

Risk Management Issues to Consider During the Coronavirus Pandemic

Dental practitioners are facing many unknowns as a result of the coronavirus pandemic, including potential risk management issues. Massachusetts Dental Society (MDS) Member Savings Program Partner Eastern Dentists Insurance Company (EDIC), the malpractice insurance provider founded by the MDS and member dentists, has shared the following risk management questions posed by its dentist clients in recent days.

- **Can I be sued by patients or employees if they get COVID-19 from my office?**

- Unfortunately, you can be sued for anything. Policy coverage determinations are individualized. You could also potentially have coverage under your commercial general liability, businessowners package, and workers' compensation policies when there are disease exposure claims, depending on the claim circumstances. The claim circumstances will determine which of your policies might apply. If you do receive notice of a claim, please contact your malpractice provider immediately.

Doctors should make sure they are heeding federal and state guidelines, posting appropriate signage, communicating with patients and staff, and following the standard of care. If you are taking extra steps to clean your office, train staff, post signs, etc., then make sure you document those steps.

- **Do I need to use the N95 respirator?**

- The EDIC policy does not speak specifically to the type of mask your office chooses to use. The personal protective equipment you are using should be appropriate for the procedures performed. Check with your workers' compensation carrier for its advice as well.

If your state dental board advises the use of a particular piece of equipment during this pandemic, then we recommend you follow that advisement.

The CDC's guidance for single-use disposable facemasks has not changed. [Please click here](#) for the current (as of this email) ADA guidance. There is a mask section.

Also note that if you choose to make respirators available for your office, there are OSHA regulations that must be followed.

- **Do you have a sample informed consent form available for patients that come in for care during the pandemic?**

- We recommend alerting your patients to the risk of coming in for treatment during the pandemic before they set foot in your office. You can put a sign at the front door, send out an email, and make it part of your voicemail greeting. You can also print it out and ask your patients to sign it before treatment.

"You are receiving dental care during the events of a COVID-19 National Emergency. Please be advised that there may be risks in being in the proximity of dentists, patients, or staff. We are taking precautions to limit the spread of disease, yet there is still a possibility of transmission."

In these uncertain times, it's advisable to err on the side of caution. If you have any risk management questions, you should contact your malpractice insurance provider.