An Informative Insurance Resource for Dental Practice Owners Associate Dentists and Dental Students

Insurance Handbook for Dentists
Welcome

We hope you find this Handbook to be a useful reference tool. It has been designed to provide dental practice owners, associate dentists, and dental students with a thorough explanation of the kinds of insurance you need to protect yourself and your practice. Please refer to it for information when choosing an insurance policy, company, or agent, and to learn more about important topics like Employment Agreements and Risk Management.

At Fortress Insurance Company, our goal is to protect the profession of Dentistry. Fortress is a specialty provider of Professional Liability Insurance for dentists. We are owned and operated by dentists, and we only insure dentists. Dentists also comprise much of our Board of Directors, and our entire national Advisory Board, so we know firsthand how to protect your reputation and future. Our dedication to dentistry has led us to develop a winning strategy that is twofold: protection and defense.

As sponsor of this Handbook, our goal is to provide you with an overall understanding of the types of insurance needed to protect a thriving dental practice. Although Fortress only provides Professional Liability Insurance, other kinds of insurance are also necessary for the safety of a dental practice. This information has been obtained with the help of our nationwide network of independent insurance agents. These agents represent the Fortress insurance product, as well as products from many other carriers. We encourage you to visit our website, www.dds4dds.com, to find an independent insurance agent in your area who specializes in protecting dentists. The information, advice, and high quality insurance products offered by an independent agent are invaluable to a dental practice.

We wish you great success in dentistry!
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Overview: Choosing Insurance</td>
</tr>
<tr>
<td>1.2</td>
<td>Using an Insurance Agent</td>
</tr>
<tr>
<td>1.3</td>
<td>Professional Liability Coverage</td>
</tr>
<tr>
<td>1.4</td>
<td>Essential Business Coverages</td>
</tr>
<tr>
<td>1.5</td>
<td>Workers’ Compensation</td>
</tr>
<tr>
<td>1.6</td>
<td>Employee Benefits</td>
</tr>
<tr>
<td>1.7</td>
<td>Personal Insurance Coverage</td>
</tr>
</tbody>
</table>
Insurance Coverage for
DENTAL PRACTICE OWNERS

1.1 Overview: Choosing Insurance
1.2 Using an Insurance Agent
1.3 Professional Liability Coverage
1.4 Essential Business Coverages
1.5 Workers’ Compensation
1.6 Employee Benefits
1.7 Personal Insurance Coverage
Overview: Choosing Insurance

Ownership of a dental practice brings with it a myriad of insurance needs. You need Professional Liability Insurance to protect yourself as a practicing dentist, as well as Business Insurance protection for your dental practice. The physical office space, equipment, and patient records are some of the valuable parts of a dental practice that need comprehensive insurance protection. General Liability coverages are necessary to protect your practice in the event of an accident on the premises, or a lawsuit from an employee. In order to attract and retain quality employees, you may also want to offer a package of benefits, like Health Insurance and Life Insurance. Finally, as a high-earning professional, you will also want to carefully examine your personal insurance coverage, to make sure it’s sufficient for your current lifestyle and future earning potential.

Using an Insurance Agent

Obtaining all of the insurance you need, and determining whether the pricing is fair and the coverage adequate, can seem a daunting task. An independent insurance agent can save you time and money by offering experienced advice and selecting good choices on your behalf. Keep in mind that there are two different kinds of insurance agents: a direct writer and an independent agent. A direct writer works for a specific insurance company, and sells that company’s coverage only. In contrast, an independent agent presents different coverage and cost options from multiple insurance companies.

An independent insurance agent can conduct a free insurance review of your current coverage, and look for ways to save you money and provide better protection. Since independent agents are paid by the insurance companies they represent, their advice and services don’t cost you anything. To find an independent insurance agent in your area who has experience with dentists and dental practices, visit the Fortress Insurance website, www.dds4dds.com, or call 800-522-6675.

1.2 continued on the next page
1.2 Using an Insurance Agent Continued

If you’re starting a new dental practice, this is a very busy time filled with countless decisions and expenses. An independent insurance agent can simplify your life by identifying the necessary insurance coverages, and shopping around on your behalf to find the best combination of price and protection.

