

Nozomi Hayase, Ph.D.
(Address redacted)

THIS IS AN ELECTRONIC COPY OF A LETTER SENT VIA U.S. MAIL

Dr. Stephen Cohen
Diplomate of the American Board of Endodontics
450 Sutter St #1732
San Francisco, CA 94108

Dear Dr. Cohen:

I am writing here today to communicate with you about my grievance relating to my visit on February 9, 2016. The purpose of this communication is to express my deep concern associated with the way you treated me, specifically how you violated my right to make informed decisions for my health. It took a long time for me to finally understand what happened to me on that day.

In consultation with numerous dentists, I now have come to recognize that the proper evaluation of my teeth on that day should have been; “No root canal is necessary at this time and *we should wait to see* if root canals are necessary or the only option.” To repeat, I should have been given the preferred option to wait and monitor the situation, as waiting would not be harmful to my teeth.

I came to this conclusion through my own evaluation after the procedure and also my subsequent visit to another endodontist, in which I was informed that the pulp of my tooth was likely simply irritated because of the recent crown work. To be clear, I didn't visit you on that day for experiencing sensitivity to cold, because I knew it had something to do with me recently getting crown work, as I indicated to you. I went to you because I was experiencing mild pain at the root of my tooth (when I said root, I meant closer to the gumline, #7, at that time I didn't know the number of the teeth). After the root canal therapy, I was experiencing the same pain. I was referred to a periodontist for a possible implant needed in the future and I now learned that my pain was associated with violation of biological width (crowns were placed too close to the bone) and open margin on that crown (that particular crown was made too short, creating an open space).

Right after you finished performing the procedure on that day, I felt something terribly wrong had occurred. I could not explain why, but in my gut it was clear that I was wronged. The worst part of all this was after the treatment, you acted as if you committed a crime and wanted to leave the room as soon as possible. There is no way for me to prove that, since the very nature of root canal therapy destroys any evidence and later when I asked you on the phone, you had explained that your evaluation was not based on what was shown in the x-ray.

Here is what I came to understand about your evaluation. Before I sat down in the chair on that day, I think you must have already determined in your mind to do root canals on me, at least one and more if you could push it. In a proper examination, results of the testing and diagnosis would follow after careful examination, but your approach appeared to go the other way. You seemed to have a diagnosis first, and then led me to respond to your evaluation in a way that could back up your diagnosis.

I came to see the situation this way because of the rushed nature of the examination and also the oppressive interaction where I felt you were rather putting words into my mouth and closing off any opportunity to listen to my own concerns or even give me time to think about it.

You took an x ray to examine one tooth and spent less than 3 minutes examining it. You put cold water onto my teeth and asked me questions comparing with tooth #9, which you used, assuming this was a healthy tooth. You then put pressure on my teeth and asked if I felt any pain. I had gone through this process with you before. I felt this time it was rather rushed and not as thorough as the last time I visited in July 2015 just before I had crown work. At that time, you were more attentive and spent a lot of time saying how you were not convinced yet and told me to wait and monitor the situation and said if I am still concerned, you would send the x-ray to a lab to examine it.

After what I now recognize as an inadequate assessment, you told me that I needed a root canal. You said, "you need not just one, but two" and then 5 second later, you said "three". I was so shocked with your evaluation, considering I never had any pain except on one tooth (near the gumline on #7). I have been a patient of yours for more than 6 years and I put my trust in your hands. I had no reason at that point to doubt the validity of your clinical examination. I was also filled with fear of the idea of possibly having to extract teeth if I don't accept your treatment. I later found that this fear was quite unfounded.

When I wrote to you an email after the treatment, asking whether or not you mistook my sensitivity to the cold I was experiencing as a symptom pointing to this need for a root canal, you didn't respond. When I called and asked you about the crowns, you told me how you don't know anything about the restorative process and my asking you about the crowns is like me asking a dentist about problems with one's foot. What you do as a doctor affects the restorative processes and if you don't know anything about what will happen to the teeth you drill, I seriously think you should examine if you are in the right occupation. Also, considering you perform crown lengthening (which I recently learned), you should have been able to identify the existence of any violation of biological width.

With this assessment stated above, I conclude that your intervention presented as 'root canal therapy' on February 9 was not a treatment, but was an invasion made for your personal gain, causing damage to my teeth.

