

**INTERPRETIVE STATEMENT REGARDING
THE REQUIREMENT TO PROVIDE EMERGENCY CARE TO A PATIENT
DISMISSED FROM A DENTAL PRACTICE**

Date Issued: October 18, 2024

To protect the public interest, the North Carolina Board of Dental Examiners (“Board”) provides interpretation and guidance regarding acceptable standards of care, consistent with the Dental Practice Act and the Board’s rules, for a dentist’s obligation to provide emergency care to a patient that has been dismissed from the dentist’s practice for engaging in threatening behavior.

Pursuant to the Dental Practice Act, N.C. Gen. Stat. § 90-41(a)(26), the Board is authorized to take disciplinary action against a licensed dentist in any instance where the licensee has engaged in “unprofessional conduct” as defined by the Board’s rules. The Board’s Rule 21 NCAC 16V .0101(20) defines unprofessional conduct by a dentist to include “failing to offer 30 days of emergency care upon dismissing a patient from a dental practice.”

Under most circumstances, a dentist must provide such limited emergency care under this provision to give the dismissed patient a reasonable opportunity to find a new dental provider. This requirement and rationale, however, is subject to reasonable exceptions. The Board periodically has received inquiries from dental practices about whether dentists or their staff are obligated to provide such emergency care if the patient was terminated or dismissed from the practice for engaging in menacing behavior.

The Board’s charge is to regulate the practice of dentistry to protect the public health, safety, and welfare. N.C. Gen. Stat. § 90-22(a). The Board also considers as a top priority the safety of the dentist, the practice’s staff, and other patients. Therefore, it is the Board’s position that Rule 16V .0101(20) does not require a dentist to provide 30 days of emergency care to a patient if the dentist reasonably believes it is unsafe to do so because the patient was dismissed for engaging in behavior involving violence, threats, intimidation, or harassment toward the dentist or the dental practice’s employees or staff.

If a circumstance arises in which a patient is engaging in such acts or threats, the dentist should keep written records of the patient’s behavior and all actions taken by the dentist in response, including de-escalation efforts, staff communications about the threat, security measures taken in the office, police reports filed, restraining orders against the patient, and any other safety measures. If the dentist intends to terminate the relationship and feels it is unsafe to provide emergency care for 30 days following dismissal of the patient from the practice, this should be communicated in the termination letter to the patient and documented in the patient’s treatment record.