



Second Chances: Accepting a Dismissed Patient Back Into Your Practice

By TDIC Risk Management Staff

We've all been faced with the dilemma of giving second chances. Whether an old flame or a disloyal friend, choosing to accept someone back into your life can be a difficult decision. But what about accepting dismissed patients back into your practice? Do they deserve a second chance?

The answer is: It depends. According to The Dentists Insurance Company, in some cases, such as noncompliance, accepting a dismissed patient back to your practice can lay the groundwork for a liability claim. But in other cases, the answer isn't so clear.

TDIC senior Risk Management analyst Carla Christensen reports cases in which patients claim they never received dismissal letters, so the dentists are unsure as to whether to take them back. In these situations, the practice is generally not required to provide care, as long as they have documentation that they followed the proper dismissal protocol.

When notifying patients of the intent to dismiss, dentists should send two letters: one by regular first-class mail, the other by a tracked delivery service that requires a signature upon receipt, such as FedEx. This method of delivery provides evidence of notification should a patient claim he or she was not informed of the dismissal. Confirming each patient's mailing address and contact information at every appointment can also protect dentists should a letter be returned.

"That way, a dentist has evidence a good faith effort was made to inform the dismissed patient via the last known address on file," Christensen says. "It serves as documentation of the dentist's efforts to provide formal notification of discharge from care."

Another consideration concerns patients who were dismissed for noncompliance. It is common practice to send a failed appointment letter, advising the patient of the need to return and the importance of maintaining dental health. But if these letters go unanswered, dentists often have no choice but to dismiss the patient from care.

"A dentist should document attempts to educate patients regarding related risks and to provide a specific date for the patient to appoint or take the recommended treatment actions," advises Christensen. "Failed appointment letters reduce the likelihood a patient would hold the dentist responsible for failure to treat or refer, because the provider warned them of the urgency and risks related to the treatment concern."

In one case reported to TDIC, a dentist provided a temporary restoration and scheduled the patient to return in a week for cementation of the final crown. The patient failed to appear for the cementation appointment, and the office sent a failed appointment letter. The patient did not respond or reschedule the final cementation appointment, so the office sent the patient a noncompliance dismissal letter. Six months passed before the patient finally contacted the office to request completion of treatment.

"Because the dentist had fully documented the patient's noncompliance with treatment recommendations and termination of the treatment relationship, TDIC advised her that she was not required to reappoint the patient," Christensen said.

Failing to document treatment options and communication with patients can lead to serious problems. In one case, a patient was only coming in for emergency care. She was diagnosed with a deep cavity, and the dentist recommended a filling. But she failed multiple follow-up appointments, and the dentist eventually dismissed her from the practice. Three months later, she called and begged the dentist to take her back. The dentist agreed, placing an amalgam filling in the tooth. He advised her that the filling was very large and depending on how the tooth responded, a root canal could be necessary. A few weeks later, the patient showed up to the practice unannounced, upset because the tooth had fractured at the gumline. She demanded that the dentist pay for her implant and a crown.

Unfortunately, the dentist did not have thorough documentation in the patient's chart. Although the patient was only coming in for emergency care, the dentist allowed her to do so and failed to discuss the importance of regular care, including exams, radiographs and cleanings. He did not inform her that failing these routine maintenance appointments could result in her dismissal.

There are many reasons why a dentist chooses to take a patient back. Sometimes, it's purely financial — driven by a desire to maintain his or her patient base. Other times, it's out of sympathy — a desire to help a patient in need. In some cases, the patient manipulates the situation by appealing emotionally or complimenting the dentist, and the dentist's judgment becomes clouded. But none of these reasons offset the risk to the practice of bringing back a dismissed patient.

Generally speaking, TDIC recommends dentists do not accept patients who have been dismissed for noncompliance or nonpayment. But there are specific situations when accepting a patient back could be considered. For example, some patients do not fully understand the gravity of failing routine hygiene appointments until they receive the dismissal letter in the mail, and

they call right away to be seen. Still others are dismissed simply because they moved away or changed insurance; in these cases, it is acceptable to allow them to return as patients.

Choosing to give a patient a second chance is a personal decision that demands thorough consideration on a case-by-case basis. There is risk associated with accepting a patient back into your practice, but it is possible to lessen the risk and protect yourself from liability following a few guidelines.

Questions? Call TDIC's Risk Management Advice Line at 800.733.0633.

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