLD THOUGHT FOR A NEW YEAR—

We live in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial. We should count time by heart­throbs. He most lives who thinks most - feels the noblest - acts the best.

-Philip James Bailey.

CONTENTS

TIC Magazine is published monthly by TICONIUM, 413 N. Pearl St., Albany 1, N.Y.
Annual subscription, $2.50. Copyright, 1948, by TICONIUM.
Opinions expressed by contributors to TIC Magazine do not necessarily reflect the views of the publisher.

Cover art: John Schuster.
Printer, New England Printing and Lithographing Company, Inc.

Editor - Joseph Strack

Page Sixteen
THE WONDERFUL WELCHES

THE DYNASTY OF DENTISTS—FATHER, THREE SONS AND DAUGHTER—that developed a new drink for mankind, substituted grape juice for wine in churches all over the world. Built a huge industry, became the first prohibitionists in America, raked in rain on the prohibition party ticket; capitalized on the "grape juice navy"; promoted an alloy for dental use, founded dental items of interest and African news; set up the Welch Trust Fund for charity and religion; and made a fortune.

By JOSEPH GEORGE STRACK

One Sunday morning in 1869, Thomas B. Welch, a dentist, set in a little church in Vine-land, New Jersey, and anxiously watched the faces of parishioners participating in the communion service. Watching with him were two of his three dentist-sons, his dentist-daughter, his other three daughters and his wife.

The parishioners were being served a strange new liquid instead of the raisin-water previously used in that particular church and in place of fermented wine that was used universally in other churches.

The new beverage was grape juice. Welch, the recording steward of the church, had prepared the unfermented juice of Concord grapes for sacramental usage—the first time that beverage was so used in history.

The more or less impoverished dentist, deeply disturbed by the rising wave of public drinking that followed the Civil War, was a devout prohibitionist. He was determined to start his fight against alcohol in the church itself by campaigning against the use of wine in the communion service.

Little did Dental Welch know that his idea and his grape juice were to become a fascinating facet of history, that his conception was to change a centuries-old religious practice for millions of church-goers, build a great commercial enterprise, make grape juice an international drink, lay the foundation for a great fortune and create one of the most curious stories in all dentistry.

Dentist, Horticulturist and Scientist

Grape juice, the first fruit juice to be preserved so that it could be served the year around, was developed through the work of three men, all of whom lived at the same time but who never met.

They were Thomas Welch, Ephraim Bull and Louis Pasteur.

Bull was a horticulturist of Concord, Massachusetts. He tried for years to develop a superior grape by crossing many varieties of native grapes. He conducted more than 20,000 experimental crosses without success. Then, one day there sprang up in his garden a seedling which proved to have exactly the unusual qualities Bull had sought for years. It was "an accidental seedling of unknown parentage." It became the famous Concord grape.

The second man was Louis Pasteur, the cele-

The ADA's Council on Dental Therapeutics has taken quite a step in changing its policy about dentifrices. No longer will they grant the coveted "seal of acceptance" to a paste or powder which merely cleans. (After all, salt or baking soda admittedly do the job but have never rated high on the popularity list.) The Council plans to leave the regulation of ridiculous advertising claims to the federal pure food and drug agencies.

The mere we hear and read the current advertising, the more are we convinced that it is rapidly approaching the vanishing point of silliness. Some day soon a proved moron will just shrug his shoulders and turn off the radio.

Can it be that we are on the brink of really therapeutic toothpastes, such as those containing fluorides, vitamin K, urea, and so forth? If so, the Council will no doubt have plenty on its agenda in evaluating these.

The question of dental hygienists being asked to apply topical applications of fluorine has come up again—this time in Pennsylvania. The General Dental Law there expressly forbids a hygienist from performing any operation which does not have to do with "removing tartar deposits, accretions and stains from the exposed surfaces of the teeth and directly below the free margin of the gums." So there is no question but what such a procedure would be illegal for a dentist to request or a hygienist to perform—at least until the law is amended. The dentist who supervises her work is as rigidly regulated by law as his hygienist and neither should take upon himself responsibilities for which the law does not provide. Laws can be changed, if need be, to meet changing conditions.

