

What's More Important... | Being Right or Your Gut Lining?

By Candace DeLapp, D.D.S., Dentists Professional Liability Trust Associate Executive Director



It is not uncommon for patients to want a refund for dental treatment. This may leave the practitioner feeling confused, as

you believe you acted in the patient's best interest, you rendered a service and should be paid appropriately, or the patient did not follow through to complete the recommended treatment. You may worry that by refunding fees you are admitting you did something wrong, you are liable, or you will suffer the consequences of your patient writing bad reviews on social media. Conversely, some practitioners willingly return fees.

Most businesses offer refunds to keep their customers happy. Refunding some or all of a fee may accomplish this. So, refunding fees becomes a business decision. In most circumstances, refunding fees is not an admission of guilt or liability and does not need to be reported to the Colorado Dental Board or National Practitioner Data Bank (NPDB) as a settlement.

So how do you refund fees correctly? First, if you are a member of the Dentists Professional Liability Trust, you should contact us directly and we will help guide you through this process. Each case is different and customizing your response is key; and if appropriate, we will retain legal counsel to assist you.

When a patient requests a refund, you should have a written response that

contains certain elements. Acknowledge receipt of their request. Make a statement that although you did not come to the same conclusion, as a gesture of good will and resolution of the matter, you are returning fees. You may want to make a statement that by cashing the check, the patient agrees that any complaint or claim related to the fee is resolved. Add other details you feel are pertinent, but this is not a venue for venting. Keep it short and simple.

The source of the funds is important! If the funds come from your company (an entity) they constitute a settlement and are reportable to the NPDB as required by their guidelines. If the funds come from a personal account, they are not reportable as a settlement to the NPDB. Therefore, we recommend you purchase a cashier's check from your personal account. This gives you a record of the transaction. The

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amount paid back to the patient can only be the amount paid to you or less, but no more. Otherwise it would be considered a settlement that would need to be reported. If there was an associated insurance payment, that should be refunded as well, although this may be from the business account.

Will refunding fees preclude a dental board complaint or malpractice claim? Not always, but remember, most patients just want their money back so they can move on with another dentist.

Finally, this may also be the time to formally dismiss this patient from your practice if they have not done so already. In the next newsletter, we'll go over do's and don'ts for dismissing a patient.

Additional reference materials are available to Trust members at tdplt.com (members only section). 

Candace DeLapp, D.D.S., is the associate executive director of the Dentists Professional Liability Trust of Colorado. Contact her at hdelapp@berkleyrisk.com.

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