Poor informed consent process

My foremost complaint is centered on inadequate informed consent. Most of all, I am very unhappy about the way this informed consent process unfolded, or more accurately, was not carried out. I have since learned more about my rights as a patient and recognize that you violated my basic right to be informed about the risks of this procedure and also the actual condition of my teeth.

I told you that I don't think these teeth needed root canals and explained what Dr. (Name Redacted) told me about the reason I was experiencing sensitivity to cold. While I was in this vulnerable state of shock from your assessment, you quickly moved and called her. In this conversation with her, you shut the door and didn't include me in the conversation.

I now recognize that you skipped several steps required in this informed consent process, such as informing the patient of potential risk and consequences of a root canal (I now know root canal is not the end-all solution and it actually weakens the tooth). Most importantly, you failed to provide awareness of possible alternative treatments and give the patient an opportunity to refuse or wait on the

treatment to make sure it is the best route. When I talked with you about the possibility of an implant, you dramatically reacted, saying how it would cost 6000 dollars each, insinuating that root canals are a much better option, simply because they are cheaper. This is not the way to inform patients about treatment options.

After you said I needed root canals, you said that you can perform it in the next half hour. Acting in fear of losing my teeth if I didn't have root canal, I complied with your treatment. I was frozen and not able to think clearly. After the shock wore off (which was unfortunately after the procedure), I came to see the situation for what it likely was: I was being taken advantage of and exploited.

In your letter to Dr. (Name Redacted) dated Feb/11/2016. You wrote to her the following: "As we discussed, *I gave her an option to wait*, but she wanted to proceed immediately." [Italics added by me]. I only found out about this from your receptionist, Ms. Jennipher Perkins after I had requested your report to Dr. (Name Redacted) from her. If you were trying to give the impression that you gave me the option to wait, I here will make it clear that you absolutely didn't. Also, it was you who wanted to proceed immediately and rushed your way through by gutting the crucial informed consent process.

In order for patients to make a decision, they have to be informed about risks, whether there is an actual pressing need for the treatment and any consequences of not accepting the treatment. Whether I needed root canals or not needed to be decided by me. You said I needed three root canals. In saying this, you deprived my right to determine whether I needed the treatment you offered or not and certainly the time to really consider it. My trust blinded me and made me vulnerable to the coercion you exercised either consciously or unconsciously.

Before you told me that I needed these root canals, you had the responsibility to inform me what was happening with my teeth (each tooth separately), and the potential consequences of doing root canal therapy or not. This includes you needing to assess my understanding of the treatment and correct any misconceptions that I might have about it. You must realize the only reason that patients choose something that is destructive for themselves is they have not been well informed and I firmly believe every doctor has a duty to inform patients, considering the authority that comes with the knowledge and skills that you have, which your patients lack.

You didn't assess my assumption, my understanding, when I obviously lacked crucial knowledge about the treatment. You need to inform any patient how root canals are not the only solution and that it weakens the teeth. Inadequate informed consent leads patients to question the validity of the treatment. In my case, it deprived me of an opportunity to see if it was just a need to recover from simply being irritated by the cementing process. In my subsequent visits to other dentists, I was asked repeatedly why I had to do the root canals, implying they didn't think it was necessary.

Recommended Measures

Dentistry has in many ways become a profit-driven industry in this country. I learned that, unlike in my birth country Japan, dentists here are seriously infiltrated with commercial interests. I understand the stress and pressure that come with practicing dentistry in the current context of extreme capitalism and sadly, endodontics have become one of these profit-driven ventures. I think of you as a diplomat of endodontics who can take the lead by demonstrating to others an example of truly delivering the care that all patients deserve.

I here would like to offer some suggestions that I think might help your dental practice. I think it would

be greatly beneficial for you to become aware of your potential conflict of interest relating to the patient's best interests. It is clear to me that you as a root canal specialist have financial interests in making patients accept your treatment and this makes it difficult for you to engage patients with a true informed consent process, in a manner that is really balanced and acting on behalf of patient's best interests.

We humans are all fallible and at times can succumb to greed. Admittedly, for doctors at times it might be hard to inform patients of all options. Especially with a patient like me whose English is a second language and not having an experienced primary care dentist watching over the health of my teeth at that time, temptation for exploitation can be high and I can understand how you as a doctor might become susceptible to such temptation.