More about Pennsylvania. It seems that the dean of one of the dental schools in Pennsylvania went on record as disapproving the two-year training course in spite of the fact that the Dental Council and Examining Board of the State adopted a resolution last March approving the extension of training. So— the Board, after careful consideration of all the facts (and the dean is an educator of no mean reputation), reaffirmed its earlier decision. Is there now a deadlock, we wonder, or must the school automatically extend its training course for hygienists or go out of business?

1947 TIC INDEX

Articles and Authors

A.B.C. Psychology, H. D. Meary

Areas Of Alprehension, R. C. Dalgliesh, D.D.S., M.P.H.

Canada's Oldest Practicing Dentist, Phil Glumser

Classification and Diagnosis of Periodontal Diseases, Bain H. Orban, M.D., D.D.S.

Cleveland Health Museum, Howard A. Hartman, D.D.S.

Dentist and His Heart, The, R. Kenneth Thomas, B.Sc., M.D.

Dentist and The Dental Laboratory, Tha. Dr. H. B. G. Robinson

Dentistry Behind Bars, Roy Lee Martin

Dentistry With A Purpose, B. B. McCollum, D.D.S.

Dentist's Patron Saint, Joseph G. Strack

Dentistry's Tomorrow, S. Joseph Bregstein, D.D.S.

Dentists Voice Protest Against Joining Union, Phil Glauser

Diary For May, 1947, James Robinson

Did GI's Receive "Marvelous And Adequate Dental Care"?

Doctor Who Defeats Death, The, Joseph G. Strack

Ethyl Chloride—And Ideal Anesthetic . . . . L. N. Ellsworth, D.D.S.

Extraction, By Dr. Uncle Sam, Joseph G. Strack

Famous Columnist Sounds Note Of Warning, . . . . Stanley M. Gower, D.M.D.

He Was An Awfully Nice Fellow And We Miss Him A Lot, J. W. Gordon, D.D.S.

I'm Not Going To Get Caught This Time, Anonymous

January, 1948

Page Two

Page Fifteen
A man we heard of once, when asked why he wasn't present at Sunday morning worship more regularly, remarked that he didn't consider it fair for a minister to get up in the pulpit and preach to him without giving him an equal chance to answer back.

Half the opportunity of asking questions about: he notes, and in Finland the percentage jumps.

A man we heard of once, when asked why he didn't consider it fair for a minister to get up in the pulpit and preach to him without giving him an equal chance to answer back.

Half the opportunity of asking questions about: he notes, and in Finland the percentage jumps.

Inside curiosity concerning a dental health picture in present-day Europe—some of the pros and cons.

Girls! Girls! Girls! If you want to know what a truly glamorous profession dental hygiene is, you should read an article published in the February issue of the California Monthly. "That, by the way, is a publication of the University of California (Berkeley) Alumni Association. The lure of a career in dental hygiene sounds irresistible, and the writer of said (unsigned) article has spared no effort to dig every last grain of gold from them their hills—plentiful jobs, professional prestige, love of adventure:

"If she [the prospective student] has a longing for far horizons, the Standard Oil Co. has a standing offer for a dental hygienist in Arabia." The desirability of joining a saccharity profession:

"Since there are more than ten girls to 135 men in the College of Dentistry, they are seldom at a loss for escorts." And lest, even so, she might fear joining the spinster ranks:

"Twenty-three out of 33 graduate hygienists have married." To go on:

"...regular hours, good financial return, and usually offers of a month's vacation."

We could quote innumerable purple passages here but this will serve for the general idea. The picture, you can see, has definitely been made terrorsal as only the verbiage of modern advertising and salesmanship can do it. And we suspect that it is just because we are so unaccustomed to such treatment of recruiting that it tends to amaze an old hand . . . There certainly is need, though, for any kind of legitimate propaganda which will enliven the cream of the high school girls into the dental hygiene training schools.

And California with its high standards—the two-year course plus two years of academic work leading to a B.S. degree has plenty to brag about.

The Five Dentists

Although the whole Welch family became interested in grape juice, the five dentists in the family continued their dental work—some practicing and others apprenticing, as was the custom for students in those days. Dr. Welch, his son Charles and his daughter Emma practiced in Vineland; a second son, Frederick, had his dental practice in Morristown, New Jersey; and the third son, George, practiced in Washington, D.C. and, at one time, in Philadelphia. The Welch Co. had plenty of help at home for there were three other daughters besides Emma—May, Villa and Clara.

