When a lawsuit looms

What happens though, when a seemingly good patient becomes a real problem patient? For example, you thought that a patient was compliant but have recently discovered by their expected treatment results that they are not following your orders regarding wearing elastics, headgear, etc.

What if you suspect that a patient is considering a malpractice action against you, and he, she or one of the family members wants to continue treating with you. The risk of continuing to care for the patient depends on the situation and the particular patient. As far as treating this patient, who may become a malpractice plaintiff, there is nothing which would legally prohibit the relationship from continuing during the pending malpractice lawsuit. Nevertheless, it is risky to continue. For example, you could make a statement to this patient while rendering treatment, which could be used against you at trial; or that patient could testify about your current office practices and procedures alleging that you have changed them as a result of his or her case. The dentist may want to consider severing that relationship, and you have a right to do so.

In a situation where it becomes evident that the doctor-patient relationship must be terminated, the dentist should be cautious not to abandon that patient. The courts will recognize a claim for abandonment where injury results from an abandonment of the dentist. As far as treating this patient, the courts will legally prohibit the relationship from continuing during the pending malpractice lawsuit. Nevertheless, it is risky to continue. For example, you could make a statement to this patient while rendering treatment, which could be used against you at trial; or that patient could testify about your current office practices and procedures alleging that you have changed them as a result of his or her case. The dentist may want to consider severing that relationship, and you have a right to do so.

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