
The National Society of Dental Practitioners and the Dentist's Advantage Insurance Program for Dentists

RISK MANAGEMENT ARTICLE

How to help drug-seeking patients without becoming a victim

According to the National Survey on Drug Use and Health, 22.6 million people age 12 or older used illicit drugs in the past month, representing 8.9 percent of the population in that age group. Given those numbers, it's likely that you'll need to address the patient with drug abuse in your practice, if you haven't already.

If you fail to properly assess patients or miss a drug-seeking behavior, you could be liable should injury occur to the patient or someone else. Here's what you need to know to provide quality care while protecting yourself from litigation.

The scope of drug abuse

The primary categories of abused drugs are marijuana, cocaine, heroin, hallucinogens, inhalants, and the nonmedical use of prescription medications. According to the National Survey on Drug Use and Health, marijuana and nontherapeutic use of prescription drugs account for the majority of illicit drug use in the United States, with 76.8 percent and 2.7 percent use, respectively, among those age 12 or older.

Of the 7 million people who take prescription drugs for nontherapeutic purposes, most (5.1 million) take analgesics, followed by tranquilizers, stimulants, and sedatives. Narcotic analgesics such as hydrocodone and oxycodone are leading causes of drug abuse in the United States; as prescribers of narcotics, dentists must be vigilant to the potential misuse of drugs that are meant to help. For instance, dentists commonly prescribe opioids for pain after third molar extraction; these drugs could easily be abused.

Dentists also need to be aware of drug abuse because of the toll it can take on dental health. Patients with abuse problems can neglect dental care, creating serious problems. Certain drugs, such as cocaine, can damage teeth and oral tissues.

A healthy suspicion

A careful history can help to identify patients with drug abuse; update the history on an annual basis. Ask about prescription and nonprescription drug use on the health history questionnaire, as well as whether the patient is currently undergoing treatment for drug addiction or has ever been treated in the past for addiction.

Consider whether the problems you find on physical examination might be caused by drug abuse. For instance, marijuana can cause greenish gold stains on teeth. Methamphetamines can be particularly hard on oral health, causing extensive caries and tooth loss.

Don't be a victim

Be cautious so you avoid contributing to a person's drug addiction. For example, never write prescriptions for those who are not your regular patients. People who are seeking drugs may come to the office late in the day saying they're from out of town and have lost their prescription. Or, they may say their current dentist is unavailable. Verify the facts before treating. If you decide to treat the patient, complete a history and document the situation in the medical record.

Be alert to your own patients who need several prescriptions for opioids over a short period of time. See these patients in the office and, if there's no reason for opioids, explain why you can't give another prescription. Know that patients who are seeking drugs may try to call during the weekend or when they know you are busy in the hopes of catching you off guard.

Other steps you can take to avoid being a victim of drug-seeking behavior include:

- Before prescribing opioids, carefully review the patient's past medication history.
- Don't prescribe over the phone without seeing the patient.

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- Don't keep prescription pads in treatment areas or controlled substances in unlocked cabinets.
- Use electronic prescribing when possible so patients can't alter a written prescription.
- Keep photo identification of patients in the medical record for future identification.
- Understand that patients seeking drugs may be manipulative.

If you suspect abuse

Addiction is considered a disease, so you have a responsibility to help a patient you think might be abusing drugs. When raising the issue with someone, it's best to remain nonjudgmental and keep to the facts. If the patient has dental problems, you might share your findings from your oral exam and ask how his or her teeth got in that condition. Or, you might say that you have seen this type of damage with drug abuse and ask if that's the case in this situation.

Refer the patient to a treatment program. Contact your local emergency department staff or state dental society for the names of treatment programs in your area.

Documentation

Proper documentation will help defend yourself in the case of legal action, and will help the patient by tracking the progression of what you find and the interventions you take.

Document any conversations you have with patients about recommending treatment. Be factual. For instance, Patient states, "I started taking meth because I like the way it makes me feel." Patient given names and phone numbers for three treatment centers. States, "I'll call as soon as I leave." Unfortunately, in many cases the patient won't call, but at least you have documented your attempts.

If you feel a patient is abusing drugs and is not amenable to addiction treatment, you can decide not to treat him or her. However, to avoid charges of abandonment, you need to give sufficient notice, refer the patient to the state dental society to obtain the name of a dentist, and document your steps in the medical record.

Patients in treatment

People in treatment for drug abuse have a right to proper dental care, but it can be challenging to manage their pain. Try contacting the physician treating the patient to discuss options. Remember that you must keep information related to drug abuse treatment confidential.

Preventing abuse

Dentists can help prevent drug abuse by following guidelines from the American Dental Association (ADA), completing education programs on the topic, teaching patients to properly secure and dispose of prescription drugs (more than half of those who abuse prescription pain killers obtain them from a friend or relative), and encouraging patients to take part when organizations collect prescription drugs for proper disposal. Following ADA guidelines will help protect you from litigation. For example, guidelines state that dentists should be mindful of the potential for abuse of opioids. First consider if a nonsteroidal anti-inflammatory drug will relieve the pain of third-molar extraction before prescribing an opioid. The ADA also recommends that dentists who prescribe opioids should periodically review their compliance with Drug Enforcement Administration recommendations and regulations.

A responsibility to help

Dentists have a responsibility to provide quality care for patients even if they have a drug abuse problem. However, you can protect yourself from liability—and defend yourself should you be named in a lawsuit—through careful assessment, treatment recommendations, and proper documentation.

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Signs of drug abuse

Drug-seeking characteristics include:

- Unusual behavior in the reception area (tell your staff about signs of drug use, such as demanding immediate attention, and to notify you if they see it in patients)
- Unusual appearance: extremely overdressed or slovenly dressed
- Giving vague or evasive answers to questions about health history
- Any indication that the patient is receiving the same drug from another prescriber
- Unusually knowledgeable about controlled substances; asking for a drug by name or dose
- Reluctance to provide information about other healthcare providers seen
- Exaggeration of symptoms
- Failure to keep appointments

Preventing misuse of prescription drugs

The American Dental Association (ADA) offers these tips for helping to prevent misuse of prescription drugs:

- Tell patients about the dangers of using prescription drugs for nonmedical purposes. Many patients don't know that such use is illegal and dangerous.
- Be judicious in prescribing opioids. When you do prescribe them, tell patients how to properly secure them and how to dispose of them.
- Learn to recognize when a patient may be seeking prescription drugs for nontherapeutic use.
- Suggest patients visit the Prescription Drugs section of the ADA's Mouth Healthy website (www.mouthhealthy.org/en/az-topics/p/prescription-drugs.aspx), which includes how patients can help keep their prescription medications from being abused.

Resources

Access Continuing Education, Inc. Substance abuse—chemical dependency.
<http://www.accesscontinuingeducation.com/ACE6010-11/c1/index.htm>.

American Dental Association. Prescription drug abuse. <http://www.ada.org/7541.aspx>.

American Dental Association. Principles of ethics and code of professional conduct. 2012.
<http://www.ada.org/194.aspx>.

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