Professional Liability Coverage

Every dentist must have Professional Liability Insurance, also known as dental malpractice insurance. This insurance is designed to cover the professional liability exposures of dentists resulting from claims for bodily injury and/or personal injury. These may occur from alleged malpractice, or errors or omissions in rendering, or failing to render, professional services. Because this insurance coverage is critical for dentists, we have dedicated an entire section of this Handbook to Professional Liability. Please see Section 4 to find a thorough discussion of options and considerations for selecting coverage.

Essential Business Coverages

Business Property Insurance and Commercial General Liability Insurance are often packaged together in a Business Owners Package (BOP). Business Property Insurance protects the physical assets of your practice, such as your office, equipment, supplies, and records. Commercial General Liability protects you from claims of injury or loss on the premises, from an accident (but not related to your professional services), injury caused by products sold, business property damage or loss, and various other circumstances. A BOP is often more economical than individual policies. Several insurance companies have customized BOP packages to fit the unique needs of dental practices. An independent insurance agent can find or help create an insurance package that is customized for the needs of your practice.

1.4 continued on the next page
1.4 Essential Business Coverages Continued

There are other important coverages that can enhance the basic protection offered by a Business Owners Package. These include Business Automobile, Employment Practices Liability, and Umbrella/Excess Liability.

**Business or Commercial Automobile Insurance** is an often overlooked but important coverage. If employees use their own vehicles to run errands for your practice, personal auto insurance is not adequate protection. Another important coverage is **Employment Practices Liability Insurance (EPLI)**. This coverage protects your practice from lawsuits brought by employees for sexual harassment, discrimination, or wrongful termination. **Umbrella/Excess Liability Insurance** offers coverage for unexpected events. It can extend the limits on your primary business coverage for certain risks and protect against circumstances like a huge personal injury settlement. In some cases, an Umbrella policy can also cover losses that are excluded by the underlying insurance policy.

As a business owner, it’s very important to have a business perpetuation or succession plan in place. **Buy-Sell Life and Disability Insurance** addresses this need. Please contact your insurance agent for more details.

**Workers’ Compensation**

A business with one or more employees is obligated by law in most states to purchase Workers’ Compensation Insurance. Workers’ Comp provides benefits to employees to pay for the cost of treating a work-related illness or injury. The coverage pays an employee’s medical bills and can provide compensation for missed wages. Most policies also include Employers’ Liability coverage, which protects employers from lawsuits involving work-related accidents or diseases. Dentists who own their own practice, either as an individual, partner or shareholder, can elect to include or exclude themselves under the policy. Before making any election decision, please contact your insurance agent for advice.
Employee Benefits

An important tool in attracting and retaining quality employees is a carefully planned package of benefits. Benefits are greatly appreciated by employees and signal that you have a caring workplace. Also, many benefits that employees find valuable are actually voluntary with little or no cost to an employer. Some important benefits to consider offering include:

- Group Health Insurance
- Group Dental Insurance
- Group Long and Short Term Disability (including Maternity)
- Group Life Insurance
- Long Term Care Insurance
- 401K and Profit Sharing Plans

Personal Insurance Coverage

Between running a successful practice, caring for patients, managing employees, and keeping current with dental procedures and trends – it’s no wonder that many successful dentists are simply too busy to focus much attention on their personal insurance coverage. They might discover that they are woefully underinsured. The same independent insurance agent who serves your practice can also review your personal insurance needs and make recommendations where necessary to bring coverage to a level commensurate with your income and lifestyle. Your assets are worth protecting, so it’s important to be adequately insured.

Dentists should have a Personal Liability Umbrella, adequate Life Insurance, Disability Income Insurance, coverage for Valuable Articles, and other special policies where appropriate. When reviewing your business insurance needs, it’s a good time to review your personal insurance as well.
Insurance Coverage for Dental Associates

2.1 What Types of Insurance Do You Need?
2.2 Employment Agreements
2.3 Associates & Professional Liability Coverage
2.4 Obtaining Your Own Insurance Coverage
2.5 Personal Insurance Coverage
2.1 What Types of Insurance Do You Need?
2.2 Employment Agreements
2.3 Associates & Professional Liability Coverage
2.4 Obtaining Your Own Insurance Coverage
2.5 Personal Insurance Coverage
What Types of Insurance Do You Need?

When employed as an Associate Dentist at a dental practice or clinic, it is still necessary to maintain individual Professional Liability Insurance coverage. You need to know whether your employer includes you in a group Professional Liability policy and whether additional insurance protection is provided for Associate Dentists. It’s important to clearly understand the terms of your Employment Agreement so you can determine exactly what insurance is provided, whether it is adequate, and what, if any, coverage you are expected to provide yourself. Finally, as a professional with many assets to protect, this may be a good time to carefully evaluate your personal insurance coverage as well.

