

# Risk Management Insights

## Guidance on Patient Noncompliance and the Dismissal Process

A valuable member benefit for Fortress policyholders is the availability of a dedicated patient safety and risk management team to discuss patient scenarios and offer guidance on noncompliant patient scenarios. We understand that noncompliance may present itself in the form of a failure to follow office policies or a refusal to follow the treatment plan or post-operative care. This can diminish the doctor-patient relationship and jeopardize the success of a treatment plan and, ultimately, the patient's oral health. This article outlines a progressive response that includes patient communication, clinical documentation, and the use of Fortress patient compliance resources to help mitigate noncompliant behavior while promoting patient safety.

### **Noncompliance: Contributing Factors and Mitigation Steps**

Noncompliant behaviors are often exhibited in a pattern and can be attributed to one or more factors, including:

- a lack of understanding about the seriousness of a health condition;
- a lack of understanding of the details of the procedure or treatment;
- an inability to pay for care;
- a language, hearing or cognitive barrier; or
- anxiety or fear of treatment.

Steps can be taken early in the doctor-patient relationship to identify and mitigate these contributing factors to help encourage patient compliance. They include:

- Investigating the why behind a patient's noncompliance to allow you to address the matter early and encourage patients to participate in their care;
- approaching each situation with empathy;
- communicating clearly and concisely, using terms that the patient understands;
- considering when a face-to-face conversation between the treating provider and patient is best as opposed to delegating certain discussions to staff;
- using a qualified interpreter or interpreter service when a patient has a hearing or language barrier;
- training your office staff to be customer service focused when questions arise about billing or other non-clinical tasks; and
- setting expectations by discussing with the patient their responsibilities and role in ensuring a successful treatment plan.

### **Progressive Response**

A progressive response to patient noncompliance helps the patient to understand that the provider and staff are working in the patient's best interest and encourages improved compliance. At the first sign of noncompliance, talk with the patient about your expectations and outline the risks of continuing the behavior.

While it is recommended the treating doctor lead these discussions, office staff will also want to document any specific interactions they have had with the patient. Documentation by both doctors and staff will provide evidence of the efforts made to educate the patient about the risks of continued noncompliance, to obtain a patient's compliance, and support why patient dismissal was considered should the patient later make allegations.



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### Patient Dismissal

Despite your best efforts, some patients may continue to engage in noncompliant or unacceptable behavior. Continuing a relationship with a patient that does not comply with your clinical recommendations or continues to display unacceptable behavior that impedes your ability to provide the best care, may lead to a poor outcome or put you at risk for allegations of supervised neglect. Patient dismissal can be more complicated when a patient is in the middle of a treatment plan. When the patient is mid-treatment, it is best to pause and reach out to Fortress to discuss all options before moving to patient dismissal.

If you decide patient dismissal is the next most appropriate step, consider a conversation with the patient that explains that, due to the continued noncompliance and the effect on the doctor-patient relationship, the patient will no longer be treated in the office. Memorialize this conversation through a formal dismissal letter. Fortress offers a customizable dismissal letter template at [dds4dds.com](https://dds4dds.com). Become familiar with state laws and regulations related to emergency care for dismissed patients; it is generally recommended that 30 days notice be given to obtain the services of another provider.

### Aggressive or Threatening Patients

If a patient is acting aggressively, unsafe, or threatening harm, notify your local authorities. In many of these cases, the progressive communication and documentation steps discussed in this article do not apply and immediate patient dismissal becomes necessary. After first taking the appropriate steps to ensure safety, call Fortress to discuss the case and obtain guidance on next steps.

### Office Policy

Whether you have an existing patient dismissal policy or need to implement one, incorporating these patient considerations and communication and documentation steps can help direct a response to these situations and support your practice's efforts to gain patient compliance with the patient's best interest in mind.

### Patient Noncompliance Resources

Fortress offers the following resources to assist policyholders with managing patient noncompliance and dismissal situations. The template letters are designed to provide general language and guidance; each policyholder should customize the language based on the specific patient scenario.

- A Guide for the use of Dismissal-Compliance Related Documents: This guide contains sample patient scenarios that can be helpful to review as a team.
- Missed Appointment Letter
- Noncompliance Letter
- Patient Dismissal Letter

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