



THE DENTAL ADVOCATE

The Most Trusted Name In Malpractice Prevention™

Jeff Tonner, J.D.

SERVICES

Since 1988 I have limited my law practice to representing dentists and dental offices; more specifically, defending dental board and civil malpractice actions, drafting and reviewing dental-legal contracts, assisting in employment issues and general business matters, offering professional education endeavors, and brokering dental practice transitions. This *curriculum vitae* highlights my dental-legal experience only.

WEBSITE

Please visit www.TheDentalAdvocate.com. for more complete information on my services.

PUBLICATIONS

BOOKS:

Ideal Charting For General Dentists,” Dental-Legal Publishing Company, Phoenix, Arizona. Copyright March, 2001.

“Malpractice: What They Don’t Teach You In Dental School,” PennWell Publishing Company, Tulsa, Oklahoma. Copyright January, 1996.

CHARTING SYSTEM:

“Ideal Charting For General Dentists System” sent via email. Contains progress-note templates for the front and back office, consent forms and constant email updates Copyright

October, 2011.

ARTICLES:

“Legal Advice Dentists Want To Know But Are Afraid To Ask,” Chicago Dental Society, September, 2004.

“If It’s In The Chart, It Happened,” Journal of the Arizona Dental Association, May, 2004.

“Are Your Dental Charts Working Against You?,” DentalTown Magazine, November, 2003; The Newsletter of the Colorado Dental Association, June, 2004; Journal of the Louisiana Dental Association, Fall 2004.

“Over Prescribing Schedule II and III Narcotics,” DentalTown Magazine, November, 2001.

“Greatest Malpractice Risk? Failure To Detect Oral Cancer,” DentalTown Magazine, August, 2001; Journal of the Okaloosa Walton Dental Society, November, 2001.

“Decisive Action Required For Post-Extraction Problems,” DentalTown Magazine, June 2001; Journal of the Okaloosa Walton Dental Society, November, 2001.

“Lack Of Charting Hampers Defense In Lingual Paresthesia Cases,” DentalTown Magazine, April 2001; Journal of the Okaloosa Walton Dental Society, November, 2001.

“Legally Speaking,” Journal Of The Arizona Dental Association, March, 2000.

“The Legal Problem With Immediate ‘Temporary’ Dentures,” Journal Of The Arizona Dental Association, December 2000.

“Dismissing A Patient: How To Avoid The Legal Trap Of Abandonment,” Journal Of The Arizona Dental Association, January 1998.

“Arizona Jury Awards Percodan Addict \$1.8 M,” Journal Of The Arizona State Dental Association, March 1997.

“Profile Of A Typical Dental Malpractice Plaintiff,” Journal Of The Arizona State Dental Association, September 1996.

“Addressing Dental Board Allegations: Blanket And Specific,” Journal Of The Arizona State Dental Association, June 1996.

“New Medical Records Act Governs Dental Chart Disclosure,” Journal Of The Arizona

State Dental Association, May 1996.

“10 Commandments Of Dental Charting,” Journal Of The Arizona State Dental Association, January 1995.

“Dentistry And The Law,” Newsletter of the Arizona Academy of General Dentistry, October 1994.

“New Drug Dispensing Laws Set Strict Standards: Govern All Arizona Dentists Effective September 15, 1989,” Arizona Dentistry, September 1989.

LECTURES

PRESENTED TO DENTISTS:

<i>Sponsor</i>	<i>Location</i>	<i>Date</i>
Foothills Study Club	Chandler, AZ	October 24, 2014
Int'l Academy of Mimi Dental Implants	New Orleans, LA	June 1, 2013
Comprehensive Care Study Club	Glendale, AZ	September 20, 2012
Gentle Dental	Tucson, AZ	May 5, 2012
Cincinnati Insurance Company	Mesa, AZ	March 9, 2012
Foothills Study Club	Chandler, AZ	November 29, 2011
Yuma County Dental Study Club	Yuma, AZ	April 22, 2011
Phoenix Society of Oral and Maxillofacial Surgeons	Scottsdale, AZ	February 15, 2011
Puja Dental Group	Chandler, AZ	September 24, 2010
San Tan Study Club	Gilbert, AZ	February 25, 2010
Phoenix Society of Oral and Maxillofacial Surgeons	Scottsdale, AZ	September 22, 2009
San Tan Study Club	Gilbert, AZ	August 30, 2007
Arizona Orthodontic Study Group	Phoenix, AZ	February 19, 2007
Synergy Dental Study Club	Phoenix, AZ	February 12, 2007
Alpha Omega	Scottsdale, AZ	December 7, 2006
Phoenix Society of Oral and Maxillofacial Surgeons	Phoenix, AZ	October 24, 2006
Western Regional Dental Convention	Phoenix, AZ	March 17, 2006
Scottsdale-Paradise Valley	Scottsdale, AZ	September 27, 2005

Study Club		
Arizona Dental Association	Prescott, AZ	September 9, 2005
Yuma County Dental Study Club	Yuma, AZ	May 6, 2005
Western Dental Services, Inc.	Phoenix, AZ	April 10, 2005
Western Regional Dental Convention	Phoenix, AZ	March 10, 2005
Columbia Endodontics	Vancouver, WA	March 4, 2005
Thunderbird Dental Group	Phoenix, AZ	January 29, 2005
Appleton Dental Plan	Mesa, AZ	December 4, 2004
Zila Pharmaceuticals	Ft. Lauderdale, FL	October 27, 2004
Zila Pharmaceuticals; Burkhart Dental Supply	Phoenix, AZ	October 14, 2004
AccuCare Dental Centers	Glendale, AZ	July 12, 2004
Sun West Dental Centers	Phoenix, AZ	July 9, 2004
Zila Pharmaceuticals; Burkhart Dental Supply	Prescott, AZ	June 23, 2004
Ariz Chapter of American Society of Dental Anesthesiology	Phoenix, AZ	May 13, 2004
Children's Dental Clinic	Phoenix, AZ	February 7, 2004
West Side Study Club	Glendale, AZ	January 20, 2004
F. James Marshall Endodontic Study Group	Portland, OR	January 17, 2004
Phoenix Esthetic Study Club	Tempe, AZ	October 16, 2003
Perfect Teeth	Phoenix, AZ	October 2, 2003
Arizona Orthodontic Study Group	Phoenix, AZ	September 15, 2003
Endodontic Associates, Ltd.	Minneapolis, MN	May 9, 2003
West Side Study Club	Glendale, AZ	January 21, 2003
Northwest Int'l Endodontic Study Club	Las Vegas, NV	October 25, 2002
Scottsdale-Paradise Valley Study Club	Scottsdale, AZ	October 22, 2002
Ahwatukee Foothills Study Club	Phoenix, AZ	May 21, 2002
J. Brent Sanders, D.D.S. Study Club	Glendale, AZ	April 13, 2002
West Side Study Club	Glendale, AZ	January 15, 2002
Metropolitan Denver Dental Society	Denver, CO	January 18, 2001
Scottsdale-Paradise Valley Study Club	Scottsdale, AZ	October 26, 1999
Yuma County Dental Study Club	Yuma, AZ	May 14, 1999
Southern Arizona Dental Society	Tucson, AZ	March 25, 1999
Arizona Dental Assoc Convention	Phoenix, AZ	March 5, 1999

