



Terminating the dentist-patient relationship

Terminating the dentist-patient relationship can occur for valid reasons such as non-payment, repeated missed appointments, hostile or abusive behavior, irreconcilable differences regarding care, or non-adherence to treatment plans. However, dentists must ensure that termination is not based on any discriminatory grounds prohibited by federal or state law. They also must ensure continuity of care, including making effective referrals to the patient's new dentist, to avoid charges of patient abandonment.

Valid termination

Dentists are legally and ethically permitted to discharge a patient from their practice, but they should first take steps to address the problem and document those steps in the patient's dental record. For example, if a patient is non-adherent to the treatment plan, dentists should document all patient education provided, including the content of the material or conversation, the patient's understanding, and each time education was given.

If efforts are not successful, the dentist can proceed with termination, as long as it does not violate federal or state antidiscrimination laws and regulations. For example, the Americans with Disabilities Act (ADA) protects people with a physical impairment that "substantially limits one or more major life activities" (such as walking, hearing, and speaking). Protection includes people with a "history or record of such an impairment." Examples of disabilities listed on ADA's website include cancer, diabetes, HIV, hearing loss, and intellectual disabilities. A dentist's office is considered a business that is open to the public, so falls under the ADA.

Dentists must also not violate a patient's civil rights as protected by legislation such as the Civil Rights Act of 1964, which makes it unlawful to discriminate against someone on the basis of race, color, national origin, sex (including pregnancy), or religion.

In addition to legal restraints, dentists should know that the American Dental Association (ADA) Principles of Ethics and Professional Conduct states that dentists should not deny dental services to patients because of their "race, creed, color, gender, sexual orientation, gender identity, national origin, or disability."

Termination process

If the dentist has exhausted all efforts to resolve the problem and is not engaged in discrimination, the next step is termination.

The ADA Principles of Ethics and Professional Conduct state that a dentist should not end treatment without giving the patient adequate notice and the opportunity

to find another dentist. Otherwise, the dentist could be accused of abandonment.

The dentist can prevent charges of abandonment by having a policy that outlines reasons for termination and the process to follow should termination be necessary. The dentist should first tell the patient that they will be discharged from the practice and follow up with a written letter marked confidential and sent by certified mail.

The letter should include the reason for termination, instructions for accessing the patient's dental records, resources for finding a new dentist, and the effective date of termination. (If a patient has an urgent dental issue, the letter should advise the patient to see another dentist within a specified time frame and list the potential consequences of not doing so.)

Typically, the effective date is 30 days from the letter's date to allow patients time to find another dentist and for records to be transferred. During that time, the dentist should offer to provide any needed emergency dental services.

It can be helpful to have legal counsel review the letter before it is sent (or to assist in creating a template that can be used for different situations). A copy of the letter should be kept in the patient's file. The dentist and staff should avoid further contact with the patient after the termination date.

Reducing referral risk

Once the patient has chosen a new provider, dentists should follow these steps in making the referral.

- Verify that the new dentist has the necessary expertise to care for the patient. For example, a patient with significant molar tooth decay requiring a root canal should be referred to an endodontist, rather than a general dentist. The dentist can point out that a specialist is needed, but ultimately, the final decision rests with the patient, who has the autonomy to select their new provider.
- Provide complete information to the new provider (sidebar). Obtain the patient's permission in writing to transfer their records to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA).

- Document all communications with the new dentist, including dental records sent and telephone conversations.

- Have the office staff ensure that transferred records have been received and document receipt.

These actions, along with the termination letter, will help maintain continuity of care and avoid charges of patient abandonment.

Patient responses

Some patients may accept (or even welcome) termination, but others may become angry.

The dentist and staff should remain calm if an angry patient calls or comes to the office. Taking deep breaths can facilitate calmness, while active listening can help diffuse the patient's anger. Merritt writes that effective active

listening involves making eye contact, avoiding defensive body language such as crossed arms, and paraphrasing the patient's words to ensure understanding.

Personal safety must be a priority in this situation. The dentist or staff member interacting with the patient should position themselves to allow for a quick exit from the room if necessary. In addition, police should be called if the dentist or staff member feels threatened.

Terminating with care

In some situations, dentists may terminate a patient relationship and remain in compliance with laws and ethical principles. However, termination must be a step-wise process that facilitates continuity of care and protects the dentists from litigation.

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Crafting an effective referral

Gorman and Patel provide the following key points to include in a referral.

- Date of referral
- Patient details (e.g., name, date of birth, address, email)
- Medical history (State if there is no medical history. Include items such as medications, learning difficulties, and dental anxiety.)
- Whether or not a translator is needed, and if so, for what language
- Name of the patient's physician and contact information
- Referring dentist's name, practice, address, and phone number
- Reason for referral (Include whether it is urgent or non-urgent)
- Chart that indicates teeth with problems
- Description of previous treatments
- Radiographs (include date)

Additional information will be needed depending on the type of care required. For example, when referring to an endodontist, it is essential to include an assessment of the tooth's restorability. Dentists should make referrals in writing and document that the information was received.

Source: Gorman H, Patel K. Optimising referral letters for the dental practitioner. Br Dent J. 2024;236(9):688-692.

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