

## **RISK MANAGEMENT ARTICLE**

### **Supervising New Dental Providers**

The COVID-19 pandemic has taken a toll on dental education with a concerning result: Dentists and dental hygienists are graduating with significantly fewer hours of hands-on clinical experience than current practitioners had upon their own graduation. Although lectures and demonstrations were delivered online via platforms such as Zoom and Microsoft Teams, the opportunities to practice hands-on skills on real patients (not mannequins in a simulation environment) have been limited. In addition, Chen and colleagues reported that dental students said their learning had “significantly worsened” (26%) or “somewhat worsened” (44%) since moving to virtual learning.

Dentists need to consider these learning challenges and lack of clinical experience when mentoring and supervising new clinicians. Failing to supervise properly can lead to vicarious liability and subsequent legal action against the dentist should the new dentists or dental hygienists make an error that results in patient harm.

#### **Vicarious liability**

Vicarious liability refers to holding someone responsible for harm caused by another person. Every licensed dentist or hygienist is primarily responsible for the care they provide to patients, whether an employee, independent contractor or a practice owner. However, as employers, dentists can be named in a lawsuit through vicarious liability as a result of action taken by their employees. For example, under certain circumstances, a dentist who employs a recently graduated dentist who fails to detect a dental abscess may be held liable for the damage the patient incurs.

Factors contributing to vicarious liability include an employer who knowingly hired an unqualified employee; knew an employee was unfit for a position but allowed them to keep working; did not provide sufficient supervision; did not have adequate policies and procedures; and failed to provide proper training.

An event that could result in vicarious liability must have taken place within the course and scope of employment. For example, a dentist would not be liable if a new dentist, on the way home from work, hurt another person in an automobile accident.

Fortunately, dentists can take steps to reduce their risk of vicarious liability, including understanding their role as a supervisor, supporting employees, and documenting properly.

#### **The supervisor's role**

Experienced dentists who are supervising new-to-practice providers should understand their role. That begins with ensuring that dental providers know the expectation of the job. New dental providers should be provided an employment contract, which includes a detailed job description and establishes the rights, requirements, and policies that both the employer and employee are expected to uphold. Dentists should also provide orientation to policies, procedures, processes, and equipment. The dentist should take time to discuss the materials with the provider and answer any questions.

The dentist should verify the license of new providers (most states have websites where this can be done) and ensure that they have professional liability insurance. The supervising dentist should have professional liability insurance coverage as well.

To gain perspective about the new provider's skills, dentists should talk with them about their clinical experience in school. Information such as length of time spent with patients and types of patients, settings, and

procedures encountered will help the supervising dentist anticipate areas of need. For example, if most of the dentist's practice consists of geriatric patients and the new dental hygienist's school experience focused more on pediatric and young adult patients, additional continuing education and closer supervision may be needed.

Patient assignments should be based on the provider's abilities, with direct supervision as needed. When the dentist directly supervises the new provider, it is helpful to have a prearranged signal that the dentist can give so the new dentist or dental hygienist knows to immediately stop what they are doing to avoid patient harm. To avoid alarming the patient, the signal could be a hand motion or a verbal statement such as, "Yes, I see that."

Dentists also should ensure that experienced staff feel comfortable speaking up if they see that a new provider may be on the cusp of making an error. Often staff can intervene quietly and quickly to avert potential harm.

### Providing support

New dental providers will start their careers wanting to succeed but may lack some of the necessary skills or confidence to do so. Collaborate with them to determine an action plan. In some cases, a continuing education course, or course series, may be necessary. Promote or require study club participation, or pursuit of a development goal, such as a fellowship, to build clinical skills and increase professional mentoring opportunities. Dentists can also provide online resources, including those available from the Academy of General Dentistry (AGD) and American Dental Association (ADA). For example, AGD members have access to a catalog of live and on-demand [continuing education courses](#). The American Dental Hygienists Association (ADHA) also offers CE courses for both member and non-member dental hygienists.

Dentists should work with new providers on setting SMART (**S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**ime-based) goals to promote progress. For example, the dentist will "complete five composite fillings under supervision by [insert date]." Dentists need to give effective feedback as new providers strive to meet those goals. Feedback, both positive and negative, should be specific and given often and promptly. Set up daily meetings at first to discuss progress and answer questions. Regular feedback does more than protect dentists from liability; it promotes employee engagement. According to Clifton and Harter, employees who receive daily feedback from their manager are three times more likely to be engaged than those who receive feedback once a year or less.