If you think you can become vulnerable to commercial interests, you may want to set up a policy as a safety measure that you can rely on to hold yourself accountable in order to prevent a situation like this.

It might be helpful for you to check the criteria to see if you have properly gone through each step. I here offer some concrete steps you may want to take in the future.

1. Considering the irreversible nature of root canal therapy, you might want to think about implementing a rule that *unless it is clearly a grave emergency or is strongly requested by patients*, you would not perform root canal therapy on the same day right after an evaluation. Patients will greatly appreciate being provided an opportunity to think of all options and take time to assess such a crucial decision that they later may deeply regret. Giving patients time to think and possibly heal is a basic step to take.

2. Make a habit of talking to primary care dentists with the patient **present**. Patients should know about their options and various assessments of their teeth and should be encouraged to participate in the discussion. Strive to create an environment where patients feel safe and not intimidated. For instance, you can't expect patients to ask you to include them in the conversation if you go to your private room and shut the door. Most would have the decency not to aggressively try to enter the room after you closed the door. Open, honest and inclusive conversation is always needed by patients.

3. As a part of this assessment for informed consent, I will tell you that many of the incorrect assumptions that patients have is that they think root canal therapy would fix the problem and is the final solution. I ask you to correct this misconception of patients right away and inform them how root canals are in many cases not necessary and that they will weaken the tooth (actually the very act of performing a root canal eliminates the living pulp of teeth and is irreversible). Also, you need to inform patients what would happen to a tooth with crowns after you make the opening to gain access. Inform patients of the possible consequences before the treatment. Don't assume they know everything and if you are in doubt about how much patients know about what is involved in the root canal treatment. Always err on the side of thinking that they don't know anything.

I learned that oftentimes problems associated with root canal therapy is how this drilling will make it difficult to do restoration and can weaken the tooth to the point of needing an expensive implant. After you drilled my teeth, I now don't have enough tooth structure for my teeth to be restored unless they put in posts that can give foundation for any crowns.

4. Put yourself into your patient's shoes and think what you would do if you were in their place. It would be good to practice saying, "if I were you" or "if you were my daughter, I would do this."

Conclusion

Informed consent is a part of a clinician's standard of care. If one deviates from the larger dental community expectations, you may be considered to have been engaged in negligent practice or if it was intentional then one could say unethical dental practice.

For my case specifically, I see that you have undermined my basic patient rights, by exploiting my trust and abusing your authority. I now feel you would likely not have treated me the way you did if I were a US native born English speaker. In the future, please be more mindful and review all procedures and strive to extend the same standard of care to all patients, regardless of nationality, race, gender or language, for all teeth's lives matter.

Dr. Cohen, you may have chosen dentistry as your profession out of a deep desire to help people—to help ease their pain, to help improve their well-being and quality of life. It is my hope that you would reconnect with such inspiration. As a patient, I tell you that my teeth are part of my body and that you have no right to exploit it for your financial gain. I still can't fully believe what has happened to me and don't quite understand what got into you to make you do what you did that day. I hope as much as I was out of myself on that day, that so were you, as we all are human and make mistakes. Economic stagnation in recent years might affect a doctor like you who may have previously acted ethically, to then pit motives of financial incentives against a patient's well-being. I find this possibility very unfortunate and deeply concerning.

I always live with a principle of speaking truth and acting out of my conscience. For this reason, I ask you to take down from your website my review written on July 23, 2015, as now after this experience I see it is totally inaccurate. It would be unethical of me to encourage any patients in the future to come your way. If necessary, I will write an accurate version and make this letter publicly available. It is my sincere wish that my past does not become someone else's future.

Finally, this experience put me into a very dark place in my life. As you promised, your root canal procedure was painless, but it left me with deep pain in my heart. This is the pain of having someone I trusted exploit my trust and cause harm that can never be repaired. At the same time, this pain has been a great wake-up call for me. You taught me how I should operate with the assumption that by default in this country dentists are not there to act in my best interests. For this awakening, I thank you.

Finally, I hope you can learn from this as I have and that this will make you a better dentist who can act with consideration of a patient's well being. It is my greatest wish that this experience would make both of us grow as human beings and learn to act with more kindness, integrity and care with both ourselves and others in the future.

Sincerely,

Nozomi Hayase, Ph.D.