



Medical Society of Virginia v. Niamtu (Richmond, Va., Cir. Ct.)

Topics Covered: Scope of Practice

Outcome: Very Unfavorable

Issue

The issue in this case was whether maxillofacial surgeons, who were licensed as dentists but not as physicians, could perform plastic surgery and dermatological procedures beyond the teeth, gum, and jaws and could hold themselves out as “doctors of dental surgery.”

AMA Interest

The AMA believes that non-physician health care practitioners should only provide patient care in accordance with their education and training and pursuant to applicable state laws.

Case Summary

The Medical Society of Virginia (MSV) brought this scope of practice lawsuit against a group of maxillofacial surgeons. The suit alleged that the defendants, who are licensed as dentists but not as physicians, were performing plastic surgery and dermatological procedures on body structures beyond the teeth, gum, and jaws. Moreover, the suit alleged, the defendants advertised themselves as “doctors”, without modifying the description to show they are “doctors of dental surgery”. Such actions allegedly constituted the unlawful practice of medicine, in violation of the Virginia statutes.

In response to the MSV complaint, the defendants said that, notwithstanding the Virginia statutes, they are as well qualified to perform these procedures as are licensed physicians. The defendants counterclaimed, alleging a conspiracy by MSV and others to harm their business and an abuse of legal process.

After the suit was filed, the Virginia legislature passed a law that broadened the permissible scope of dental practice and created certification procedures for dentists who wished to avail themselves of that expanded scope. Both the complaint and the counterclaim were voluntarily dismissed, with prejudice.

Litigation Center Involvement

The Litigation Center contributed toward a portion of the litigation expense.