

GIFTING

Influence of gifts on professional behavior



BACKGROUND

Giving gifts to professionals is becoming an increasingly common practice. Whether this violates ethical principles rests on a determination of whether the gift is intended to lead to a benefit for patients without creating the perception of an obligation. The giving of gifts to dentists from their patients, industry, and colleagues was evaluated using the American Dental Association Principles of Ethics and Code of Professional Conduct (ADA Code).

PATIENT GIFTS

Patients may show their appreciation for their dentist by offering a gift. Some believe these gifts should never be accepted because they might influence the standard of care, alter the fiduciary relationship, or cross a boundary. Others see accepting gifts in some circumstances as giving the patient an opportunity to express gratitude, which can strengthen the dentist-patient relationship, remain in line with patient autonomy, and potentially add to the patient's perception of self-worth. Rejecting a gift from a patient has the potential to create emotional turmoil that can damage the dentist-patient relationship.

Some of the factors that the ADA Code considers when evaluating patient gifting are the nature and longevity of the patient-dentist relationship, the value and timing of the gift, and the apparent motivation for the gifting. Typically gifts from patients are nominal in nature and therefore bear no consequences for patient care. An excessive gift, one that is too personal, or one that is tied to an expectation for preferential treatment can alter the dynamic of care. Sometimes these gifts make it difficult for the dentist to discuss sensitive issues, such as substance abuse or medication noncompliance, with the patient.

In the case of gifts given by the dentist to patients for referrals, the ADA Code principle of Veracity dictates that payments to a person or entity for a referral of a patient for professional services are generally not permitted. A thank-you note and nominal gift card would likely not violate the Code, but offers made with the intent to exchange patient referrals for a reward are unethical.

INDUSTRY-RELATED GIFTS

Gifts from pharmaceutical companies and other corporations to health care professionals are a well-established practice. Scandals

and ethical lapses have led to concern over the acceptability of such gifts to dentists. A potential conflict of interest in health care arises when the practitioner has a duty to advocate for the patient, has a need that is also subject to other interests, and becomes a party to certain social arrangements, which then tempt the practitioner to neglect his or her duty in the public interest. Clinicians are always obligated to act in the best interests of their patients.

Gifts From Colleagues

In the ADA Code principle of Nonmaleficence, dentists should seek consultation whenever the welfare of patients will be safeguarded or enhanced by referring them for treatment by specialists. During the holidays, dentists often receive small gifts from specialists and other health care professionals. Dentists may then feel an instinct toward reciprocating, which might be a positive mechanism of exchange but has the potential to create an obtrusive influence. Some states have regulations that specify a dollar amount for any gifts received, with the goal of allowing gifts that express appreciation but not anything that would be persuasive and perhaps not in the best interests of the patient.

When considering the Split Fees section of the ADA principle of Justice and the principle of Veracity, it's clear that gifts from specialists to a referring dentist could constitute a breach of trust or at least create reasonable doubt of the fairness of the exchange. There are no problems when the gift is a thank-you note and gift card; however, entering referring

Clinical Significance

Dentists can often trust their sense of comfort with the ethics of a gifting situation whether it involves a patient, a business representative, or a specialist. Ideally the dentist would know the individual well enough to discuss it with him or her and express concern. Local and state dental societies that have ethics committees or staff members who may be able to help can also be contacted. Dentists are ethically justified to refuse any gift if they believe the gift has a negative influence on their professionalism or creates the appearance of unprofessional behavior.

dentists in a raffle for a trip based on the most referrals received or assigning a dollar value for each patient referral would cross the line. Clinicians need to honestly determine if a gift would influence them to change their referral patterns. In addition, they need to consider if the gift giver is trying to influence the dentist with a gift.

Soileau KM: How gifting may influence professional behavior. *J Am Dent Assoc* 150:79-80, 2019

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INTERNET SAFETY

Setting up and maintaining internet access



BACKGROUND

The internet has become a highly useful tool in business, with dental practices being no exception. The majority of dental practices in the United States have internet access, which makes the usage security a priority. The primary reasons for having internet access in a dental practice, the primary security risks with internet access, and how to maximize usability and minimize risk were detailed.

USES OF THE INTERNET

Patient data are the most important asset of a dental practice and must be secured. Clinically, accurate information on the patient's oral health is essential. When valuation is considered, it would be extremely difficult to sell a dental practice that has no patient data. The internet offers a way to secure practice data from loss by allowing for online backup capability and off-site storage so that local hardware failure, fire, floods, or theft won't destroy the only copy of the data. It also avoids the potential for HIPAA violations related to the use of removable data to back up patient information.

The internet also allows the office to perform duties that otherwise would be extremely time-intensive. These tasks include verifying insurance benefits, sending referrals, processing prescriptions, and other daily recordkeeping. Rather than taking hours of effort, these operations can be accomplished quickly and efficiently with the click of a few keys.

When the dentist is in the midst of making a diagnosis, formulating a treatment plan, or checking out prescriptions or drug interactions, having access to the internet is indispensable. It offers immediate and unlimited access to any needed information and allows consultation with colleagues when needed.

Practice management software is a significant investment for a dental practice, but updates are essential to make sure that the software is up to date. These updates can be accomplished via the internet without any need for human intervention.

More small businesses are deciding to use Voice over Internet Protocol (VoIP) telephone systems rather than the traditional analog systems. The features offered by internet-based telecom are richer and broader in scope than with the old systems. Having this telecom technology is a proactive approach to replacing the analog systems, and it requires the internet.

Management software that is cloud based is also becoming more popular. The cloud offers more benefits and advantages than older storage systems, with companies that publish the software spending the majority of their resources on cloud-based systems. This approach also requires the internet to be available in the dental practice.

RISKS OF THE INTERNET

Among the risks associated with using the internet is malware, which includes viruses, spam, and adware. Viruses are designed to destroy productivity, but spam and adware simply make it difficult. In addition, ransomware is a huge moneymaker for internet thieves. Doctors have had to pay thousands of dollars to ransom their patient information.

Although not as lucrative as in the past, hacking into a server and stealing patient information is a risk. However, the data breaches suffered by larger retailers have made a flood of personal information available on the black market, so small practices are less at risk.

If the dental staff has access to the internet, the risk for misuse is real. Some team members may spend more time checking social media streams or watching YouTube than performing their patient and practice duties.

MAXIMIZING USABILITY AND MINIMIZING RISK

Five actions can help to make usage of the internet safe and beneficial in a dental office setting. These actions consist of establishing an internet use policy, installing a properly configured firewall, investing in robust anti-malware software, continuously monitoring the usage of the internet and the safeguards that are in place, and providing ongoing training for staff members.