



CNA HealthPro

Can I Be Held Responsible For a Negligent Referral?

Yes, you can! Although referrals generally improve the quality of care patients receive, it sometimes happens that a patient claims injury while under the care of the referral dentist. The claimant may cast a wide net in such an instance, alleging not only that the treating dentist committed malpractice but that you, the referring dentist, made a negligent referral that put the patient in harm's way.

A negligent referral occurs when a patient is referred to a dentist who is known to be unqualified due to a lack of skill or judgment. In some cases, the lack of skill or judgment may be due to an impairment such as drug abuse, alcoholism or systemic disease. In others, it may simply be due to general carelessness or apathy on the part of the clinician.

Negligent referral can be very difficult for patients to prove in cases where the referring dentist had no prior knowledge about the referral dentist's lack of skill or judgment. For this reason, negligent referral is not a frequent cause of action among the various dental claims received by CNA. However, such cases do occur, and certain precautions should be taken.

Keep in mind that your first duty is to protect your patients. If you note a pattern of poor care provided by a dentist to whom you have previously made referrals, you are obligated professionally to exercise due care and avoid that provider for future referrals. A reasonable guide when making referrals is to ask yourself, "Would I consent to be treated by the dentist I am recommending?"

Use good judgment when selecting specialists or consultants for referrals and avoid referring patients to any dentist who fails to practice according to the standard of care.

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