In dental practices, patient lists are clearly not public knowledge and such patient information definitively confers economic benefit on the owner of a dental practice. As long as an owner of a dental practice takes reasonable steps to maintain the privacy of his/her patients, patient information is deemed trade secrets and shall be protected accordingly.

In a dental office, patient lists are probably the most important assets. In determining whether a patient list constitutes a trade secret, courts will generally look at whether the information on the patients — such as the status of their health, the dental procedures the patients have completed and those procedures still needed, the type of insurance the patients carry, and the amount of insurance patients have — as not easily ascertained by a competitor.

Although information readily accessible through public records cannot be considered a trade secret, generally, patient lists in a dental practice constitute trade secrets and may not be used by a former associate to solicit patients.

While it is true that patient names, telephone numbers and addresses may be a matter of public record, the health records of the patients, the dental treatments they require or the patients’ general health insurance information is not accessible to the public.

This information would therefore constitute a confidential trade secret and should be protected through an employment agreement.

The owners of a dental practice should be able to prevent an associate from taking valuable assets when he/she leaves the practice. Detailed patient lists are protectable. Dentists should be familiar with non-compete and trade secret agreements, and they should have these agreements incorporated into their employment agreements.

All associates should be required to sign a non-compete and a trade secret agreement at the beginning of their employment. Without these agreements in place, patient lists are not protected and the dentist is exposed to the risk of an associate leaving the practice and taking patients with them.

Sherman Specialty is known for creating smiles. These furry creatures certainly help. Just ask Debbie Wallbrecher, left, and Juan Philip Nobel. (at left) Attendees are flocking to the DentalVibe booth for good reason. The system, which allows for comfortable and predictable injections, was available at a discount during the GNYDM.

Who needs Charlie? Pentron has its own set of ‘Angels’: from left, Colleen Thomas, Patricia Peckham, Adrienne Collins, Bethany Camarda and Justine Kilbride.

The leaders of FOLA (the Latin American Dental Federation) present an award to Javier Martínez de Pisón, editor-in-chief of Dental Tribune Latin America, and Torsten Oemus, publisher and chairman of Dental Tribune International, in recognition of their efforts to promote dental health in Latin American countries.

Henry Schein Chairman and CEO Stanley M. Bergman welcomes attendees at the 2010 FOLA leadership breakfast on Nov. 29.

About the author

Stuart J. Oberman, Esq., has extensive experience in representing dentists during dental partnership agreements, partnership buy-ins, dental MSOs, commercial leasing, entity formation (professional corporations, limited liability companies), real estate transactions, employment law, dental board defense, estate planning, and other business transactions that a dentist will face during his or her career.

For questions or comments regarding this article, visit www.gadentalattorney.com.
Bob Gannon of SybronEndo teaches meeting attendees about endodontic files.

Henry Schein ProScore gives you the ability to repair your own handpieces. Dyan Jayjack demonstrates how.

At the Cadwell Therapeutics booth, VP of Sales Cherami Cadwell, left, prepares a ‘silent sleep’ oral appliance for Dr. Paul Cabin of Secaucus, N.J. The appliance has FDA approval for snoring and obstructive sleep apnea.

A vibrant visual reminder for the 2011 FDI meeting, which will take place in Mexico.

Wouldn’t it be nice to have someone come straight to your office and fix your broken equipment instead of having to send it away and lose a week’s worth of business? That’s the idea behind Dental-Fix. Robert Iavarone, left, Guellin Ramirez and Dave Pereira were there to explain how it works.

From left, Ortal Cohen, Irina Pociak, Elana Magreli and Merav Kaplan introduce GNYDM attendees to the ImageWorks facial imaging mobile vehicle.

Attendees at the Center for Hearing Communication mobile unit wait for a turn to test their hearing.

Dr. Edmond Bedrossian during his Sunday morning workshop on ‘Fabricating A Fixed Immediate Load Provisional for the Fully Edentulous Patient’ in one of the glass classrooms on the exhibit floor. This lecture was sponsored by Nobel Biocare.

Dr. Dirk Gieselmann and Dr. Maria Ryan pose for a picture in between their independent lectures at the Dental Tribune Study Club Symposium lecture area. (Photo/Carlo Messina, F/X Video & Photo)

Noel Brandon-Kelsch stopped for a photo just before she took to the podium for ‘Eco-Friendly Infection Control: Understanding the Balance’ during the first lecture on Monday, Nov. 29, at the Dental Tribune Study Club Symposium lecture area.

A football signed by Eli Manning at the Aseptico booth.

From left, Ortal Cohen, Irina Pociak, Elana Magreli and Merav Kaplan introduce GNYDM attendees to the ImageWorks facial imaging mobile vehicle.

You can find more images and news from the GNYDM at www.dental-tribune.com