



Closing a dental practice

Closing a dental practice many times is much more complicated than turning off the lights and locking the door. As dentists contemplate the closure of an office, there are several key points to consider.

Announcing the closure of a practice is a critical step in the process that could cause difficulty for the dentist if not handled appropriately. From a treatment perspective, the dentist must avoid claims of “abandonment.” A dentist may be held liable for “abandonment” when he or she does not provide adequate notice to the patient that the dentist will no longer provide services and that lack of notice and refusal or inability to provide treatment caused injury to the patient.

The ADA’s Principles of Ethics and Code of Professional Responsibility outlines that a dentist has an obligation to a patient of record to do no harm and that “once a dentist has undertaken a course of treatment, the dentist should not discontinue that treatment without giving the patient adequate notice and the opportunity to obtain the services of another dentist. Care should be taken that the patient’s oral health is not jeopardized in the process.”

Furthermore, the Ohio State Dental Board has issued a policy statement on terminating a relationship with a patient and considers abandonment of a patient a potential violation of the standard of care. The board recommends that the dentist make all efforts to give the patient sufficient notice of termination of the relationship, stabilize the patient’s condition and cooperate in transferring the patient’s records to a new dentist.

The dentist should also announce the closing of an office and retirement from the profession, if applicable, to other professional entities. Referral sources should be notified to facilitate proper patient care. Dentists should also inform the board and the DEA (if he/she holds a DEA number) of his or her retirement from practice and contact the ODA to inform organized dentistry of the status change. This could result in a savings in annual dues. Finally, the dentist should contact their insurance agent to make changes to the general office liability policy, disability income policies and weigh options for continuing coverage for malpractice claims.

Records retention is another key area of consideration for dentists. The ODA successfully advocated for the installation of a four year statute of repose that has helped create some certainty in the area of malpractice actions, but several other factors come into play when considering how long to maintain patient records. Some third-party payer contracts and malpractice policies require retention for a specified period of time, Medicaid requires that records be retained for at least six years and HIPAA regulations require covered entities to be able to provide a six year accounting of any releases of health information upon the request of a patient. Consequently, many dental consultants recommend that patient records be retained for at least 10 years. Dentists should seek out their tax professional for assistance with a retention schedule for financial records.



If a practice is forced to close sooner than expected due to the death of the owner dentist there are some special factors that must be considered. Ohio law requires that a dental practice be owned by a licensed dentist, which many times may leave the surviving spouse or family member in a difficult situation. For a short period of time, usually 90 days, the board will allow the office with some flexibility to continue to operate without an owner dentist. However, during this period, the office must be taking steps to wind up and close the practice or seeking a buyer to take over the operations.

The surviving spouse or family member must be cognizant of state law requirements and ensure that a licensed dentist is overseeing any patient care that occurs. Many component dental societies operate volunteer programs to assist in these cases. If possible, patients should be brought to a natural stopping point in their treatment or be referred to another practitioner for continued care. The office should not accept new patients during this period.

Closing a dental practice can create many difficulties. For that reason, the American Dental Association has developed a “Guide to Closing a Dental Practice” available free for ADA/ODA members in the professional resources section of www.ada.org. The guide includes helpful tips on a variety of issues, including how to inform the staff of the transition, end of life details and updating your insurance portfolio. It also provides useful letter templates to inform patients of the closing or a transition to a new dentist and insurers of the business closing and use of a volunteer dentist as the practice winds down. Though the guide provides critical advice, dentists should always consult with professionals, such as an attorney and accountant, before moving forward.

This article is intended to offer general guidance but should not be construed as legal advice and cannot be substituted for the advice of the dentist’s own legal counsel. Dentists should always seek the advice of their own attorneys regarding specific circumstances.