Employment Agreements

When contemplating a new position as an Associate with a dental practice or clinic, it is vital to review your Employment Agreement very carefully. If you’ve been employed for a period of time and you’re not well-acquainted with the terms of your agreement, now is a good time to pull it out and become more familiar with it.

An Employment Agreement is a legally binding contract, so it is advisable to find an experienced attorney to help you evaluate the terms. You should look for an attorney licensed in the state in which you are or will be practicing, who will represent you only (not both you and your employer). A few hours of a lawyer’s time is a worthwhile investment to make sure you clearly understand the terms and conditions included in the agreement.

There is no standard Employment Agreement. State law governs many aspects of employment while some federal laws (civil rights acts for
2.2 Employment Agreements *Continued*

Example) may apply to certain situations. Most agreements are drafted with a provision that nullifies oral promises that are not written into the agreement. The following are some common terms typically covered by an Employment Agreement:

- **Term of Employment** (months or years)
- **Services to be performed** (full or part time, scope of practice, expectations, hours/days to be worked)
- **Record keeping duties** (confidentiality, who owns and maintains records)
- **Compensation** (salary, production expectations, profit sharing, bonus, reimbursement/provisions for CE and professional dues)
- **Benefits** (health care, car allowance, vacation time, holidays, sick days, life insurance, disability insurance)
- **Professional Liability Insurance** (who pays, policy limits, duty to purchase tail coverage, duty to maintain coverage)
- **Termination of employment** (notice requirements, what constitutes cause (if required), at-will employment where no cause is required, grounds for automatic termination)
- **Covenant Not to Compete or Restrictive Covenants** (if recognized by state law, terms and conditions that restrict a departing employee for a set period of time and a geographic region)
- **Non-disclosure** (prohibits sharing of private patient information, business operations of employer, referral sources, 3rd party payer information).

**Associates & Professional Liability Coverage**

Your employer may provide you with Professional Liability Insurance, also known as dental malpractice insurance. This insurance is designed to cover the professional liability exposures of dentists resulting from claims for bodily injury and/or personal injury. These may occur from alleged malpractice, or errors or omissions in rendering, or failing to render, professional services. It's very important that you carefully
2.3 Associates & Professional Liability Coverage Continued

review your Employment Agreement to understand your rights and responsibilities regarding group professional liability coverage. Pay special attention to the policy limits and deductibles. Understand who is responsible for paying the premium and whether the group pays a portion of it. Take note of how the Employment Agreement handles your leaving. Who pays the premium if you resign or are terminated? If you are insured under a claims-made policy, be sure you understand who is responsible for purchasing your extended reporting endorsement (tail) on the policy. You don’t ever want to get caught without adequate professional liability coverage.

24 Obtaining Your Own Insurance Coverage

If you need to obtain your own Professional Liability policy, please turn to Section 4 to find a thorough discussion of options and considerations for selecting coverage. Finding quality insurance choices at reasonable prices is much easier with the help of an independent insurance agent or agency. Independent agents can give advice and present different cost and coverage options from multiple insurance companies. In contrast, a direct writer agent works for one insurance company and sells that company’s insurance products only. Since independent agents are paid by the insurance companies they represent, their advice and services don’t cost you anything. To find an independent insurance agent in your area who has experience with dentists and dental practices, visit the Fortress Insurance website, www.dds4dds.com, or call 800-522-6675.

25 Personal Insurance Coverage

As a dental professional with significant earning potential, you have many assets to protect. In addition to Home and Auto policies, you should consider getting Personal Liability Umbrella coverage. The Life Insurance and Disability coverage provided by your employer might not be adequate, so you could need more coverage in those areas. Other special policies like coverage for Valuable Articles might be appropriate. An independent insurance agent is a good source of advice and policy choices, and can conduct an insurance review free of charge upon request. This process usually results in improved coverage, peace of mind, and cost savings on premiums.
Insurance Coverage for Dental Students

3.1 Board Exam Coverage
3.2 Employment Agreements
3.3 Associates & Professional Liability Coverage
3.4 Obtaining Your Own Insurance Coverage
Insurance Coverage for DENTAL STUDENTS

3.1 Board Exam Coverage

3.2 Employment Agreements

3.3 Associates & Professional Liability Coverage

3.4 Obtaining Your Own Insurance Coverage
Board Exam Coverage

As a Dental School student, the first insurance you’ll need to think about is Board Exam Coverage. Board Exam Coverage is a short-term Professional Liability Insurance policy which is in effect during your board exam dates, typically a three day period. Some schools provide coverage to students for their board exams. Where they don’t, many Professional Liability Insurance carriers offer this short-term coverage for a nominal fee, and sometimes at no charge.