Charles E. Welch, who was then in Washington, D.C., a melancholy reply to the younger Welch's letter expressing deep interest in his father's product:

"He warmed both hands before the fire of life!"

Grape Juice vs Wine

When Dr. Welch, his wife and their son Charles prepared the first dozen bottles of grape juice and brought them to the sympathetic pastor of the Vineland church for the great experiment, they opened a rift in the Methodistic Church itself. While John B. Gough, a prominent temperance evangelist of the day, had refused to participate in the sacrament because wine was used, other clergymen denounced the grape juice innovation as a reflection on God who "had turned water into wine at the wedding feast."

Cured in the crossfire of controversy, the started little dentist held his ground, proclaiming: "If wine is wrong at all, it is wrong all the way. Let us discontinue it!" The Vineland dentist became a man with a mission. The Welch family kitchen became a factory and a fort—a factory where he converted his modest professional income into bottles of grape juice, and a fort where the juice became ammunition for his abstinance fight. Like all stalwarts with a firm conviction, he went on the road to preach his gospel. He trudged from church to church promoting his principles and peddling his juice. He sought to convert congregations of all denominations. It was a slow, painstaking job but Dr. Welch kept at it.

Gradually his orders increased until one autumn the annual bottling task became so hectic the Welches had to move bottles, grapes, and all their paraphernalia out to the barn. There the indefatigable dentist pressed a whole ton of grapes himself in one season after dental hours. Soon he built a small brick factory which eventually held two power grape presses.

The Grape Juice Establishment

Dr. Welch's grape juice was bottled in five sizes: quart, half-gallon, gallon, two-gallon, and ten-gallon cases. The cases were light blue, the bottles clear glass. The marketing was done as follows:

1. The grape juice was sold to wholesale drug dealers for reselling at retail.
2. The grape juice was sold to the flaxseed-oil manufacturers for use as a substitute for olive oil in the condensation of linoleum.
3. The grape juice was sold to the pharmaceutical manufacturers for use in medicines, meats, etc.; also as a source of vitamin C.
4. The grape juice was sold to the manufacturer of vinegar as an ingredient.
5. The grape juice was sold to the manufacturer of soft drinks for use as an ingredient.
6. The grape juice was sold to the manufacturer of flour for use as a source of vitamin C.
7. The grape juice was sold to the manufacturer of bread for use as a source of vitamin C.
8. The grape juice was sold to the manufacturer of tea for use as a source of vitamin C.
9. The grape juice was sold to the manufacturer of coffee for use as a source of vitamin C.
10. The grape juice was sold to the manufacturer of ice cream for use as a source of vitamin C.
11. The grape juice was sold to the manufacturer of ice cream for use as a source of vitamin C.
12. The grape juice was sold to the manufacturer of ice cream for use as a source of vitamin C.
13. The grape juice was sold to the manufacturer of ice cream for use as a source of vitamin C.
14. The grape juice was sold to the manufacturer of ice cream for use as a source of vitamin C.
No man ever was more wrong about the prospects of his product than the elder Welch and his son Charles sensed it. He persuaded his father to try advertising. Father and son, alike in their religious convictions, instinctively chose a church periodical, the Christian Advocate, in which to insert an ad — all of one inch! No miracle occurred. In time even the imaginative, enterprising Charles seemed to lose some of his enthusiasm for grape juice. He volunteered to give up both grape juice and dentistry and go to Africa as a layman missionary, but was rejected for health reasons.

Young Welch suddenly realized what was wrong. His father had modestly geared the little, part-time business to churches and the vicinity of Vineland, hardly more. Then again, neither he nor his father had thought of the possibilities of projecting grape juice into the great outside world as a popular health drink. Young Welch decided to give up dentistry and plunge, as it were, into grape juice. He bought his father's interest in the business. At that time Welch's Grape Juice was still being delivered in a wheelbarrow to the Vineland freight office for shipping to Welch's few outside customers. Young Welch took in a partner but the latter soured quickly not seeing how close success really was.

The Key to Success

In 1896 the elder Welch, using the money his son Charles had paid him for his interest in the business, made some additional money by financing an invention. He re-bought his share in the business on hand, father and son boldly signed a three-year advertising contract with general magazines. The contract called for the expenditure of $600 annually. They wondered about this daring gesture — until these modest ads boosted their sales 25 percent almost overnight. The big break had come! They decided to give up dentistry and plunge, as it were, into grape juice. Welch suddenly realized what was wrong.

