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Terminating the Dentist-Patient Relationship and Avoiding Abandonment



By Dan Schulte, JD
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Question: I have a patient who is very difficult to deal with. He is rude to my employees, does not always follow my treatment recommendations, complains about my fees, and is generally very unpleasant. I do not care to see him any longer. How do I end my relationship with him?

Answer: Once a dentist-patient relationship is established, a dentist is under both an ethical and legal obligation to provide services until the relationship is properly ended. The relationship may be ended by consent of the patient and dentist; revoked by the patient by changing or dismissing the dentist; ended in the event the dentist's services are no longer needed; or the dentist may unilaterally terminate the relationship.

Termination by the dentist is the scenario that may lead to a claim of "abandonment." Although a dentist has a definite right to terminate the dentist-patient relationship, it must be done in such a manner that the patient is given reasonable notice to enable the patient to secure other dental treatment when needed. Abandonment is generally defined as the termination of the dentist-patient relationship at an unreasonable time and without giving the patient the chance to find another dentist. For abandonment to exist, the patient must show more than a simple termination of the relationship. The patient must prove that the dentist ended the relationship at a critical stage of the patient's treatment without good reason or sufficient notice to allow the patient to find another dentist and, as a result, the patient was injured.

To be in a favorable position to defend a claim of abandonment, a dentist should finish any incomplete course of treat-

ment and provide written notice to the patient, including:

- A brief explanation for the termination of the relationship.
- An offer to provide emergency services for a reasonable period, such as 30 days, to allow the patient to establish a relationship with another dentist.
- Provide information regarding dentist referral services or other assistance to help the patient locate another dentist.
- Provide information regarding the transfer of the patient's records.

Claims of patient abandonment are rare. Only in extreme circumstances will the facts exist that make such a claim a

possibility. This is due to the necessity of proof that the termination of the relationship occurred without any notice or good cause, that it was foreseeable the termination would result in an injury, and that the patient was injured as a result. These factors will simply not be present in cases such as you mention. A rude, unpleasant, noncompliant patient who is disruptive to the office and not following your advice cannot prove the elements of abandonment.

The best advice is to be proactive. If you have decided to terminate a problem patient, do it before the patient needs a filling, a crown, is having pain needing to be diagnosed, or some other

issue. Once the problem patient comes to you with an emergency or you undertake a course of treatment, you will be at risk of an abandonment claim if you do not respond to the emergency or complete the course of treatment. The best time to terminate the dentist-patient relationship is when no services are needed, or the only services needed are routine dental care. ●

A rude, unpleasant, noncompliant patient who is disruptive to the office and not following your advice cannot prove the elements of abandonment.

Visit the MDA website for more information on dentistry and the law. Visit michigandental.org/Legal-Services.