Every dentist should be covered by Professional Liability Insurance (also known as dental malpractice insurance) any time they will be treating a patient. This insurance is designed to cover the professional liability exposures of dentists resulting from claims for bodily injury, and/or personal injury. These may occur from alleged malpractice, or errors or omissions in rendering, or failing to render, professional services. After you pass your Board Exams, this short-term insurance policy may then convert to full coverage, if desired. For a detailed discussion of Professional Liability Insurance, please see Section 4 of this Handbook.

Whether or not you’ll need to obtain your own Professional Liability Insurance policy as a new dentist is determined by your next step after graduation: will you work for another dental practice or clinic, or will you set up your own practice? If you plan to work for an existing practice after graduation, please refer to Section 2 of this Handbook: Insurance Coverage for Dental Associates. If you plan to start your own practice, or buy an existing practice, please read Section 1 of this Handbook: Insurance Coverage for Dental Practice Owners.

Employment Agreements

When contemplating a new position as an Associate with a dental practice or clinic, it is vital to review your Employment Agreement very carefully. An Employment Agreement is a legally binding contract, so it is advisable to find an experienced attorney to help you evaluate the terms. You should look for an attorney licensed in the state in which
3.2 Employment Agreements Continued

you are or will be practicing, who will represent you only (not both you and your employer). A few hours of a lawyer’s time is a worthwhile investment to make sure you clearly understand the terms and conditions included in the agreement.

There is no standard Employment Agreement. State law governs many aspects of employment, while some federal laws (civil rights acts for example) may apply to certain situations. Most agreements are drafted with a provision that nullifies oral promises that are not written into the agreement. The following are some common terms typically covered by an Employment Agreement:

- **Term of Employment** (months or years)
- **Services to be performed** (full or part time, scope of practice, expectations, hours/days to be worked)
- **Record keeping duties** (confidentiality, who owns and maintains records)
- **Compensation** (salary, production expectations, profit sharing, bonus, reimbursement/provisions for CE credit courses and professional dues)
- **Benefits** (health care, car allowance, vacation time, holidays, sick days, life insurance, disability insurance)
- **Professional Liability Insurance** (who pays the premium, policy limits, duty to purchase tail coverage, duty to maintain coverage)
- **Termination of employment** (notice requirements, what constitutes cause (if required), at-will employment where no cause is required, grounds for automatic termination)
- **Covenant Not to Compete or Restrictive Covenants** (if recognized by state law, terms and conditions that restrict a departing employee for a set period of time and a geographic region)
- **Non-disclosure** (prohibits sharing of private patient information, business operations of employer, referral sources, 3rd party payer information)
Associates & Professional Liability Coverage

When you join an existing practice or clinic, it’s very important to carefully review your Employment Agreement to understand your rights and responsibilities regarding group Professional Liability coverage. Pay special attention to the policy limits and deductibles. Understand who is responsible for paying the premium and whether the group pays a portion of it. Take note of how the Employment Agreement handles your leaving. Who pays the premium if you resign or are terminated? If you are insured under a claims-made policy, be sure you understand who is responsible for purchasing your extended reporting endorsement (tail) on the policy. You don’t ever want to get caught without adequate professional liability coverage.

Obtaining Your Own Insurance Coverage

If you need to obtain your own Professional Liability policy, please turn to Section 4 to find a thorough discussion of options and considerations for selecting coverage. As a dental professional with significant earning potential, you will have many assets to protect in the years to come. In addition to Home and Auto policies, you should consider getting Personal Liability Umbrella coverage. Life Insurance and Disability through your employer might not be adequate, so you could need more coverage in those areas.