Success

Concord grapes became the chief agricultural interest of the community. Welch's Grape Juice was well on the way to becoming part of America.

An unexpected windfall of free publicity fell on April 22, 1913 when Secretary of State William Jennings Bryan gave a dinner in honor of James Bryce, the retiring British Ambassador. Bryan startled the world by serving grape juice instead of wine at this full-dress diplomatic function. Every newspaper in America reported it. The story was well on the way to becoming part of America.

The GRAPE JUICE NAVY:

From Welch's Magazine, May 1914.

A similar whirlwind of free advertising hit the lucky Welch Company in 1914 when Secretary of the Navy Josephus Daniels issued an order forbidding liquor on battleships and in Naval Yards. Immediately the satirists and cartoonists dubbed our fleet "The Grape Juice Navy." Welch's Magazine reproduced all this lampooning with great glee, pointing out that "every knock is a boom."

THE RETURN SALUTE

Baltimore Evening American

December 1, 1947. If you are a wage-earner, you must give your employer—before this date—a new certificate informing him of the number of exemptions you are entitled to under the law. He will base withholdings from your 1948 pay on this information. If your exemption-status changes, you must notify your employer. You must do this within ten days if such a change increases the withholdings.

January 1, 1948. If you are a wage-earner, the new withholdings will begin on this date.

January 15, 1948. If your 1947 tax-estimate declaration was incorrect, you have until this date to file an amended declaration. If you don't, you will be subject to penalties—unless you base your estimate upon your previous year's net income, in which circumstance you will not be subject to penalties.

January 31, 1948. If you are a wage-earner, get your receipt for 1947 taxes, withheld by your employer. This receipt can be used as your tax return, if you choose. The Collector will use it to compute your tax. If you over-paid through withholding taxes but do not have to file a return, file it anyway—to make sure you get your refund.

March 15, 1948. Your last day to file your 1947 return and pay the balance due, any sums which have not been withheld for you. Wage-earners who have the cash are entitled to $5,000 less than the $15,000 and do not have income in excess of $100 subject to withholding tax, will not need to make a declaration.

June 15, 1948. One-quarter of your 1948 estimated tax is due. Amend your declaration if necessary. If you amend it, pay one-third of the tax due.

September 15, 1948. Your third quarterly payment of the 1948 tax is due. If you amend your declaration, pay one-half of the balance due, as shown by your amended declaration.
DEPRECIATION AND YOUR INCOME TAX

By HAROLD J. ASHE, Tax Counselor

Considerable confusion still exists in the minds of many dentists as to how to treat depreciation in their income tax returns. Not a few are still ignoring depreciation on certain depreciable assets, with the result that their taxes are greatly increased thereby. Many others have set up depreciation schedules which do not conform to rules eventually be challenged by bureau auditors.

Three Errors

One commonly held misconception is that if depreciation is not taken from the outset of acquisition of an asset, the taxpayer may not take such depreciation later. He may take depreciation in a current return, even though overlooked in past returns, but only for the current year.

Depreciation, contrary to another misconception, does not start as of the date he first takes depreciation, but starts as of the date the asset was acquired. That is, past "allowable" depreciation goes, even though not previously taken.

A third error is that dentists who have not previously taken depreciation, even though allowable, ignore "date of acquisition" and "cost or other basis" meaning "other basis" as an invitation to value such assets at what their present new replacement value would be, a figure usually higher than the asset cost at time of acquisition.

Purpose of Depreciation

As it relates to Federal income taxes, depreciation is an allowance for exhaustion, wear and tear of property used in trade or business, or of property held for the production of income. The purpose underlying allowance for depreciation is to permit the taxpayer to recover over the useful life of the property the capital sum invested therein. The terms "used in trade or business" or "held for the production of income" would include property held for such purposes, though actually not in use during the taxable year.

Dentists should not confuse fluctuation in value of an asset with depreciation. For example, a piece of equipment becomes second-hand at the moment it is first used and at least its re-sale value may drop appreciably at that instant. However, such a circumstance has no direct bearing on depreciation. Only that part of the loss in value which is due to actual exhaustion, wear and tear in business use, during the year, may be deducted as depreciation.

