

It is the prudent dentist who judiciously makes a decision for referral when needed patient care is beyond the scope of his or her license, experience and training. Obviously, referral is one way to avoid risk and liability, while providing the patient the opportunity to receive specialized dental care.

Referral management should follow a strict protocol to avoid claims involving dentist referrals. Some suggested guidelines and potential referral claim issues:

- Explain in detail to the patient the importance of the referral and consequences of failure to treat.
- A common claim issue is there was an unacceptable delay in referring a patient to a specialist.
- There was lack of proper communication between the general dentist and the dentist to whom the patient was referred; consequently, the wrong tooth or unnecessary treatment was performed. There was a complete failure to request the patient see a specialist, creating a claim of negligence.

## REFERRAL RISK MANAGEMENT

- Communicate clearly and in detail why this procedure is needed and that you must refer out this procedure to a specialist because it is beyond your expertise. Your primary practice policy is to provide the patient with the opportunity to receive the highest quality dental treatment.
- Advise the patient you will make the appointment at the patient's request, to see the specialist prior to leaving the office. This action commits the patient to follow through on the specialist appointment.
- Further advise the patient you will send the specialist all records needed for the appointment with a referral sheet.
- Advise the patient that the specialist will only do this one procedure and you will continue to provide all other general dental treatment.
- Advise the patient you will monitor the progress of the specialist and will be speaking with the specialist about all results.
- Make sure you vet the specialist you are referring to so that you are not making a negligent referral. Referrals have unwittingly been made to even unlicensed persons that come back to haunt the general dentist who had not checked basic information and verification of the specialist. If you knew or should have known that the specialist you referred to was practicing below the standard of care, you may be held liable for any treatment that specialist does.

If you are referring to a family member of a practice in which you have a financial interest, you should make the patient aware of the connection to the referred office. You could be held liable due to your financial interest in that specialist's office.

## COMMUNICATION REFERRAL PROCESS

There are many claims that arise from specialist referrals who mistakenly treat the wrong tooth or do an unnecessary procedure. Inevitably, the resulting claim will involve both practitioners.

With the proper protocol in place, this issue can easily be avoided. Some guidelines and suggestions to prevent this situation include:

- Never entrust the patient to supply the vital information on the procedure.
- Always provide a signed written document to communicate the details of needed treatment to the specialist, including patient's complete name, address, age, medical history, dental history, any behavioral issues, and the details of treatment requested.
- Confirm the treatment with the specialist verbally by phone.
- The specialist is requested to report back on any examination, diagnosis, prognosis, treatment, and date when general dentist can resume treatment.
- Notification of any complications, adverse events, changes in prognosis, or a prognosis of hopeless or non-restorable tooth should be made to the referring dentist.
- Request for postoperative report.
- DOCUMENT ALL CONVERSATIONS IN THE PATIENT RECORD, INCLUDING REFERRAL DOCUMENT, PATIENT EDUCATION ON THE PROCEDURE, AND IF THE PATIENT REFUSES TREATMENT RECOMMENDATION, THE POTENTIAL CONSEQUENCES.

One final concern is the importance of quality of care provided by the specialist. You will most likely be held liable if the specialist provides treatment below the standard of care for that specialty. It behooves you to have a well-established and trusting relationship with your referral and can attest to his or her ability. Your primary obligation and duty is to protect your patient at all times and do no harm, even when the patient is being treated by another practitioner whom you have recommended.

It is highly recommended to have the patient sign a refusal to treatment or referral if needed. Common areas that this is needed are the refusal of radiographic images, referral to a periodontist, refusal to restore teeth properly, refusal to have scaling and root planning and only wants a "regular" cleaning.