Finding quality insurance choices at reasonable prices is much easier with the help of an independent insurance agent or agency. Independent agents can give advice and present different cost and coverage options from multiple insurance companies. In contrast, a direct writer agent works for one insurance company and sells that company’s insurance products only. Since independent agents are paid by the insurance companies they represent, their advice and services don’t cost you anything. To find an independent insurance agent in your area who has experience with dentists and dental practices, visit the Fortress Insurance website, www.dds4dds.com, or call 800-522-6675.
4.1 Overview: Professional Liability Coverage

4.2 Claims Made and Occurrence Coverage

4.3 Understanding a Professional Liability Policy

4.4 Fortress Professional Liability Insurance
4.1 Overview: Professional Liability Coverage
4.2 Claims Made and Occurrence Coverage
4.3 Understanding a Professional Liability Policy
4.4 Fortress Professional Liability Insurance
Overview: Professional Liability Coverage

Professional Liability Insurance for dentists protects a dentist from patient claims that may occur from alleged malpractice in treating or failing to treat a patient, or errors or omissions in providing dental treatment. This coverage is also referred to as dental malpractice insurance. When purchasing a policy, it’s important to pay special attention not only to the dollar limits but also to the reputation of the carrier. Choose an insurance carrier with at least a rating of A (Excellent) by A.M. Best, a commitment to aggressive claims defense, and no settlement without your consent. Your professional reputation is at stake. If you are an Associate Dentist, and your coverage will be obtained through your employer, you should review your Employment Agreement to understand the group coverage and your responsibilities.

Claims Made and Occurrence Coverage

There are two kinds of Professional Liability policies: Claims Made and Occurrence. Claims Made policies pay claims reported to the insurer during the term of the policy or within a specific term after it expires. Occurrence policies pay claims arising from incidents that occur during the policy term no matter when the claims are reported to the insurer.

Claims Made Coverage protects you for services performed from the time your coverage began, which is defined by the retroactive date on your policy. Every time your policy renews, it is considered a new policy. If a claim is made against you, the policy in force at the time the claim is reported to your insurance carrier is the policy that responds to that particular claim. Each Claims Made policy protects you only through the annual expiration date, so you must always renew your Claims Made policy at expiration to be assured of continuous coverage.

If you want to switch insurance carriers or retire, you will have to cancel your Claims Made policy or let it expire. Remember: You still need coverage for past services. Tail Coverage, also called an Extended Reporting Endorsement, ensures continuous coverage. Some insurance companies offer a free Tail at retirement, subject to conditions, or in the case of death or permanent disability.
4.2 Claims Made and Occurrence Coverage

When switching insurance carriers, Prior Acts Coverage may be available to handle situations where a claim is made arising out of an incident covered by a previous policy, while the dentist is now covered under a new policy by a different carrier. Under this coverage, the new insurer accepts liability for claims based on incidents that happened under the old policy. It’s important to know when switching insurers the precise scope of the Prior Acts coverage. There are certain circumstances where insurers offer only limited Prior Acts coverage.

Premiums for Claims Made coverage increase in a stepped process over the first five years of coverage. When you first purchase a Claims Made policy, your initial premium is smaller in year one than in subsequent years because the risk of having a claim brought against you that first year is small. As the years go by, your risk of claims increases, so the cost of the premium increases. At the five year mark, your risk “matures.” After maturity, your Claims Made premium generally remains the same, with adjustments based on annual rate changes only.

Occurrence Coverage typically costs more than Claims Made. This is due to the way risk is calculated with Occurrence coverage. A fixed premium rate is determined at the time the Occurrence policy is issued, based on the exact risk exposure known at that time. An Occurrence policy protects you for services performed during the policy period, no matter when a claim is reported. This is in contrast to a Claims Made policy, where Tail coverage or Prior Acts coverage is necessary to provide protection for past services performed.

43 Understanding a Professional Liability Policy

Professional Liability policies typically include six main sections:

1. Insuring agreements: What is covered.
2. Protected parties: Who is protected.
3. Limits of coverage: Maximum dollar amounts.
4. Exclusions: What is not covered.
5. Conditions: Rights and requirements.
Insurance agreements outline the insurer’s promise to pay damages on behalf of the policyholder. Protected parties are the dentist, and may also include the staff and the organization. Limits of coverage is the maximum insurance coverage per claim or in aggregate (total limit) for all claims reported against an insurance policy. A typical amount of coverage would be a $1,000,000 per patient limit with a $3,000,000 aggregate. Available limits vary by state and by carrier.

