COVID-19 PANDEMIC INFORMATION AND FREQUENTLY ASKED QUESTIONS

Current as of May 18, 2020

In addition to this list of FAQs related to your Fortress Insurance medical professional liability insurance policy, your local agent stands ready to assist you with any questions you have on your Fortress policy or other insurance policies your practice may have.

My state allows elective procedures. However, the CDC and OSHA continue to recommend only emergent dental procedures. Should I reopen?
Ultimately, the dental practice owner is responsible for the decision to open a practice for non-emergent procedures. A plan for reopening will include consideration of current state regulations as well as current office policies and procedures.

The CDC, OSHA, and the ADA have published guidelines to assist in making an informed decision in the best interest of you, your staff and your patients.

After review of available resources, determine what is most appropriate for you, your staff, and your patients. Document new protocols and training efforts. Record in the patient’s medical record your clinical reasoning for non-emergent treatments at this time. Given the evolving nature of information during this pandemic, a regular review of resources, an assessment of local conditions, and the application of your clinical decisions is necessary to determine when and how to treat patients during this time.

If I treat a patient during the pandemic what information should I share with patients?
Communicate with your patients before they visit your practice by phone, e-mail, website and voice mail greeting. Additionally, we recommend you post a sign on your office door. This communication could reflect:

“You are receiving dental care during the COVID-19 pandemic. While our office is implementing appropriate CDC infection prevention and control recommendations, there may be an increased risk of exposure to the COVID-19 virus. If you feel ill, have a cough or above normal temperature, please call our office to re-schedule your appointment unless it is an emergency.”

What forms does Fortress offer for patient treatment during the pandemic?

- COVID-19 Pandemic Dental Treatment Notice and Acknowledgment of Risk form
- COVID-19 Pandemic Dental Treatment Notice and Acknowledgment of Risk form (Spanish version)

The “COVID-19 Pandemic Dental Treatment Notice and Acknowledgment of Risk” form is not a consent form, but rather a document to memorialize the discussion between the doctor and the patient, and the patient’s subsequent understanding dental treatment in the context of a pandemic.

We recommend this form be used in conjunction with a procedure-specific consent form provided to your patients during the informed consent process. In many ways, this process and your clinical
documentation is the continuation of pre-pandemic practice. Clear documentation of a doctor’s clinical assessment, diagnosis, treatment plan, and communication with the patient is a prudent risk management strategy.

For more information on the informed consent process, view our Patient Safety Minute videos: The Informed Consent Process and our video specific to Informed Consent in the Treatment of Minors.

- COVID-19 Pandemic - Patient Disclosures Form
- COVID-19 Pandemic – Patient Disclosures Form (Spanish version)

Fortress also offers the COVID-19 Pandemic - Patient Disclosures Form to provide you with information about a patient’s potential symptoms associated with the COVID-19 virus and their recent health history. This form, along with the Health History form (Log in to download Health History form) and any referral information can help determine the appropriateness of proceeding with surgery.

Fortress forms can be edited to meet your specific local, state, and practice requirements.

Will my policy provide coverage for teledentistry or virtual office visits?
Yes. If your patients are located in a state in which you are authorized or licensed to practice, and the treatment is rendered in accordance with local, state, and federal laws, you are covered. As always, coverage under professional liability policies is triggered by specific patient allegations and coverage can only be determined based on the facts of a claim. It is important to document all patient interactions.

To assist you in implementation of this technology, Fortress provides the following forms:

- Patient Acknowledgement – Telehealth Consultation Services: a form for patients to acknowledge the risks and limitations of utilizing telehealth consultation services
- Patient Acknowledgement – Telehealth Consultation Services (Spanish version)

Am I covered if a patient alleges they have contracted COVID-19 from my office?
Yes. The Fortress Policy does not contain a pandemic exclusion. Coverage under professional liability policies is triggered by specific patient allegations and coverage can only be determined based on the facts of a claim. Other coverage may also exist under other insurance policies your practice has depending on the circumstances of the claim. Contact your local agent regarding any insurance coverage questions you may have.

Am I covered if an employee alleges they have contracted COVID-19 from my office?
No. The Fortress policy provides coverage for professional services which were provided or should have been provided to your patients. Your practice may have coverage, depending on the circumstances of the claim, under other insurance policies it carries, such as Workers Compensation.
Am I covered for administering FDA authorized point-of-service COVID-19 tests to my patients?
Yes. If your patients are tested within the scope of your license and rendered in accordance with local, state and federal laws, you are covered.

Am I covered if I volunteer to perform treatment outside my scope of practice in response to federal or state requests for health care volunteers?
We are in this crisis together, and we want you to know that Fortress will be there to defend you if you are sued as a result of your volunteer activities.

While working in an authorized volunteer capacity, it is also likely that you will be provided with federal or state-based immunity from civil lawsuits for your treatment to COVID-19 patients. As always, there are exceptions to the immunity for gross or willful negligence. If you plan to volunteer in response to a governmental request, we recommend you familiarize yourself with applicable federal and state websites to fully understand what is allowable under your license.

If you volunteer, please notify us via e-mail to info@fortressins.com so we can note your file.

If I am unable to pay my upcoming premium, what do I do?
Until further notice, Fortress is allowing practices up to the longer of 60 additional days, or per state insurance department guidelines during the pandemic, after the invoice due date to pay the premium. Policyholders using this deferral will not have their policy cancelled. You may utilize this deferral without contacting the Company.

How is Fortress helping dentists with premium relief?
All dentists currently rated full-time will be reduced to part-time rating effective March 16, 2020, for a period of 90 days. This represents a 50% reduction in premium for that 90-day period (except for dentists in their first three years of practice, where the reduction will be less since they are receiving a new-to-practice credit). No action is required on your part. Policyholders will receive a letter for your records reflecting this rating change.

Full-time or part-time practitioners may suspend their policy for an additional premium reduction if they will not treat any patients for at least 90 days. No claims may be reported on suspended policies for patient treatment done during the period the policy is on suspension. Contact Fortress at 800-522-6675 to discuss with the Underwriting Department if you qualify for this option.