



## DENTAL MALPRACTICE INSURANCE UPDATE

### Topic: Terminating a Patient Relationship

#### Professional Advice

There are a number of valid reasons for terminating a patient relationship, including non-compliance with recommended treatment, refusal of x-rays, missed appointments, tardiness, rudeness to staff or other patients, non-payment, refusal to disclose medical history, dishonesty, drug-seeking behavior, unreasonable demands, and the threat of litigation. A patient cannot, however, be terminated for a discriminatory purpose. The Americans with Disabilities Act also protects against the termination of a patient whose noncompliance is the result of a physical or psychological disorder.

The timing of a termination is an important consideration and is ideally initiated when no follow-up appointments are needed in the immediate future. The initiation of a termination may, nevertheless, be appropriate where a patient fails to allow for the completion of necessary treatment.

To protect against a claim of abandonment, send a formal termination letter by regular and certified mail, return receipt requested. You do not need to state the reason for dismissal. The letter must, however, clearly advise the patient that the relationship is being terminated, and should identify a specific date upon which the relationship will cease. As a general rule, patients should be provided a minimum period of 30 days to transition their care. Make sure to inform the patient that they may seek appointments for emergency care during this transition period. Untreated problems should be identified, and the patient encouraged to immediately find a new dentist in order to protect their dental health. A referral to a particular dentist should not be made, but it is good practice to provide a web link or dental district phone number to assist the patient in locating an area dentist. The termination letter should further inform the patient that a copy of their records will be forwarded to their new dentist upon request.

Unless legally terminated, a continuing patient relationship may be found to exist, perhaps for a period of years after your last contact with the patient.

#### Practice Points

*Focus: Terminating a patient relationship must be done for a valid, non-discriminatory reason, and steps should be taken to protect against abandonment claims.*

- ✓ **DOCUMENT PROBLEMATIC BEHAVIOR IN THE PATIENT CHART.** Avoid subjective or disparaging assessments.
- ✓ **REVIEW INSURANCE PROVIDER CONTRACTS TO ENSURE COMPLIANCE WITH ANY APPLICABLE DISMISSAL PROCEDURES.**
- ✓ **A FORMAL TERMINATION LETTER MUST BE MAILED.** Retain a copy of the letter along with proof of mailing in the patient chart.
- ✓ **DO NOT DENY EMERGENCY CARE** during a period of at least 30 days following notice of termination.
- ✓ **AFTER THE EFFECTIVE DATE OF THE TERMINATION, INSTRUCT STAFF NOT TO SCHEDULE THE PATIENT FOR ANY NEW APPOINTMENT,** and not to discuss the circumstances of the termination with the patient's new dental office.