Exclusions refer to circumstances where the policy does not protect the dentist. These can be behaviors like drug or alcohol abuse, or sexual misconduct, or they can be excluded dental procedures. Don’t assume that your policy covers all procedures. Some procedures can be considered outside the traditional “scope of dentistry.” When in doubt about any procedure, make sure to disclose it to your insurance agent or insurance company.

Conditions are the rights and requirements of the policyholder and the insurer. Failure to follow the Conditions outlined in the policy may result in the coverage being denied. The Conditions detailed in a Professional Liability policy may include:

- When a Claim is First Made (what you must do)
- Reporting Claims (procedure to follow)
- Cooperation with Company (expectations of the insurer)
- Consent to Settle (is your consent required to settle a lawsuit)
- Recovering Damages from a Third Party
- Other Insurance
- Fraud and Misrepresentation (was your application accurate)
- Company’s Right to Inspect
- Assignments and Transfers
- Policy Changes

Remember that most policies require specific action on your part in response to any incident that could eventually result in a claim.

Definitions are typically found at the end of a Professional Liability policy and explain the terms used throughout the document.
Fortress Professional Liability Insurance

Fortress Insurance Company is dedicated to dentistry. Our company was started by dentists, and we only insure dentists. Our strategy is twofold: protection and defense. The result is comprehensive, competitive Professional Liability coverage that puts the Dentist first, legal resources to defend you vigorously and effectively in the event of a claim, and valuable Risk Management education.

If you’re presently insured under a Claims Made policy with another carrier, we can offer Prior Acts coverage to avoid the added expense of Tail coverage. Important benefits we offer our insureds include no settlement without your consent, free Tail coverage in some circumstances, interest-free payment plans, premium discounts, and a robust risk management program. To find an agent in your area, please visit our website, www.dds4dds.com, or call 800-522-6675.
5.1 Principles of Effective Risk Management
5.2 Risk Management Education
5.3 Risk Management for Students and Faculty
5.4 What to Do if an Incident or Claim Occurs
<table>
<thead>
<tr>
<th>5.1</th>
<th>Principles of Effective Risk Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2</td>
<td>Risk Management Education</td>
</tr>
<tr>
<td>5.3</td>
<td>Risk Management for Students and Faculty</td>
</tr>
<tr>
<td>5.4</td>
<td>What to Do if an Incident or Claim Occurs</td>
</tr>
</tbody>
</table>
Principles of Effective Risk Management

It’s essential to protect your success as a dentist by minimizing your risk of being sued for malpractice. Professional Liability Insurance is necessary for protection, but of equal importance is your role in preventing a lawsuit from ever occurring. Lawsuits are emotionally and financially draining, even if you are not found guilty of malpractice. The risk to your reputation and financial security is very serious.

A dentist who follows Risk Management principles delivers a higher quality of patient care and has a much better chance of avoiding or reducing the severity of claims. If you learn and use specific Risk Management techniques, it will be much easier for an insurance company to defend you successfully if a lawsuit does occur. That’s why insurers encourage Risk Management training, and some offer a discount on your Professional Liability policy if you participate.

There are three important principles of good Risk Management:

1. Proper office procedures
2. Good patient rapport
3. Effective communication skills

Proper office procedures include using patient consent forms and careful recordkeeping. In the event of a lawsuit, a complete patient history and detailed records can often make the difference between a defendable and non-defendable case. Good patient rapport sounds like common sense, but there are dentists who don’t treat patients in a very caring manner. This is high risk behavior. Many patients who sue their dentist do so out of anger that they have been treated callously.

Effective communication skills are an important way you can protect your dental practice. Being caring and attentive goes a long way towards defusing anger and can make a patient reluctant to bring a lawsuit. Effective customer service works in a similar way. If staff is pleasant and empathetic, follows up in a timely manner, and provides answers and access to the dentist, a patient often calms down and seeks a reasonable solution to the problem.
Fortress Risk Management Education

Dental malpractice lawsuits are on the rise. Managing risk has become an important part of protecting a practice. Risk Management courses for dentists and staff are an effective way to learn strategies that improve office systems, enhance care, and reduce the risk of litigation. Fortress Insurance Company develops course material in conjunction with practicing dentists and legal experts, and offers eligible attendees CE credits and generous premium discounts.