Arizona Dental Assoc Convention	Phoenix, AZ	February 26, 1998
Dental Legal Education	Los Angeles, CA	May 17, 1996
CNA Dental Risk Management	Chandler, AZ	April 19, 1996
Dental Legal Education	Phoenix, AZ	January 12, 1996
San Fernando Valley Hispanic Dental Society	Los Angeles, CA	May 9, 1995
American Italian Dental Association	Los Angeles, CA	January 17, 1995
Academy Of General Dentists	Scottsdale, AZ	November 3, 1994
CNA Dental Risk Management	Tucson, AZ	July 15, 1994
CIGNA Dental Risk Management	Phoenix, AZ	June 16, 1994
Arizona Dental Assoc Convention	Phoenix, AZ	March 19, 1994
CNA Dental Risk Management	Scottsdale, AZ	February 3, 1989

PRESENTED TO DENTAL STAFF:

<i>Sponsor</i>	<i>Location</i>	<i>Date</i>
Yuma County Dental Study Club	Yuma, AZ	April 22, 2011
East Valley Dental Hygienists' Society	Tempe, AZ	March 21, 2011
Puja Dental Group	Chandler, AZ	September 24, 2010
San Tan Study Club	Gilbert, AZ	February 25, 2010
Yuma County Dental Study Club	Yuma, AZ	May 6, 2005
Western Regional Dental Convention	Phoenix, AZ	March 10, 2005
Columbia Endodontics	Portland, OR	March 4, 2005
Thunderbird Dental Group	Phoenix, AZ	January 29, 2005
AccuCare Dental Centers	Glendale, AZ	July 12, 2004
Sun West Dental Centers	Phoenix, AZ	July 9, 2004
Zila Pharmaceuticals; Burkhardt Dental Supply	Prescott, AZ	June 23, 2004
Childrens Dental Clinic	Phoenix, AZ	January 7, 2004
Practice Protection Program	Phoenix, AZ	November 23, 2002
Practice Protection Program	Phoenix, AZ	November 22, 2002
J. Brent Sanders, D.D.S. Study Club	Glendale, AZ	April 13, 2002
Metropolitan Denver Dental Society	Denver, CO	January 18, 2001
Yuma County Dental Study Club	Yuma, AZ	May 14, 1999
Dental Legal Education	Los Angeles, CA	May 17, 1996

Dental Legal Education
San Fernando Valley Hispanic
Dental Society

Phoenix, AZ
Los Angeles, CA

September 29, 1995
May 9, 1995

PRESENTED TO DENTAL /HYGIENE STUDENTS:

<i>School</i>	<i>Location</i>	<i>Date</i>
Phoenix College School of Dental Hygiene	Phoenix, AZ	February 28, 2014
Rio Salado College School of Dental Hygiene	Tempe, AZ	January 27, 2012
Midwestern University College of Dental Medicine	Glendale, AZ	May 6, 2013
Phoenix College School of Dental Hygiene	Phoenix, AZ	February 19, 2013
Carrington College School of Dental Hygiene	Mesa, AZ	October 10, 2012
Midwestern University College of Dental Medicine	Glendale, AZ	August 6, 2012
Phoenix College School of Dental Hygiene	Phoenix, AZ	February 7, 2012
Rio Salado College School of Dental Hygiene	Phoenix, AZ	February 7, 2012
Carrington College School of Dental Hygiene	Mesa, AZ	October 12, 2011
AZDOH Dental School Orthodontic Residents	Mesa, AZ	October 5, 2011
Carrington College School of Dental Hygiene	Mesa, AZ	June 22, 2011
Midwestern University College of Dental Medicine	Glendale, AZ	April 14, 2011
Carrington College School of Dental Hygiene	Mesa, AZ	February 25, 2011
Phoenix College School of Dental Hygiene	Phoenix, AZ	February 8, 2011
Rio Salado College School of Dental Hygiene	Phoenix, AZ	February 8, 2011
AZDOH Dental School Orthodontic Residents	Mesa, AZ	October 4, 2010
Rio Salado College	Phoenix, AZ	February 16, 2010

