

Informing Clients that a Dental Hygienist Is Leaving One Practice and Moving to Another

When a dental hygienist leaves a practice, there are things that need to be taken into consideration:

1. Maintenance and Access to Client Records

The overriding principle when a dental hygienist leaves a practice is client care.

Dental hygienists have two separate legal obligations with respect to informing clients that they are leaving one practice and moving to another:

- (1) their professional obligation to the client
- (2) their contractual obligation to their employer/business associates

In shared client record situations dental hygienists are advised to clarify with their employer/business associates before commencing practice who the Health Information Custodian (owner of the records) is for clients' records and who is the designated Privacy Information Protection Officer.

Under the CDHO's recordkeeping regulation, dental hygienists have an obligation to maintain and have access to their own records for a period of at least ten (10) years. Access may be required to answer questions that clients, their insurers and the College might have later respecting dental hygiene treatment rendered.

This access can be achieved in one of two ways:

1. In cases where the dental hygienist is the owner of the records, s/he may take the clients' records with her or him. When the clients' records contain documentation from other practitioners that may have treated the client, the dental hygienist has an obligation to maintain the records and may be required to provide access to the other practitioners. The dental hygienist may consider leaving a copy behind.
2. Where the dental hygienist is not the Health Information Custodian (owner of the records), the departing dental hygienist can take a copy of her or his client records with her or him provided the Health Information Custodian is in agreement. If the Health Information Custodian is not in agreement, the departing dental hygienist can leave the records behind on the understanding that they will be maintained for the required period of time and that s/he can have access to them if

required. It is inappropriate for the dental hygienist to unilaterally remove the original or a copy of the client records if the dental hygienist is not the Health Information Custodian (owner of those records).

In both these situations clients must be informed of the location of their oral health records.

2. Informing Clients About One's Departure

If there will be no dental or dental hygiene care from either a dental hygienist or a dentist in the location that the dental hygienist is leaving, then clients should be so informed by the dental hygienist before the office closes. In the case where the clinic is closing entirely, this notification is a professional obligation.

Clients have the right to choose their care providers. In the case where the location will continue to provide dental hygiene services, contractual obligations cannot create barriers to clients who wish to continue care with the departing dental hygienist. Therefore, clients should be advised by the employer/business associates of the departure of a dental hygienist with whom they have developed a professional relationship in a constructive, timely and appropriate manner and, if requested by a client, contact information for the departing dental hygienist should be provided. It is unethical and unprofessional for an employer/business associates to refuse to provide information or mislead a client on the whereabouts of a dental hygienist.

If a dental hygienist has a contractual obligation to refrain from informing her or his clients of her or his departure, s/he may be obliged to honour this obligation and should seek legal counsel. That is a private matter between the dental hygienist and her or his employer and the College will rarely intervene in those cases.

Considerations for departing dental hygienists

Clients are entitled to choose who they go to for care. However, the following should be taken into consideration when deciding how clients should be notified:

1. A departing dental hygienist must not solicit clients.
2. If there are continuity of care concerns, the dental hygienist has a professional responsibility to ensure that their clients have adequate notice to coordinate continuity of care.
3. It would be wise for the dental hygienist and their employer/business associates to work out a protocol dealing with notification issues. An ideal situation would be for the dental hygienist and the employer/business associate to agree upon a letter that will go to the clients of the dental hygienist prior to the departure. If an agreement cannot be reached, legal advice should be sought.
4. When a departing dental hygienist informs her or his clients of the move, s/he must do so professionally. For example
 - a factual statement by letter, or at the last visit by the client before the dental hygienist departs;
 - in response to inquiries by clients;
 - placing notifications or announcements in local newspapers or in bulk mailings are acceptable ways of informing clients.

The following is a sample statement that would meet with the College's approval. Please note that it is up to the dental hygienist to ensure that any communication is consistent with her or his contractual obligations to her or his employer or business associates. For example, it may be contrary to the contractual arrangement for the dental hygienist to use the office's client contact list for such communications.

Dear _____:

I have enjoyed being your dental hygienist at (name of practice or location). As a courtesy, I would like to inform you that, as of _____, I am moving my practice. My new address and telephone number will be _____. You may continue to receive your dental hygiene care at (name of practice or location) _____ or transfer your care to my new practice. As the client, the choice is yours. Your records will be maintained at (specify location) and may be transferred to the location of your choice upon request.

Dental hygienists are responsible for ensuring that any communication complies with legislation including, but not limited to, the CDHO advertising and conflict of interest regulations.

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