Legal Bite Question of the Issue

But the Patient Said He Couldn’t Afford It!

By Frank Recker, DDS, JD

Q: I routinely provide alternate treatment plans to my patients. However, I don’t waste time drafting a plan that I know would be totally impossible for the patient to accept for financial reasons. Is there any problem with this approach?

A: I must confess that when I practiced clinical dentistry I often made “financial decisions” for the patient. I made assumptions about what the patient could afford based upon past experience with the patient, or the patient requesting the least expensive option. For example, I did not propose fixed bridgework to a patient on public assistance or to a father of a family of 8 who expressed his inability to even make monthly payments on routine dental care. Therefore, I often omitted presenting treatment plans that were clearly beyond the financial reach of the patient.

However, that is a flawed approach. I have recently dealt with several dental board cases in different jurisdictions in which the issue was not providing the patient with all the treatment options, including ones that were extremely costly, even though the patient had indicated a lack of financial resources. One dental board case solely involved a disgruntled patient who eventually became unhappy with his treatment choice (prosthetic appliance over implants). He had expressed a lack of money and a desire for the least expensive option to his treating dentist, prior to the dentist formulating a treatment plan. But when he later ended up in another dental office and was told about the more expensive and more stable alternatives, he became irate and complained to the dental board. The first dentist was taken to task for not clearly documenting that he had provided the more expensive treatment options to the patient.

In short, don’t make assumptions about what a patient can afford when presenting treatment options, but instead provide every patient with every reasonable treatment plan, regardless of the cost.