Meaning of Obsolescence

Neither are "obsolescence" and "depreciation" synonymous. Obsolescence is the reduction in value resulting from changes in circumstances that make it desirable or imperative that the property be replaced before it has been worn out, such as newer equipment that is faster or more economical than the old equipment. Annual depreciation, on the other hand, is the loss which takes place in the course of a year.

If it is clearly shown that, because of economic or other conditions, property must be abandoned at a date prior to the end of its normal useful life, so that depreciation deductions alone are insufficient to return the cost or other basis, a reasonable deduction for obsolescence may be allowed in addition to depreciation.

"Complete exhaustion" does not necessarily mean the same thing as "useful life." If a piece of equipment, for instance, has a salvage or scrap value at the end of its useful life, this value must be taken into consideration in determining the depreciation rate.

"Useful Life"

A further requirement in determining depreciation is that the property must have a limited and determinable useful life in the trade or business. Land, for instance, upon which a building is held for such purposes, though actually not in use during the taxable year.

The Ajax Flexible Coupling

Ignoring depreciation on certain depreciable assets in their income tax returns. Not a few are still increased thereby. Many others have set up depreciation schedules which do not conform to rules eventually be challenged by bureau auditors.

In the 50 years since 1897, industrial history was made at Westfield. The wheelbarrow route to the freight office has become an international network of railroad freight cars and ocean-going steamers carrying "The National Drink to the world. Even the slogan has been outgrown.

Today the Welch Company manufactures a score of different products, has products in six cities, employs as many as 3,000 workers and uses a network of 380,000 retail outlets for distributing its growing number of food and drink items.

A Dentist's Colateral Interests

But grape juice was not the only enterprise of the energetic patriarch of the Welch clan. Dr. Thomas B., always maintaining close contact with dentistry, became interested in amal- gam. He studied it, experimented with it and finally came up with an alloy that "quickly won the plaudits of dentists everywhere." In the 60th anniversary issue of Dental Items of Interest, Dr. John V. Consott said: "Dr. Welch then began its manufacture on a large scale and added thereto other supplies. To bring his merchandise before the public, he began, in 1878, the publication of a small, unpretentious journal which he called Items of Interest in which, in addition to his advertising, were interspersed many items of interest and of profit that stimulated the minds of the readers.

"Dr. Welch was a talented and learned gentleman who devoted all of his time to the advancement of his beloved profession. He was a gifted writer and experimenter and his little publication was replete with his advice, wise sayings and clippings from the best sources of the profession. He was a learned man, devoted to the corrections of the spelling of the English language, and used the phonetic system in his journal, to the frequent sarcasm of other writers. In expanding his work, the Wilmington Dental Manufacturing Company was organized and published the Items of Interest for a number of years with Dr. Welch as editor."

In the same issue of Dental Items of Interest, now edited by the distinguished Dr. Paul H. Belden, the ubiquitous dentist is described as "a picturesque and forceful figure in dentistry." The writer, outlining Welch's 1878-1896 editorial span, said: "He combined within himself the reformer, the evangelist, the dreamer, the practical man and the idealist. He reminded one of those vigorous pioneers of the covered wagon age, who ventured into the unknown for better things in life. He was the impersonation of that rugged individualism which built our nation and our profession. In the pages of Items of Interest, Dr. Welch fought for better dentistry, for phonetic spelling and as worthy enough for prohibition. He was perhaps the first, or one of the first, prohibitionists in the country . . . In the very first number and in the very first column of Items of Interest, the evils of drink were strongly decried. We do not quite comprehend at this time what prohibition has to do with dentistry, except perhaps to make sober and therefore better dentists, but it is a characteristic which shows the pioneering spirit of the editor."

When Dr. Welch gave up the dental-magazine field he operated another publication, African News, a magazine for missionaries. He then financed the inventor of a flexible coupling and was forced to take over the business to save his investment. (Today a grandson, William Welch, owns the organization—the Ajax Flexible Coupling Company of Westfield, New York.)

And, with it all, Dr. Welch lived to see his son Charles establish a successful grape juice business. He died in 1903 shortly after the soils.
prise was incorporated in New York State. His son Charles received an inheritance from him and was married 34 years later, this "commission": "Take this (inheritance) and use it for me. You know the why of it — you know at what sacrifice it was handed and brought along — you know of my hopes and expectations. Do with it as you think best."