School of Dental Hygiene Phoenix College	Phoenix, AZ	February 9, 2010
School of Dental Hygiene AZDOH Dental School Orthodontic Residents Phoenix College	Mesa, AZ	September 23, 2009
School of Dental Hygiene Rio Salado College	Phoenix, AZ	April 7, 2009
School of Dental Hygiene AZDOH Dental School Orthodontic Residents Phoenix College	Phoenix, AZ	February 12, 2009
School of Dental Hygiene Rio Salado College	Mesa, AZ	February 3, 2009
School of Dental Hygiene Rio Salado College	Phoenix, AZ	April 1, 2008
School of Dental Hygiene Phoenix College	Phoenix, AZ	February 14, 2008
School of Dental Hygiene Rio Salado College	Phoenix, AZ	April 3, 2007
School of Dental Hygiene Rio Salado College	Tempe, AZ	February 21, 2007
School of Dental Hygiene Rio Salado College	Tempe, AZ	March 8, 2006
School of Dental Hygiene Rio Salado College	Tempe, AZ	February 23, 2005
School of Dental Hygiene Phoenix College	Phoenix, AZ	February 15, 2005
School of Dental Hygiene Rio Salado College	Phoenix, AZ	March 3, 2004
School of Dental Hygiene Rio Salado College	Phoenix, AZ	February 26, 2003
School of Dental Hygiene Rio Salado College	Phoenix, AZ	February 28, 2002
School of Dental Hygiene Rio Salado College	Phoenix, AZ	March 8, 2001
School of Dental Hygiene Rio Salado College	Phoenix, AZ	March 29, 2000
School of Dental Hygiene University of Colorado	Denver, CO	November 10, 1999
School of Dentistry Rio Salado College	Phoenix, AZ	March 23, 1999
School of Dental Hygiene		

R E P R E S E N T I V E C A S E S

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Dental Practice Transitions: www.WesternPracticeSales.com

MALPRACTICE JURY TRIALS:

Over-prescribing Schedule II Narcotics

November, 1996

The plaintiff, a woman in her 30's, admitted to lifetime drug usage. She began smoking marijuana a decade earlier and quickly ascended the narcotic hierarchy from Valium, Hycomine cough syrup, Tylenol with Codeine, Vicodin, and Percocet to her ultimate drug-of-choice, Percodan. Over a four-year treatment period, the defendant-dentist prescribed 5,000+ Schedule II narcotic tablets. Thirteen other dentists provided an additional 1,800+ Percodans during this time. As her drug intake escalated, she lost her employment and ability to function day-to-day. These injuries and others were alleged as damages.

The dentist admitted liability and a jury was selected to apportion the percentages of fault among the parties. Before the four-week trial finished, the dentist settled for a specific sum with a confidentiality agreement. The action continued against the pharmacy chain. The approximate \$1,800,000 verdict was apportioned 50% to the dentist (under a non-party-at-fault designation), 25% to the pharmacy and 25% to the patient. Had he not settled and the percentages remained constant, the dentist would have paid \$900,000 plus possible punitive damages. The pharmacy did pay \$450,000, while the plaintiff received no compensation for her contributory negligence.

Failure To Detect Oral Cancer

August, 1992

The plaintiff alleged that the dentists failed to diagnose squamous-cell carcinoma of the tongue in its early stage. As a consequence, the patient underwent a hemiglossectomy, removing one-half of his tongue. The cancer later metastasized and spread to the liver and lungs. The former patient died during trial. A motion for mistrial was denied. The jury awarded \$1,100,000 against both the general dentist (67% fault) and the periodontist (33% fault) after a six-week trial.

The case was appealed to the Arizona Court of Appeals. It affirmed the liability award, but reversed for a new trial on damages only. The Arizona Supreme Court later reversed and remanded all issues in a published opinion. The matter was settled before the second trial resumed.

Mistreatment Of Diabetic Patient

June, 1991

The plaintiff alleged that the dentist, in removing upper posterior teeth, punctured a sinus and

infected the entire area. A large portion of the maxillary, alveolar ridge later became necrotic and was excised. As a result, the plaintiff no longer could wear any upper appliance and was forced to eat pureed food for his lifetime. The dentist denied liability, claiming that the necrosis most likely was attributed to the patient's diabetes.