Topics covered in a typical seminar include patient rapport, record keeping, informed consent, withdrawal from care, ethics, and various clinical care examples. Both Fortress policyholders and non-policyholders are welcome to participate in live seminar events. Fortress Risk Management courses are available online to policyholders as well. Please visit the Fortress website, www.dds4dds.com, for a calendar of upcoming seminars. Policyholders may login to view a listing of available online courses.

Risk Management case studies are a valuable way to learn from other dentists’ experiences. Fortress Insurance Company creates a monthly Risk Management newsletter, The Fortress Guardian, which is free of charge to all policyholders. Each issue contains valuable practice management tips, a case summary “cautionary tale” of the month, and tips for staff.

Risk Management for Students and Faculty

Dental students can also benefit by participating in Risk Management courses. Some of the valuable courses that Fortress makes available to dental students and faculty include:

- Managing Risk in General Dentistry
- Dental Documentation of Patient Records
- Dental Refused Referrals
- Dental Local Anesthesia
- Dealing with the Angry Patient
- Management of Allergic Reactions

For access to these online programs, please contact our Policyholder Services Department at 800-522-6675.
5.4 What to Do if an Incident or Claim Occurs

How a dentist responds to an incident (patient event) or the filing of a claim (lawsuit), can go a long way towards determining the outcome. Incidents handled properly may never escalate into a claim. The first step is to contact your insurance agent or carrier right away if an incident occurs that you believe could put you at risk of litigation. Even if you aren’t sure a claim will arise, it is wise to report anything out of the ordinary just to be safe. Your Professional Liability policy may also require reporting of incidents. Contacting your insurer promptly is vital and will result in your receiving expert advice and guidance at an early stage, possibly preventing the worsening of a situation that could lead to litigation.

If a claim is filed against you, the procedure to follow is similar to that when reporting an incident. Contact the claims department of your insurer immediately and your insurance agent. Stay calm and describe briefly and factually what happened. The expert advice provided by the insurance company should answer any questions you might have, such as “Should I say I am sorry to the patient?” or “Should I consent to settle?” Every case is unique, and this is a time to be cooperative and helpful when interacting with your insurance company to guarantee the best possible outcome.
6.1 Insurance Resources and Contact Information
6.2 Glossary of Insurance Terms for Dentists
6.3 Insurance & Employee Benefits Checklist
6.1 Insurance Resources and Contact Information
6.2 Glossary of Insurance Terms for Dentists
6.3 Insurance & Employee Benefits Checklist
Insurance Resources and Contact Information

Find an independent insurance agent in your state:

Fortress Insurance Company
www.dds4dds.com
Telephone 800-522-6675

Insurance rating information:

A.M. Best Company
www.ambest.com

Glossary of Insurance Terms for Dentists

A.M. Best Company: Evaluates and rates insurance companies based on financial strength and ability to meet ongoing obligations to policyholders. Best’s Ratings range from A+ (Superior) to D (Poor).

Business or Commercial Automobile: Covers a business owner for employees’ use of vehicles for business purposes.

Business Income Interruption: Pays the insured practice owner in the event of a suspension of practice activities.

Business Owner’s Policy (BOP): A customized package of business insurance products designed to provide comprehensive coverage.

Claim: A legal action to obtain money, a lawsuit.

Claims Made: A type of Professional Liability Insurance policy that pays claims reported to the insurer during the term of the current policy.

Commercial General Liability: Insurance that covers a practice’s liability for accidental bodily injury, or property damage or loss. Often included as part of a Business Owners Policy (BOP).

Conditions: The general terms upon which an insurance policy is based. States the actions the insured must take in various circumstances for coverage to remain in effect.

6.2 continued on the next page
6.2 Glossary of Terms Continued

Consent to Settle: Clause in a Professional Liability policy giving the insured a right to veto a proposed settlement by the insurer.

Contractual Liability: Liability assumed by a contract that is either written or implied. General Liability and Professional Liability policies do not cover contracts, hence this additional option.

Damages: Money legally required to be paid as compensation for an injury.

Direct Writer: An insurance agent who works for an insurance company and sells only that company’s products.

Employment Agreement: Contract between an associate dentist and a dental practice or clinic covering the terms of employment.

Employment Practices Liability Insurance (EPLI): Provides protection from employee lawsuits, including claims of discrimination, sexual harassment, and wrongful termination.

Employer’s Liability Insurance: Coverage for liability if an employee is injured by the negligence of the employer.

Endorsement: An amendment added to an insurance policy that expands or alters coverage.

