



NATIONAL DENTAL LAW GROUP AT
MANDELBAUM BARRETT^{PC}



Beyond the Chair: A Legal and Ethical Guide for Dental Practices

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Welcome to this practical guide designed for dental professionals navigating the complex landscape of practice ownership, employment compliance, and ethical leadership.

As today's healthcare environment continues to evolve, dentists must wear many hats—not only as clinicians but also as employers, mentors, and business owners. This brochure brings together essential guidance across key areas of dental practice management, from cultivating a healthy workplace culture to understanding associate agreements and preventing legal pitfalls.

Each section is packed with actionable insights to help you build a stronger, more compliant, and ethically grounded practice—one that protects your patients, empowers your team, and positions you for long-term success.

Workplace Culture & Labor Relations

A productive dental practice begins with a supportive and respectful culture. At the heart of positive labor relations are three key principles: communication, respect, and acknowledgment. These values help build trust within the dental team and ensure that both employer and employee needs are met with fairness and transparency.

Dental practice owners must go beyond simply managing day-to-day operations. They must foster an inclusive environment where employees feel heard and appreciated. Creating a safe space for open communication can reduce tension and lead to innovative solutions to everyday workplace challenges.

A well-constructed employee handbook is a foundational tool. It should clearly outline behavioral expectations, anti-discrimination policies, leave policies, and procedures for raising concerns. Additionally, regular training for supervisors ensures consistency in leadership and helps mitigate legal risks related to inconsistent disciplinary actions or overlooked harassment complaints.

Dental offices that fail to prioritize respectful communication often face high turnover rates, legal disputes, and decreased patient satisfaction. Conversely, practices that invest in employee morale and collaborative communication are more likely to retain staff and build stronger reputations in their communities.

Recruiting, Hiring & Onboarding

Hiring the right person for a dental team is a strategic and legal decision. Every hire impacts the practice's productivity, culture, and legal compliance. Therefore, dental employers must implement structured hiring processes starting with clearly defined job descriptions. These documents not only help attract the right candidates but also provide objective standards for evaluation and promotion.

A practice should create a job description for each position it intends to staff. Recruitment must be done in a non-discriminatory manner, using inclusive language in job postings and advertising across diverse platforms. Interviews

should be structured, with questions focused on skills, experience, and job compatibility. Employers must steer clear of questions about age, marital status, religion, or disability.

Once hired, onboarding is crucial. This is the first true impression the new employee receives of the practice's culture and organization. Onboarding should include a detailed orientation to the office's policies, an introduction to team members, and training on patient interaction protocols, software, and compliance responsibilities. A successful onboarding reduces early turnover, accelerates productivity, and builds long-term loyalty.

Compensation in dental practices is about more than just paying a salary—it's about creating a structure that complies with employment laws while also incentivizing employee performance. Compensation models must adhere to federal and state wage-and-hour regulations, especially regarding overtime eligibility and employee classification. Mistakenly classifying an employee as an independent contractor, for example, can lead to costly audits and penalties.

Common dental compensation strategies include base salary, hourly wages, and production-based incentives. Each approach carries unique benefits and risks. A hybrid model that combines base pay with

performance bonuses can offer a balanced approach but must be documented clearly. Compensation agreements should spell out not only pay structure but also bonus eligibility, benefits offered, and evaluation timelines.

Benefits such as healthcare, continuing education stipends, paid time off, and retirement contributions can significantly impact employee satisfaction and retention. Dental practices must ensure that all benefits and compensation changes are well-documented in personnel files and communicated in writing to avoid misunderstandings. Transparency in pay and benefits is key to maintaining morale and legal compliance.

Ethics in Dentistry

The American Dental Association's Principles of Ethics form the ethical foundation of professional dental practice. These five pillars — Autonomy, Non-Maleficence, Beneficence, Justice, and Veracity— are not just theoretical ideals; they have real-world application in every patient interaction and business decision.

Respecting patient autonomy means giving patients control over their treatment choices. This includes thorough informed consent procedures, access to records, and transparent communication. Non-maleficence requires that dentists continuously educate themselves

and refer patients to specialists when appropriate, avoiding procedures beyond their training or comfort.

Beneficence reflects the responsibility to do good for patients and the community, which includes identifying abuse, supporting emergencies, and maintaining high standards of staff training. Justice ensures fairness in treatment, especially regarding patients with disabilities or financial limitations. Veracity, or truthfulness, relates to advertising, billing, treatment records, and representations of services. Any deviation from these standards can erode trust and lead to disciplinary action.

Harassment, Discrimination & Investigations

Workplace harassment and discrimination are not only unethical but also illegal. Dental practices, like any other employer, are bound by equal employment opportunity laws and must maintain a zero-tolerance stance toward any form of harassing or discriminatory misconduct. Harassment can be verbal, physical, written, or digital, and it may occur between employees or involve third parties such as patients or vendors.

Training staff and supervisors is a vital step in preventing and identifying harassment. Training should include guidance on identifying inappropriate behavior, reporting mechanisms, and

the consequences for violations. When complaints arise, employers are legally required to investigate promptly, impartially, and confidentially.

