

How to Avoid Problems When the Doctor-Patient Relationship Ends

Doctor-patient relationships can end for a number of reasons...

Patients may initiate the end of the relationship because they are moving to another location, are dissatisfied with the care they are receiving, can't afford the dentist's fees, or dislike waiting too long for an appointment (or in the waiting room) before the dentist sees them.

Dentists may initiate the end of the doctor-patient relationship because a patient requires the services of a specialist, or because the patient is uncooperative, does not follow dental advice, does not keep appointments, does not pay his or her bill, or is disruptive or unpleasant to the staff. Some dentists desire to change the scope of their practice and want to stop treating certain types of dental problems. Others may need to terminate doctor-patient relationships when they close or relocate their practice.

Whether the end of the doctor-patient relationship is initiated by the patient or the dentist, some safeguards should be taken to ensure the relationship is legally ended and does not endanger the patient.

Dentist-Terminated Relationships

Dentists can end a doctor-patient relationship for virtually any reason, provided they give the patient proper notice and do not withdraw from caring for a patient who is in the midst of a dental crisis. Laws in some states may prohibit dentists from discharging certain patients, and state or federal laws may prohibit refusals to treat that are discriminatory.

Charges of conspiracy to discriminate could be made if dentists in a community collectively decide not to treat certain groups of patients or certain individual patients. Dentists are encouraged to seek advice from an attorney or from ProNational if they are uncertain about the propriety of discharging an individual or groups of patients from their practice.

Avoiding an "Abandonment" Claim

If proper notice to terminate a doctor-patient relationship is not given, or the relationship is ended before a dental problem is resolved, the dentist risks being charged with abandonment. While the legal definition of abandonment may vary between the states, in general it means the termination of the doctor-patient relationship without reasonable notice or reasonable opportunity for the patient to arrange for dental care, either of which results in harm to the patient.

Once a dentist has entered into a professional relationship with a patient, the dentist ordinarily must continue to provide care unless:

1. the patient no longer requires the doctor's services;
2. the patient elects to end the relationship;
3. the dentist gives sufficient notice of the intention to withdraw from care; or
4. the dentist originally agreed to treat a specific ailment or injury.

The decision to end a doctor-patient relationship should be made by a dentist and never by office staff. The dentist should send the patient a termination letter by certified mail with a return receipt requested; the return receipt is evidence the patient received the notice. (See sample letter below.) If the certified letter is returned unclaimed, the dentist should send a second copy of the letter by regular mail and document the fact that this was done. The letter should inform the patient of the dentist's intention to withdraw from care and, optionally, state the reasons.

The dentist should offer to make a copy of the complete dental record available to another dentist of the patient's choice. Enclose an authorization form for the transfer of records.

The letter can also identify other dentists the patient can contact or, preferably, direct the patient to the local dental society for referral. The dental society's referral service is likely to know which dentists accept new patients and under what conditions.

The withdrawing dentist should agree to be available for

emergency treatment for a reasonable time-usually 30 days. The certified letter should clearly alert the patient who requires specific dental attention, such as continued monitoring of periodontal disease. The dentist's office staff will need to be aware that a withdrawal letter has been sent to a patient, so that if the discharged patient calls after the effective termination date, the staff does not schedule a new appointment. Doing so may reestablish a doctor-patient relationship, even before the doctor has seen the patient for a new problem.

No matter what the reason might be for discharging a patient, the process should be handled cordially. It is customary for the withdrawing dentist to offer to provide a photocopy of the patient's chart to another dentist at no charge. Some dentists charge a modest fee if the copy is made only for the patient, rather than for another dentist, but others absorb this cost to avoid ending the doctor-patient relationship on a negative note. Under no circumstances should a dentist who is withdrawing from care refuse to provide a subsequent treating dentist with a copy of a dental record because the patient has not paid for dental services. Such withholding of the records and/or dental information exposes the dentist to liability should the patient suffer an injury because another doctor did not have access to important information in the dental record.

Patient-Terminated Relationships

As mentioned, patients decide to change dentists for a variety of reasons. If the request to transfer one's care comes as a surprise, the dentist might consider phoning the patient to discuss the reasons. Sometimes, a misunderstanding or minor problem can be resolved with a personal call. Alternatively, a letter should be sent to acknowledge the patient's decision and inquire about the reason for changing dentists.

If the patient is changing dentists because of a complaint about dental care, notify ProNational and seek advice on how, or whether, to respond to the patient's criticism.

Avoiding a "Collections" Claim

One of the primary reasons dentists terminate the doctor-patient relationship is because of the patient's failure to pay

his or her bill. While some dentists choose to only terminate the relationship, others prefer to terminate the relationship and turn the past-due account over to a collection agency.

Before turning a patient account over to a collection agency, the patient's record should be reviewed by the dentist to determine what treatment the patient received. If the outcome or end result of the patient's treatment was less than favorable, the dentist may want to consider writing off the amount owed to the practice, and avoid forwarding the account to a collection agency. Oftentimes, when patients receive a bill and are unhappy with their treatment, the bill prompts the patient to sue the dentist.

Additionally, when patients are threatened with legal action by a collection agency, they may respond by countersuing for malpractice, alleging that their care or treatment was improper even if it was not. Keep this in mind and use caution when deciding to use a collection agency.

Should you receive a notice-of-intent to file a lawsuit, it is imperative that you contact ProNational's Claims Department to report the pre-suit notice. If dentists are not sure whether a document is a pre-suit notice, they should contact the ProNational Claims Department for assistance. Certain actions must take place by specific deadline dates within the 182-day pre-suit notice period. A delay in notifying ProNational could mean failure to meet one or more of the deadlines, and result in financial sanctions against the dentist if the matter proceeds to suit.

SAMPLE LETTER - Termination of Doctor-Patient Relationship

Date

Dear [patient's name]:

I find it necessary to inform you that I am withdrawing from providing further professional dental services to you.
[Optional: This is necessary because of your failure to settle your outstanding account balance, persistent failure to follow my instructions, etc.]

It is essential that you continue to receive dental care for your condition. Therefore, I recommend you make

immediate arrangements with another dentist to provide the needed care. To assist you in locating another dentist, I have provided the phone number for [list name of referral service(s) here]. I have also included the address and phone number of a facility where emergency dental services can be obtained if needed.

If you wish, I will continue to be available to see you for any emergency conditions which may develop; however, this will not continue beyond thirty days from today's date. Therefore, my final date of care of you is [fill in final date of care here].

I am enclosing a form authorizing me to release a copy of your records to your new treating dentist. Upon receipt of this form, signed by you and designating who a copy of your records is to be sent to, I will forward the records promptly.

If you have any questions regarding the contents of this letter, you may reach me at my office during normal office hours.

Very truly yours,

[Your signature]

Dr. [Your typed name]

Please note: The material contained in this example is intended for general informational purposes only. Compliance with these suggestions does not guarantee that the reader is in full compliance with all applicable statutes, rules or regulations. Specific legal questions should be directed to the reader's personal or corporate attorney.

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