



Understanding the Role of the Better Business Bureau

By TDIC Risk Management Staff

As recently as a century ago, unscrupulous companies peddled an assortment of questionable products to relieve common medical ailments. Persuasive salesmen and deceptive advertising touted these magic tonics as miracle cures. Unfortunately, many of these so-called medicines were ineffective at best and deadly at worst.

Fed up with shady opportunists making false claims that tarnished the public perception of their profession, a group of advertising executives came together to boost consumer trust. Promoting self-regulation, ethical business practices and truth in advertising, the group is now known as the Better Business Bureau.

While the mission of the BBB has stayed the same, its role has changed significantly. Like other consumer protection entities, it can be either a blessing or a curse for business owners, including dentists. Positive ratings through the BBB can help a business grow, but the opposite can happen should a dissatisfied customer file a complaint.

The Dentists Insurance Company, TDIC, reports a case in which a patient was unhappy with a stayplate. He showed up to the dental practice unannounced, threw the stayplate, cursed and demanded a refund. The dentist declined the refund, so the patient filed a complaint with the BBB. In another case, a patient demanded a partial refund of a dentist's consultation fee. When the dentist declined, the patient filed a complaint.

"We have been getting an increase in calls to the Risk Management Advice Line about complaints to the Better Business Bureau," said Sheila Davis, assistant vice president, claims and risk management, TDIC. "It is important for dentists to know how to protect themselves should they be the subject of a complaint."

When a complaint is filed, the BBB will automatically send it to the business owner for a response. However, responding can put a dentist at risk because HIPAA prohibits any disclosure of confidential patient information, regardless of whether the patient disclosed his or her information first. Even acknowledging that the complainant was a patient of record is a violation of law and can set dentists up for liability claims.

For dentists who are not accredited members of the BBB, TDIC recommends not responding to complaints at all. Dentists can send a letter stating that they decline to respond due to patient privacy

concerns. The dentist can then attempt to contact the patient and resolve the matter directly.

"The Better Business Bureau is not a regulatory agency and responses are not mandatory," Davis said.

Dentists who are accredited members of the BBB are required by the terms of their accreditation to respond. However, they are still required to follow patient privacy laws. TDIC recommends they submit a generic response, refraining from identifying the patient or disclosing anything that could be considered private patient information.

In another case reported to TDIC, the BBB contacted an accredited member dentist after reading a negative review of the dentist on a popular review site. The BBB asked whether the accusations outlined in the review were true, questioned the dentist's practices and requested she provide copies of treatment records. The dentist was advised not to disclose any patient records and to withdraw membership from the BBB.

"Dentists who fail to protect patient information can be subject to disciplinary action," Davis said. "It is their responsibility to ensure patient information is only accessible to those authorized to have access."

TDIC recommends that dentists address complaints to the BBB the same way they would address any patient complaint: with professionalism and compassion. Upset or angry patients often lodge complaints when they feel they have no other option for a resolution. Dentists should schedule a consultation, at no charge, to listen to the patient's concerns and offer mutually agreed upon solutions.

"Patients sometimes file complaints because they feel their issues are not being addressed," Davis said. "Often, they just want to be heard."

Finding the right balance between consumer protection and patient privacy can be tricky, but it is a crucial responsibility of all dentists. By arming yourself with accurate information and understanding the role the BBB plays, it is possible to protect yourself and your practice from risk.

TDIC's Risk Management Advice Line can be reached at 800.733.0634.

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