Investigations should include private interviews with the complainant, accused, and any witnesses. All statements should be documented, and immediate steps taken to ensure safety and prevent retaliation. Even if the misconduct seems minor or informal, it must be addressed. Failing to act can expose the practice to significant liability. A respectful, fair workplace is essential not just for compliance, but also for productivity and staff retention.

Leadership & Management Responsibilities

Strong leadership is essential in any dental practice, particularly when it comes to managing teams and ensuring compliance with legal and ethical standards. Leadership in this context is not limited to the practice owner—supervisors, senior staff, and office managers all play crucial roles. Effective leaders set clear expectations, provide regular feedback, and model professionalism in every interaction.

Leadership also involves emotional intelligence. This includes being aware of how one's behavior affects others, listening actively, managing stress, and handling conflict constructively. Dental leaders must foster an

environment of accountability, inclusivity, and growth. Team members should be encouraged to contribute ideas, express concerns, and develop professionally through continuing education and cross-training opportunities.

Managers must also be well-versed in employment laws and practice policies. They are often the first point of contact for questions about pay, leave, or conduct. Providing accurate information and knowing when to escalate an issue to legal counsel or HR is essential. Ultimately, leadership is about building a team that is empowered, informed, and aligned with the mission of the practice.

An associate agreement defines the professional relationship between a dentist and a dental practice. It is essential for associates to understand every clause before signing. Key topics include the type of employment (independent contractor vs. employee), compensation model, termination clauses, restrictive covenants, and any promises of partnership.

Compensation should be clearly defined: Will it be a percentage of production or collections? Are there minimums or draw agreements? What about bonuses and benefits? Equally important are the terms for leaving the practice—whether voluntary or

involuntary—and what restrictions apply afterward. Many contracts include non-compete clauses that limit where a dentist can work after leaving, sometimes for several years and within a large geographic radius.

Dentists must also be cautious of vague promises about becoming a partner. A true partnership track should be written into the agreement, including benchmarks and a timeline. Career planning should involve legal review of agreements and a realistic assessment of the associate's long-term goals. Signing a poorly written contract without legal advice can result in limited professional mobility and financial loss.

Board Complaints & Disciplinary Actions

Every year, state dental boards receive numerous complaints from patients, staff, and the public. These complaints are not always about clinical errors—often, they involve poor communication, unprofessional behavior, or administrative mistakes. Once a complaint is filed, the board may open an investigation, and the dentist will be asked to respond. This process can be stressful, but it is important to remain cooperative and seek legal guidance early.

Dental boards have the authority to issue warnings, impose fines, suspend or revoke licenses, and mandate remedial education. In serious cases, the matter may be referred to an administrative hearing.

The Administrative Procedure Act guarantees the dentist's right to a fair process, including notice of the charges, the right to present evidence, and representation by counsel.

To avoid board action, dentists should focus on patient satisfaction, accurate documentation, and prompt response to complaints. Ensuring informed consent, returning phone calls, following up on test results, and maintaining ethical advertising are just a few proactive steps. Prevention is always preferable to defending a complaint.

Patient Records & Confidentiality

Patient records are legal documents and must be treated with utmost care. Every dental visit should be thoroughly documented, including the patient's medical history, exam findings, diagnosis, treatment plans, procedures performed, prescriptions issued, and consent obtained. Records must be legible, timely, and free of unauthorized edits. If changes are made, they should be clearly noted with the date and initials of the provider.

It is a violation to delete entries, alter records after-the-fact without notation, or access a chart for a patient not under your care. Copy-pasting in electronic health records (EHR)

without review or entering notes retroactively can raise red flags during audits or board reviews. Confidentiality is also paramount. Patient records must be stored securely and accessed only by authorized personnel.

Practices must comply with HIPAA and state laws regarding data privacy. Patients have the right to access their records, and disclosures must be documented. Any breach of confidentiality—whether intentional or accidental—must be reported according to regulatory guidelines. A strong record-keeping policy not only supports clinical care but also protects against legal liability.

Assemble *your team*

It takes an entire team of dental industry professionals to ensure the success and growth of a dental practice no matter where you are in your professional journey. Each advisor serves a unique role in providing proper guidance to dental professionals as they navigate the successes and challenges of practice ownership.

There are six essential roles every dentist and dental specialist should consider when building an advisory team:

- **Accountant** – Understands dental practice economics and ensures accurate financials, tax planning, and practice valuations.
- **Practice Consultant** – Offers operational insight to reduce costs, improve efficiency and growth, and strengthen overall business operations.
- **Attorney** – Protects your interests by providing advocacy and legal guidance on contracts, compliance, risk management, and transition planning.
- **Financial Advisor** – Helps structure personal and practice finances for long-term stability by offering guidance on investments, retirement planning, taxes, etc.
- **Specialty Lender** – Evaluates practice cash flow and growth potential and can often offer one hundred percent financing and working capital in a dental acquisition.
- **Broker** – Assists in valuing and marketing a practice, finding opportunities to acquire and grow, and serves as a resource in helping parties reach a fair deal.

It is crucial that each of these professionals have experience working specifically with dental and dental specialty practices. Often, one trusted advisor will recommend other qualified professionals to help you complete your team.

Taking the time to build this team will provide you with the advice and perspective needed to make informed decisions throughout your career.

Built on relationships,
focused on *results*.



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