After delivering negative feedback, allow the provider an opportunity to respond so a complete picture is obtained. The dentist and provider should then focus on solutions that include a specific time frame for implementation and follow-up evaluation (see *Having difficult conversations*). If the undesirable behavior persists, develop a performance improvement plan that the new provider signs and is kept in the employee's record.

Although crossing professional boundaries is more frequently discussed in terms of the dentist-patient relationship, it also applies to the relationship between dentists and those they supervise. Dentists should keep interactions professional. Avoid personal remarks or humor that could be

### Having difficult conversations

Giving feedback is pleasurable when it is positive but can be challenging when it is not. It may be helpful to use the classic DESC method, developed by Sharon and Gordon Bower, to frame the conversation.

- **Describe** the specific behavior or situation. Be objective and provide data. For instance, "You didn't check the security of the burr after you inserted it and before you started to use the drill," is better than "You didn't prepare the drill properly."
- **Express** how the situation makes you feel as well as your concerns. Use "I" statements when possible. "You" can put people on the defensive. For example, "I do not think you are suctioning off enough saliva when you are working. Failing to suction off excess saliva makes it difficult to see the area, and I am concerned this increases the risk of making a mistake and harming the patient."
- **Suggest** other alternatives and seek agreement. Consider what you want to occur and the other person's perspective. Keep in mind that patient safety comes first.
- **Consequences**. Explain what the consequences will be if the behavior persists. Examples of consequences include additional training, returning to an earlier stage of training, and job loss.

Source: Agency for Healthcare Research and Quality. TeamSTEPPS 2.0 Essential Course. Instructor Guide. [www.ahrq.gov/teamstepps/instructor/essentials/index.html](http://www.ahrq.gov/teamstepps/instructor/essentials/index.html).

misunderstood and abstain from unnecessary touching, which could make the provider uncomfortable.

Above all, dentists should be patient. Starting one's professional career during and immediately after a pandemic is difficult. A study by García and colleagues that surveyed dental and dental hygiene students found that as a result of the COVID-19 pandemic, students at all levels of training were concerned about limited employment opportunities, long-term stability of the dental profession, and interruptions to clinical education. At the same time that students and, subsequently, new providers are experiencing stress, practicing dentists are also facing stress due to changes required by the pandemic. It will take time for new providers to adapt to a world vastly different to what they were exposed to in school.

## Documentation

As is often the case, dentists need to document thoroughly to protect themselves from vicarious liability related to new dentists and dental hygienists. Documentation should include verification of the new provider's qualifications, signed job description, record of procedures performed, feedback provided, and any additional education completed. Date and time each entry. Dentists also should audit the new provider's documentation in patient dental records for accuracy and completeness.

## A difficult decision

In some cases, the new dental provider may simply not be up to the task. The dental provider's employment contract should address potential employment problems and employee termination. However, before pursuing termination, dentists should ensure they have documented in detail what led up to the termination, including written warnings and performance improvement plans: Employees should not be surprised by the termination. A human resources professional or attorney should be consulted before the employee is terminated.

Share the news with the provider in private; a human resources representative should be present as a witness. If that is not possible, a trusted employee could be enlisted. Having a witness ensures that the provider cannot later misrepresent the encounter. Keep the meeting short and be direct, for example, "I've decided that I need to let you go." Do not over-explain and engage in prolonged back and forth. Be prepared with details such as when the former employee will receive their final paycheck. Dentists also should change computer passwords when an employee leaves and consider having door locks changed, depending on the situation.

## Supporting a new generation

New dentists and dental hygienists who are starting their careers with less experience than those already in practice deserve the support of experienced dentists. However, to reduce the risk of liability, dentists should fulfill their supervision responsibilities, including providing orientation and feedback, and document their efforts.

### RESOURCES

Agency for Healthcare Research and Quality. *TeamSTEPS 2.0 Essential Course. Instructor Guide.*

[www.ahrq.gov/teamsteps/instructor/essentials/index.html](http://www.ahrq.gov/teamsteps/instructor/essentials/index.html).

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