

Patient Referral: Managing Risk Through Effective Communication

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I think most experienced dentists would agree with the statement that doctor-patient communication plays a key role in clinical outcomes, right up there with knowledge and clinical skill. Yet little time is spent on this important subject during formal dental education.

Unfortunately, even less time is devoted to the subject of generalist-specialist communication during residency training or in continuing education courses for practicing dentists. Statistics show that dentists can markedly reduce their exposure to malpractice claims and, more importantly, establish better treatment outcomes for their patients by improving communications with both their patients and the specialists to whom they refer.

Most dentists routinely refer patients for specialty care. Unfortunately, this process has the potential to generate professional liability claims. Many referral problems can be avoided by assessing and correcting referral methods and improving communication with both the patient and the referral dentist.

Practitioners frequently assume that their patients have an innate understanding of the need for referral to a specialist. In reality, the opposite tends to be true. Most patients think their dentist is capable of performing all the required diagnostic services and dental procedures. For this reason, a common question among patients referred for specialty care is "Why wasn't I referred earlier?" This can be a very awkward question for the practitioner to answer.

Communication with both the patient and the referral dentist or specialist is essential during the referral process. It is important to be honest with patients and explain how the referral will benefit them. However, a more proactive risk management approach is to explain to all patients early in the doctor/patient relationship why and when you refer to various specialists. Early communication of your referral policy will reduce the chances that a patient in need of specialized care will refuse to be referred. Since the additional cost of specialty care is a concern for most patients, it should be addressed at this time as well. When the referring dentist does not

provide answers to the patient's questions, he or she often causes and, many times, unknowingly encourages the unrealistic expectations of the patient.

Referral Protocol

The way in which a referral is explained to the patient can make a significant difference in patient acceptance. Refer the patient to specific practitioners, rather than giving the patient a list of practitioners from whom to choose. For many patients, too many choices make the process more stressful. Some dental offices assist their patients by helping schedule the appointments at the specialists' offices. Before doing so, check with each specialist to whom you refer and find out his or her preferred protocols. It is also important to have a plan in place to track patients to ensure that they keep their referral appointment. Follow-up calls to the patient and/or the specialist may be needed in some cases.

Referral Documentation

A comprehensive written referral is the best vehicle for avoiding problems with the referral process. Written communication between dentist and specialist improves patient care by promoting the necessary exchange of patient information and serves as a foundation for a dialogue between the practitioners when either party has questions. The exchange of written communication also helps to reduce the risk of patient injury and can enhance patient understanding of the need for and intended benefits of the treatment by allowing the specialist to tailor the patient discussion around the clinical issues alluded to in the referral letter.

Using a written form or letter each time a referral is made is important. Relying on the patient to be a conduit of dental information to the specialist puts the dentist, the patient, and the specialist at risk. It is also both unrealistic and perilous for the referring dentist to assume that the specialist will intuitively know what he or she wants examined or treated. Inadequate communication between dentist and specialist may lead to inadvertent duplication of diagnostic tests, information that contradicts or at least fails to support the information given to the patient by the referring dentist, and/or duplication of treatment already rendered by the referring dentist.

To help minimize these problems, the referral letter from the referring dentist should include the following information: an introduction of the patient; any diagnostics that are available; all

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treatment that has been completed; the patient's prognosis; the treatment plan including the alternative options; clearly defined areas or problems for evaluation by the specialist; and a request for a written consultation/treatment report. Remember to retain a copy of the referral letter or form in the patient's chart.

Emergency Referrals

Emergency referrals are sometimes necessary in mid-treatment when the care required advances beyond the expertise of the treating dentist, such as a root tip retained after extraction. Even in emergency situations, it is advisable to make a written referral that can be faxed or carried by the patient to the specialist. If a telephone referral is absolutely necessary, a comprehensive note must be made in the record describing the treatment that was rendered and the reason for the referral. In either case, request that the specialist send your practice a written treatment summary and retain it in the patient's chart.

Refusal of Referral

When a patient refuses to follow your referral recommendations, he or she must be informed of the potential risks and complications associated with the decision. A detailed note should be made documenting the discussion and the patient's informed refusal. A refusal of referral form may also be used in this situation. If you elect to perform the treatment after the patient refuses the referral, you will most likely be held to the standard of care of the dentist to whom you intended to refer. If you cannot treat to this standard, it is prudent not to begin treatment. This decision to refuse to undertake the treatment may be awkward, but it not only reduces the patient's risk but also limits yours as well.

When more than one dentist or other healthcare provider is involved with a patient's care, there should be a clear understanding of each person's clinical responsibility. Risk management problems occur when "one hand doesn't know what the other hand is doing." Although consultations/referrals are often time consuming and sometimes difficult to obtain, this time and effort is in the best interest of the patient and the best way to protect yourself from allegations of improper patient care.

If you have not returned the Data Update Form, please fax it as soon as possible to April Frazier at (919) 878-7591. Thanks!

Risk Management Pearls

- ❖ **Cultivate good phone manners**
- ❖ **Protect patient confidentiality**
- ❖ **Watch out for implied guarantees**
- ❖ **Insist on courtesy, even if the patient does not reciprocate**
- ❖ **Formalize staff instructions with a handbook**
- ❖ **Promote patient dental education**

Giving special attention to these pearls may take more time, but it's worth it!

Fiduciary Liability Exposure—Are You at Risk?

You may not realize it, but if you provide benefits to your employees, you are exposed to significant fiduciary liability risk. The Employee Retirement Income Security Act (ERISA), which lays out the rules for management and administration of employee benefit plans, imposes personal liability on individuals responsible for administering those plans. ERISA specifically states that plan fiduciaries who fail to meet the standards of conduct set out by ERISA may be held personally liable for any resulting losses to the plan. Here's a partial list of those duties.

A fiduciary must:

- ◆ **Act exclusively for the benefit of plan participants;**
- ◆ **Act as a prudent person would under similar circumstances;**
- ◆ **Ensure the investments are diversified except where provided otherwise in the plan;**
- ◆ **Monitor performance of investments and outside professionals;**
- ◆ **Act in strict compliance with plan documents;**
- ◆ **Understand and comply with complex rules of ERISA, the IRS, and the Department of Labor;**
- ◆ **Provide a mechanism for participants to obtain sufficient information to allow them to make informed decisions.**

Plan fiduciaries should be aware that the rules and regulations governing employee benefits are constantly changing. Litigation involving pension plans has become more common. The legislative trend has been to impose even stricter obligations on plan fiduciaries. There is also the added challenge of managing plan funds in our ever-volatile financial markets. Fiduciary liability insurance coverage is available to help meet the needs of employee benefit plan fiduciaries. **For more information about this product, please call us at (800) 662-7917, Ext. 7518.**