

CDSS GUIDELINES FOR ENDING THE DENTIST-PATIENT RELATIONSHIP



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INTRODUCTION

The College of Dental Surgeons of Saskatchewan (CDSS) receives inquiries from dental facilities and registrants about how to end the dentist-patient relationship and dismiss a patient, as well as communication from patients upset that they have been dismissed from a practice.

The dentist-patient relationship is a relationship that depends on trust, respect, and confidence between the parties for the provision of care. Dentists enter into a professional relationship with their patients with a commitment to provide quality service. However, circumstances may occur which could affect the dentist's ability to achieve this service, causing the dentist to end the dentist-patient relationship. This guideline clarifies the expectations of the dentist when ending a dentist-patient relationship and outlines the actions to be followed in doing so. It highlights situations where a dentist ends a dentist-patient relationship with one or more patients in circumstances other than the dentist's retirement, relocation, leave of absence, or disciplinary action.

PRINCIPLES

The core principles of this document are:

- Dentists have a duty to act in the best interests of their patients.
- An effective dentist-patient relationship is necessary for the provision of quality care.
- Patients are entitled to be treated with respect and without discrimination during all stages of the dentist-patient relationship, even if the relationship confronts termination.

STANDARDS

Pursuant to the CDSS Practice of Dentistry, Clinic Facilities Standard, section 5xvii:

Termination of treatment of a patient should only be done under the following conditions:

- (a) There are sound and reasonable grounds for doing so;
- (b) The patient is notified prior to the termination; and
- (c) The termination is not detrimental to the patients' health.

GUIDELINES

Dentists are entitled to end the dentist-patient relationship under certain circumstances. Each situation is ultimately fact specific. Dentists are expected to apply good clinical judgement and compassion in each circumstance to determine the most appropriate course of action.

Ending the dentist-patient relationship will usually have significant consequences for the patient, as the patient will need to find another dentist. Dentists should always carefully evaluate any decision to discontinue care and should use reasonable efforts to resolve any issues affecting the relationship with the patient prior to any final decision.

Reasonable efforts should include discussing with the patient, when possible, the reasons affecting the dentist's ability to provide quality care and/or the elements that are necessary for an effective dentist-patient relationship.

If the decision that the relationship cannot be improved and dismissing the patient is the only alternative, the dentist must ensure the patient's oral health is not jeopardized in the dismissal process.

Any dental procedures started must be finished prior to dismissing the patient. This does not mean the entire treatment plan must be completed.

If dentists are uncertain whether or not it is professionally acceptable to end the dentist-patient relationship, they may choose to seek legal advice.

SITUATIONS THAT MAY BE APPROPRIATE FOR A DECISION TO END A DENTIST-PATIENT RELATIONSHIP

Trust, confidence, and respect are essential elements of an effective dentist-patient relationship. Dentists may determine in the course of providing services to a patient that these elements deteriorate to the extent that the dentist is no longer able to provide quality care to the patient.

This may occur when there has been:

- a) Serious threat of harm to the dentist, staff, and/or other patients;
- b) A communication breakdown that makes it impossible to provide quality care;
- c) A formal complaint to the College by the patient against the dentist;
- d) An unavoidable conflict of interest that compromises the dentist's duty to put the interests of the patient first;
- e) Failure to comply with previously agreed upon financial arrangements for the provision of dental care; and
- f) Repeated failure to attend dental appointments without a reasonable explanation and/or sufficient notice; and
- g) Patient fraud, such as for the purpose of obtaining narcotics or other drugs.

This list is not exhaustive.

When the dentist-patient relationship deteriorates and mutual trust, confidence, and respect no longer exist, dismissing a patient may be the best option for both parties.

SITUATIONS THAT MAY BE INAPPROPRIATE FOR A DENTIST TO END A DENTIST-PATIENT RELATIONSHIP

Prohibited by the *Human Rights Act*:

The provision of dental services is subject to the *Human Rights Act*. Dismissing a patient based on any prohibited ground in the Act (age, race, ethnic or national origin, religion, creed, gender, gender identity, gender expression, sexual orientation, physical or mental disability, family status, marital status, source of income, political belief or affiliation, or the patient's association with an individual or class of individuals having characteristics referred to in this sentence) may result in a complaint to the Human Rights Commission.

The patient chooses not to accept the dentist's treatment advice:

Patients are entitled to make decisions about their health care. In general, they can make their own decisions about treatment and lifestyle, even if the dentist does not agree with those decisions. A dentist should not end a dentist-patient relationship solely because the patient chooses not to accept the dentist's advice.

