



## TDIC Updates Informed Refusal Form and Recommendations

By TDIC Risk Management Staff

Informed consent and documentation of recommended treatment are important parts of patient care, but what about informed refusal?

The Dentists Insurance Company advises that informed refusal of recommended treatment deserves equal consideration especially since it is required by law in all states when a patient's informed refusal holds potentially serious complications.

TDIC recently revised its informed refusal form and recommendations to assist dentists in keeping records of such situations. The new form is available on TDIC's website at [thedentists.com](http://thedentists.com), and TDIC analysts are prepared to answer any questions about informed refusal. TDIC's Advice Line can be reached at 800.733.0634.

TDIC Risk Management analysts say informed refusal is essential because it proves the dentist had a discussion with the patient about the specifics of the recommended treatment and outlined the risks, benefits and alternatives of the proposed treatment.

"Patients must know the potential consequences of refusing a proposed treatment or procedure," said Carla Christensen, senior Risk Management analyst for TDIC. "For instance, a patient who refuses a recommendation to place a restoration on an endodontically treated tooth should understand the potential for fracture and what that could mean for the patient's oral health."

Rather than continuing to provide dental care to patients who refuse treatment that could pose a risk to their health or the possibility of a successful treatment outcome, dismissing the patient may be the only reasonable option.

The message is clear, Christensen said. "A patient's refusal of treatment does not allow a dentist to practice below the standard of care. Patients have the right to decline treatment recommendations, but cannot consent to substandard care such as continued or repeated refusal to have diagnostic radiographs."

While patients may refuse to consent to treatment recommendations, they must be informed of the consequences. Following is a checklist for leading a discussion about informed refusal:

- Use TDIC's informed refusal form as a guide for the discussion. Answer all questions and clearly explain all possible risks associated with forgoing treatment recommendations. Detail

the benefits of the treatment and any alternatives that may be available. Have the patient sign the informed refusal form and keep it in the patient's file.

- Document the date and details of the discussion in the patient's chart. Record who was present, write down what questions were asked, summarize answers provided, and note that the patient understood and signed the refusal of treatment form.
- Conduct the discussion in person. Law requires dentists to lead the informed consent discussion and not delegate it to staff. However, staff can add to and enhance the discussion between the dentist and patient. If the patient requests a representative such as a relative, spouse, partner or caregiver be present, invite them to join the informed consent discussion and answer any questions they may have.
- Remain relaxed and ask questions. Risk management experts say open discussion helps the process. Ask why the patient does not want to proceed with the treatment recommendation. Is the refusal due to finances? Is the refusal related to fear? Once you have an idea about why, continue the discussion by offering details about the procedure and what alternatives are available.
- Continue the documentation process. Informed refusal does not end after the first refusal. Make a chart entry concerning refusal of care at every following visit when you discuss the issue, no matter how much time has elapsed between visits.
- Give careful consideration to the case. Attention must be given to cases in which dismissing the patient may be the only reasonable option.

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