The plaintiff made a \$350,000 pretrial demand. The dentist refused to allow his carrier to settle. After a four-day trial, the jury found for the defendant unanimously.

DENTAL BOARD:

Illegal Emergency Suspension of a Dental License

December, 2001

The dental board summarily suspended a dentist's license, and in doing so specifically denied him the opportunity to present a defense at this emergency hearing. His matter then proceeded to a formal hearing, which took many months to complete.

The Arizona Court of Appeals initially granted an emergency order to block the board's suspension order, until it could analyze whether the dentist was treated fairly. Upon full review, it found that while it is permissible to suspend a dental license without a hearing in limited situations, an immediate hearing and decision must follow. This allows the dentist to present a full defense and argue for the prompt return of his or her license. Here, the board sent the post-suspension hearing through the usual, laborious paces. This indifferent action violated both the U.S. and Arizona Constitutions (due process clause), as well as various Arizona statutes.

Violation Of Due Process

July, 1995

The dental board regularly used third-party evaluators to assess existing restorative (or other surviving) work in complaining patients. These dentists issued hand-written reports, which later were summarized by the dental board staff. Its synopsis automatically was admitted into evidence in all future proceedings. Lacking subpoena power under the Dental Practice Act, a dentist only could request that the board compel the clinical evaluators' attendance. The board steadfastly refused to do so in all cases.

The dentist was found to have performed inadequate upper and lower subperiosteal implants based upon the clinical evaluators' summarized opinions. He appealed the administrative order to the superior court, alleging the board's procedures violated constitutional due process. The court agreed. As a consequence, the dental board was required to change its procedures and subject future clinical evaluators to cross-examination by the dentist's attorney.

DENTAL BOARD REPRESENTATION

Beginning in 1988, I have defended over 2,000 cases before the Arizona State Board of Dental Examiners.

EMPLOYMENT REPRESENTATION

I assist dental office with 13 or less full-time employees in employee termination, sexual harassment issues, wage payments, and related labor matters.

BUSINESS REPRESENTATION

In addition to litigation, dentists have corporate business needs. I regularly assist dentist in drafting buy/sell agreements, reviewing associate dentist contracts and leases, forming professional and other corporations, and various other office matters.

DENTAL PRACTICE TRANSACTIONS

I broker dental practices in Arizona for Western Practice Sales. For over twenty years, WPS has assisted sellers throughout Arizona, California and Nevada. It is owned and run by dental professionals – dentists, MBAs and dental attorneys. Please visit www.WesternPracticeSales.com.

REPRESENTATIVE CLIENTS

DENTAL ENTITIES:

Arizona [State] Dental Association; Western Regional Examining Board.

DENTAL SELF-INSUREDS:

Church Street Health Management (formerly FORBA); Heartland Dental Care; Pacific Dental; Western Dental Services.

DENTAL MALPRACTICE INSURERS:

Ace Medical Risk Claims; Affinity Insurance (Dentist's Advantage); American Association of Orthodontics; Cincinnati Insurance Co.; Dentists Benefits Ins. Co.; CNA Insurance Co.; Doctors Insurance Reciprocal; Farmers Insurance Group; Fireman's Fund Insurance Company; Frontier Insurance Group/MedPro; Gulf Insurance Company (Preferred Dental

Association of America); Kemper Professional Ins. Co.; Medical Protective Company; NAS Insurance Services, Inc.; National Union/Chartis; NCMIC Insurance Company; National Society of Dental Practitioners (The Redwoods Group); Preferred National Insurance Company (Colony Insurance Company); SAFECO; Scottsdale Insurance Company; The Dental Insurance Company; The Doctors Company.

E D U C A T I O N

J.D. DePaul University 1981
Chicago, IL
Law Review

B.A. Indiana University 1977
Bloomington, IN