Dentists are generally prohibited from administering treatment unless they have obtained informed consent from the patient or the patient's representative, even if the treatment is beneficial. Patients are entitled to withhold consent to any proposed or ongoing treatment.

If this occurs, it should be noted in the patient's dental record; particularly if the recommended treatment is supported by evidence-based practice or generally accepted standards of practice.

The patient requires urgent or emergency services not otherwise available:

Where care is needed on an urgent or emergency basis and there are no other services available, dentists should provide the necessary care.

COMMUNICATING A DECISION TO END A DENTIST-PATIENT RELATIONSHIP

Decisions to end a dentist-patient relationship are difficult for both dentists and patients. In all circumstances, dentists must have a transparent and reasonable rationale for ending the dentist-patient relationship. It is necessary for the patient to understand the reason why dental services are being terminated. This should be shared with the patient and documented in the patient's dental record.

The decision to end the dentist-patient relationship must always be communicated to the patient in writing.

The dismissal letter should advise the patient to find a new dentist and that only emergency care will be available for the following 30 days. Also notify the patient of any recommended outstanding treatment and inform the patient of the consequences of not having the treatment completed in a timely manner.

Ideally, the dentist should also communicate the decision in person, but certain situations may warrant written communication only.

ACTIONS TO BE TAKEN WHEN ENDING A DENTIST-PATIENT RELATIONSHIP

Ending a dentist-patient relationship should always be rendered in a professional manner. When ending a dentist-patient relationship, the College expects dentists to take the following actions:

- a) Notify the patient of the decision to end the dentist-patient relationship by a dismissal letter sent by registered mail or by another service that provides confirmation of delivery.
- b) Discuss this decision with the patient, if appropriate.
- c) Include a copy of the dismissal letter with the registered postal receipt or courier delivery notification in the patient's chart. Also, document if the matter was discussed with the patient.
- d) Document in the patient's chart the reasons for ending the professional relationship.
- e) Ensure throughout the process that detailed factual notations including all conversations with the patient and their representative(s) are documented in the patient record.
- f) Clearly convey to the patient that they should complete recommended or necessary ongoing care.
- g) Be as helpful as possible to the patient in finding a new dentist and provide the patient with a reasonable amount of time for doing so.
 - i. What is considered "a reasonable amount of time" depends on the circumstances of each case.
 - ii. This period can be defined as the amount of time it would take a person using reasonable effort to find a new dentist.
 - iii. This time may vary from community to community and may be complicated by access to care.
 - iv. Sometimes it may be impossible for a patient to find a new dentist. In such circumstances the Council would not expect the dentist to continue to provide care indefinitely but would expect the dentist to provide emergency services that would otherwise be unavailable to the patient.
- h) Ensure the timely transfer of a copy of the patient's dental records upon the patient's request, ensuring compliance with provincial personal health information legislation and federal privacy legislation.
- i) Notify appropriate staff that the facility will no longer be providing dental care to the patient.

ENDING THE DENTIST-PATIENT RELATIONSHIP LETTER SAMPLE

The College expects dentists to communicate to patients the decision to end the dentist-patient relationship in writing. The following template letter contains possible wording for a letter when a dentist-patient relationship is ending due to a deterioration of trust, confidence, and respect between the dentist and patient. The College expects the dentist to customize the dismissal letter to fit the circumstance. The letter should explicitly state the reason for termination and should be written in a manner that the patient can understand. If dentists are uncertain whether the letter is appropriate for the circumstance, they may choose to seek legal advice.

Dear (patient's name):

At (DENTAL FACILITY), fostering a positive patient-dentist relationship based on mutual respect, trust, and confidence is paramount.

Regrettably, as a result of (REASON), I am no longer able to serve as your dentist and provide treatment for you as a patient at our clinic as of (DATE).

Your dental health remains important to us. We recommend that you attend a new dentist as soon as possible for dental treatment. At the moment, the following necessary treatment is outstanding – (LIST). Dental conditions change and issues that arise tend to worsen over time if not addressed. Additionally, it is recommended that you schedule and attend regular routine dental and dental hygiene appointments with your new dental clinic.

Should the need arise, prior to obtaining a new dentist, I am willing to provide dental treatment for you on an emergency basis for the next 30 days.

With your consent, I will be pleased to provide the new dentist with a copy of your dental records. Thank you for your understanding in this matter.

Kind Regards,

ACKNOWLEDGEMENTS

The College acknowledges that this statement has been adapted, in many parts with no changes, from the respective statements of the Provincial Dental Board of Nova Scotia, the British Columbia College of Oral Health Professionals, and the College of Physicians and Surgeons of Saskatchewan.

The College recognizes, with thanks, the contributions of these organizations to the development of this guideline.