Dr. Charles Welch's Career

Charles died. He was as much a personality in his own right as his father. Born in Watertown, New York, in 1852, he decided to follow his father's footsteps. He did that more closely and more successfully than any of the Welch siblings — in dentistry, in industry and in religion. As a youth he served his dental apprenticeship under his brother George. After passing his State Board examinations, he went to Vineland where he practiced for seventeen years. He became a partner with his father in the Welch Dental Company, the dental supply house they operated in Philadelphia. He also joined his father in publishing the missionary magazine. Then he opened a restaurant in Westfield called the Motor Inn, which drew discriminating diners from far and wide. He built an auditorium where he offered plays and lectures. A bachelor of the Prohibition Party, young Welch ran for Governor of New York and, of course, was defeated. He was, however, president of the Village of Westfield for six terms — an honor of which he was proud.

Welch for many years started the pressing of the grapes for the Westfield plant by blowing the fire of the blast, and then left his work for the night. This announcement to growers and townspeople that the season's pressing was to begin.

Charles Welch's Canard

Charles did. He was as much a personality in his own right as his father. Born in Watertown, New York, in 1852, he decided to follow his father's footsteps. He did that more closely and more successfully than any of the Welch siblings — in dentistry, in industry and in religion. As a youth he served his dental apprenticeship under his brother George. After passing his State Board examinations, he went to Vineland where he practiced for seventeen years. He became a partner with his father in the Welch Dental Company, the dental supply house they operated in Philadelphia. He also joined his father in publishing the missionary magazine. Then he opened a restaurant in Westfield called the Motor Inn, which drew discriminating diners from far and wide. He built an auditorium where he offered plays and lectures. A bachelor of the Prohibition Party, young Welch ran for Governor of New York and, of course, was defeated. He was, however, president of the Village of Westfield for six terms — an honor of which he was proud.

In January, 1914 he wrote in Welch's Magazine:

"No enlargement has come to the business without corresponding benefit to others — these have been inappreciable in all thoughts and plans for the business; I have never been out of hearing of this saying: 'For unto whomsoever the Lord shall give, he shall be added richly.'" He did not cease the treatment of economics. Many questions pertaining to fees, record keeping and various phases of office management are asked but not adequately answered in the dental periodical literature. Several new books pertaining to dental practice have been published, however, and these are proving very helpful. They include Campbell's "The Dentists Own Business," McGehee and Walker's "Dental Practice Management, including Ethics, Economics, and Jurisprudence," Snavely's "Dental Practice and Management," and Fried's "Dentist and His Patient." A book by J. L. Blass, entitled "Successful Dental Practice," is scheduled for publication soon.

Many outstanding books have not been mentioned in this brief resume of the current literature. Those who wish additional information may obtain a list of recent books from the Library Bureau of the American Dental Association.
WHAT THE DENTAL PROFESSION IS READING

By JOSEPHINE P. HUNT

WHAT THE DENTAL PROFESSION IS READING

American dentists are conceded to be the best in the world. No other country has higher professional standards of education and ethics than the United States.

Mechanical equipment and scientific methods of research employed in American dentistry are the most advanced in the world.

Despite these facts, in America, dentists are probably sued more frequently than anywhere else. Perhaps the reason for this is due to our democratic principle that every man is entitled to his day in court. Also, in most jurisdictions in this country, it is a very simple matter to start a lawsuit. Fortunately for the dental profession, many of the claims which are made are dropped before they become lawsuits, and a great percentage of the lawsuits are either discontinued, dismissed by the courts without trial, or result in verdicts for the dentists after a trial by jury.

It seems obvious, therefore, that the American public generally recognizes that most dentists are thoroughly qualified for the practice of their profession.

Unfortunately in those cases where claims are pressed, the costs of preparation and defense are frequently very high. Under our legal system only a nominal part of these costs is assessed against the loser of a lawsuit, and in most instances even this small sum is uncollectible.

The purpose of this brief paper is to enumerate some of the causes for claims and litigation against dentists and what the dentists can do to minimize causes for complaint.