Excluded Procedures: Procedures a dentist may not be insured to perform by a Professional Liability policy, such as blepharoplasty (eyelid surgery) or rhinoplasty (nose surgery), among others.

Exclusions: Events or actions the policy does not insure.

Extended Reporting Endorsement: An addition to a Professional Liability Claims Made policy that provides coverage for claims reported after the expiration of the policy period. Also called Tail coverage.

Fiduciary Liability: Protects the practice from employee claims of mismanagement regarding a pension, profit-sharing, or employee benefit program.

Independent Agent: An insurance agent or agency who represents multiple insurance carriers (contrast Direct Writer).

Insuring Agreements: Events or actions the policy insures.

6.2 continued on the next page
Long and Short Term Disability: Pays benefits to the insured in the event of a temporary or permanent disability that renders you unable to work. Maternity benefits are often included under Short Term Disability.

Occurrence: A type of Professional Liability Insurance policy that pays claims arising from incidents that occur during the policy term no matter when the claims are reported.

Prior Acts Coverage: Coverage for a claim reported during the current policy period for an event that happened before the effective date of a Claims Made policy. Sometimes called “Nose” coverage.

Products Liability: Covers liability caused by products that a dental practice sells or provides to patients. Included in General Liability.

Professional Liability Insurance: Protects a dentist from patient claims for bodily injury and/or personal injury, that may occur from alleged malpractice, or errors or omissions. Also referred to as dental malpractice insurance.

Protected Parties: The people who are protected by the policy. A Professional Liability policy often protects staff such as hygienists, in addition to the insured dentist.

Retroactive Date: The initial date when a Claims Made Professional Liability Insurance policy first provides coverage. If Prior Acts coverage is provided, this would be the date from which claims may be reported under the Claims Made policy.

Rider: An amendment to an insurance policy that expands the coverage, also referred to as an endorsement.

Risk Management: The practice of reducing liability exposure through strategic actions and behavior on the part of dentists and staff regarding patient care and practice procedures.
6.2 Glossary of Terms Continued

**Scope of Practice:** Dental procedures that a dentist performs or may perform under the terms of his/her licensure under a state’s dental practice act.

**Tail Coverage:** An addition to a Professional Liability Claims Made policy that provides coverage for claims reported after the expiration of the annual policy period. Also called an Extended Reporting Endorsement.

**Umbrella/Excess Liability:** Coverage designed to supplement the underlying policy by increasing the available primary liability dollar limits. It can also extend protection to some circumstances not covered by the primary policy.

**Underwriting:** The insurance company process of evaluating applications for insurance coverage and determining rates for such coverage if approved.

**Workers’ Compensation:** State-mandated insurance coverage that provides benefits to employees to pay for the cost of treating work-related illness or injury.

**Wrongful Acts:** Acts of an insured often excluded from coverage in a Professional Liability policy. Examples include libel, slander, defamation, assault or battery, and false arrest.
Insurance & Employee Benefits Checklist for Dental Practice Owners:

- Building Insurance
- Business Automobile
- Business Income Interruption
- Business Personal Property
- Buy-Sell Life and Disability Insurance
- Commercial General Liability
- Crime
- Dental Insurance
- Directors and Officers
- Electronic Data Processing Equipment
- Employee Dishonesty
- Employer’s Liability
- Employment Practices Liability
- Fiduciary Liability
- Group Health Insurance
- Group Life Insurance
- Long and Short Term Disability
- Long Term Care Insurance
- Professional Liability Insurance
- Profit Sharing and Retirement Plans
- Umbrella / Excess Liability
- Valuable Records
- Workers’ Compensation
IMMEDIATELY CONTACT YOUR INSURANCE COMPANY IN THE EVENT OF:

- Death of a patient under any circumstances
- Any diagnostic or therapeutic conditions resulting in injury
- Incident of potential claim
- Contact by an attorney
- Receipt of a subpoena or suit papers
- Contact by peer or state review agency

TIPS ON MALPRACTICE PREVENTION

- Always obtain proper written consent prior to beginning any procedure or treatment, although emergency situations may dictate otherwise.
- Never guarantee results from any procedure, medication, or course of treatment.
- Always pay close attention to patients’ complaints, comments, and criticisms.
- Always document treatment accurately and concurrently in the dental record.
- Consult with or refer to a specialist when confronted with a difficult or unusual dental situation.
- Know available new treatments and techniques.
- Maintain original records.