Causes for Claims

Among the principal claims made are:

(1) Alleged breach of contract in making and fitting dentures.
(2) The breaking of hypodermic needles.
(3) Extraction cases, subdivided under:
   (a) Roots left in jaws after extractions.
   (b) Infections following extractions.
   (c) Roots shoved into sinuses during extractions.
   (d) Extraction of wrong teeth.
   (e) Fracturing of jaw during extraction of molars.
   (f) Excessive hemorrhaging following extractions.
   (g) Cutting patients' mouths with instruments.
   (h) Spilling acids on faces, hands, and clothing of patients.
   (i) Death occurring while patients are under gas anesthesia.
   (j) Burns received by patients during impression taking for dentures.
   (k) Foreign bodies, such as inlays, and so forth, dropped down patients' throats into lungs.
   (l) Assaults by dentists, particularly while treating children.
   (m) Electric shocks from X-ray apparatus.

What is Expected of Dentists

As you know, a dentist is required to possess only "that reasonable degree of learning and skill that is ordinarily possessed by dentists in the same locality where he practices."

In addition to skill, the dentist is required to exercise care; and further, he is required to exercise judgment. Judgment means something more than a mere decision between two or more possible methods of procedure. It presupposes a proper investigation so that a diagnosis can be made and a knowledge of the effects of the various methods upon the condition found. However, if the judgment of the dentist results in a different decision from that which would have been made by another practitioner, there is no legal liability if the judgment was consistent with the possession of ordinary skill and the use of ordinary care.

Of course, in addition to these things, good faith is required of the dentist. If the dentist knows that it is impossible to perform a certain operation he is bound, in good faith, so to notify the patient, and to refrain from giving any treatment.

The dentist is not compelled to accept a patient unless he wishes to do so, but, having accepted the patient, he is under the duty to do everything professionally possible for him.

A dentist is never required to testify as an expert, nor is he compelled to testify against a brother practitioner.
January, 1948

Malpractice Defined

Malpractice is defined in the law books as: "Any professional misconduct, or any unreasonable lack of skill, or fidelity, in performance of professional duties; practice contrary to established rules." Malpractice may be due to willfulness, ignorance, or neglect. In its strictest form it is either lack of skill or neglect in applying it.

There is no liability on the dentist for mere accident. The patient must show that the accident resulted from negligence on the part of the practitioner. Thus, the breaking of a hypodermic needle is not in and of itself malpractice. Failure to inform the patient may be.

Again, the occurrence of infection is not malpractice; it can be shown that proper sterilization precautions were taken.

Most malpractice cases present what is known as a question of fact. This largely resolves itself into a question of who is to be believed. The patient testifies concerning an injury received and explains why the accident happened and thus to prove his freedom from negligence.

Time Limit on Actions

An action in malpractice must be brought within a certain period of time after the injury occurs. This period varies from state to state. For negligence cases, the period normally runs between one and two years. However, this does not necessarily mean that the dentist is free from liability two years after an injury has been caused. The action runs for two years after the cause of action accrued, but the cause of action accrues in some States, including New York, when the patient is discharged from treatment and not when the accident or act of malpractice occurs. Thus, in a medical case, where a surgeon left a sponge in a patient during an abdominal operation, the statute was held to start to run not from the time the sponge was removed, but from the time the patient was discharged from the post-operative care. Again, the statute of limitations is extended 60 days if the papers in the lawsuit are delivered to a sheriff for service before the expiration of the statutory period.

A different rule prevails with reference to infants. An infant has until one year after he has attained his majority or legal age in which to bring an action.

It is not infrequent for a plaintiff, against whom the statute of limitations has run on a malpractice suit, to sue for the same injuries upon the theory of breach of contract. In contract actions the statute of limitations is six years. The patient may sue for malpractice and breach of contract in the same lawsuit, setting up separate causes of action, and if the statute has run against one the malpractice the breach of contract may still be good. The difference in the two actions, broadly speaking, is that the plaintiff cannot collect for pain and suffering under a breach of contract but merely for loss of time, doctors', nurses' and hospital bills. However, if it is apparent that a subterfuge is attempted and the cause of action is clearly in malpractice and not in contract, the court will generally dismiss the case.

Where a suit is brought for personal injuries resulting from an injury to a patient in a dentist's office which is caused by negligence and not malpractice, the statute of limitations is three years. This type of lawsuit might occur where a patient tripped on a defective carpet, fell on allegedly defective stairs, or some such like occurrence.

In another case, the plaintiff alleged negligence in the handling of a hypodermic needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle, in that the dentist carelessly broke the needle,