Terminating the Provider-Patient Relationship

What’s the Risk?

An allegation of abandonment may be brought against a provider if the provider ends an established provider-patient relationship without reasonable notice and without reasonable opportunity for the patient to arrange for medical care.

When Is This Risk an Issue?

Physicians encounter a myriad of situations when caring for patients that may trigger a need to terminate the physician-patient relationship. Examples of such situations include patient noncompliance, failure to pay a bill, a drug-seeking patient, issues with minors, verbal abuse, physical threats or harm, and criminal activity. The following section includes information on some of these common situations.

Patient Noncompliance

While it’s not a hard and fast rule, termination of the professional relationship may be warranted if a patient misses three consecutive appointments. Extenuating circumstances in individual cases may indicate a need for leniency and understanding.

Non-payment of Bills

Chronic non-payment of bills may be a reason for terminating the professional relationship, unless extenuating circumstances indicate a need for patience and/or the patient agrees to a payment schedule that works for both the practitioner and the patient.

Drug-Seeking Patient

Selling drugs prescribed by a physician is a criminal activity and grounds for immediate termination of the professional relationship. On the other hand, drug-seeking behavior for personal use is not a criminal activity and requires ongoing medical treatment. Accordingly, termination of the professional relationship should be a last resort for the patients in this latter category.
Termination of Provider/Patient Relationship

Minors

From time to time, a practitioner may want to consider terminating the professional relationship with a pediatric patient whose parents are abusive, noncompliant or financially irresponsible with respect to payment.

Patient Who Sues

Some patients will name a practitioner in a medical professional liability lawsuit and still want to continue seeing the practitioner. Given the circumstances, some practitioners choose not to continue treating the patient. However, it is important to resolve any acute conditions before terminating the professional relationship.

Criminal Activity, Violence and Abuse

Criminal activity involving the practice is reason for immediate termination of the professional relationship (for example, theft of prescription pads). Verbal abuse, physical violence, and threats of physical harm are, in almost all cases, also reasons for immediate termination of the professional relationship. Criminal activity, violence and abuse are not subject to the guidelines governing termination of the professional relationship for non-criminal activity and a 30-day notice period is not required. In these instances, verbal termination is acceptable.

Terminated Patient Presents for Care

Practitioners are ethically mandated to see any patient already terminated from the practice who presents in their office in crisis. A crisis visit does not commit the practitioner to ongoing care. In addition, a physician who is on call in the ED must see the ED patients he/she is called to see, including those previously terminated from his/her practice.

How Can I Reduce Risk?

Although physicians may terminate a physician-patient relationship for various and multiple reasons, certain steps should be followed to help avoid a possible allegation of abandonment. These steps include establishing procedures for terminating relationships, determining if a relationship may be terminated, notifying the patient in writing, continuing to treat the patient during the notice period, and avoiding re-establishing a relationship. The risk management recommendations for each of these steps follow below.
Termination of Provider/Patient Relationship

**Establish Procedures for Terminating Relationships**

| Develop a written policy and procedures | • Develop a written policy and procedures for discharging patients from the practice; draft a standard termination letter. See the following sample termination letters: |
| | o *Termination of the Doctor-Patient Relationship – Behavioral Issue* |
| | o *Termination of the Doctor-Patient Relationship – Non-compliance* |
| | o *Termination of the Doctor-Patient Relationship – Nonpayment of Bill* |

**Determine If Relationship Can Be Terminated**

| Evaluate each relationship | Evaluate each relationship on a case-by-case basis. Consider the patient’s underlying state of health and the severity of the signs and symptoms of the patient’s disease process, the stage of the current course of treatment, and the availability of comparable medical care. Some conditions, such as pregnancy, require ongoing care and resolve after a period of time. Accordingly, the relationship with a pregnant patient who has reached 20 weeks gestation should not be terminated until after resolution of the pregnancy and completion of any requisite post-partum care. |
| | *Do NOT terminate the relationship with a patient in crisis* |
| | Ensure that the patient is not in a physical or emotional crisis. For example, a psychiatrist may not terminate a patient who is suicidal or in a state of extreme agitation or depression. |
| | Use extreme caution with pregnant and behavioral health patients |
| | Use extreme caution when circumstances, such as physician disability, require that a relationship be terminated with a pregnant patient who is past 20 weeks gestation or with an acutely ill behavioral health patient. Help the patient find a new provider. Contact the new provider to verbally hand-off the patient, provide medical records, and confirm that an appointment is scheduled. Refrain from making inflammatory remarks about the patient to the new provider. Document the verbal hand-off in the medical record. |
Termination of Provider/Patient Relationship

Determine If Relationship Can Be Terminated

Assess the situation

- Assess the situation to determine if there are any underlying factors for the patient’s behavior. The following recommendations relate to common situations encountered when considering termination of a professional relationship.

  o Patient Noncompliance
    - Develop a missed appointment policy and define how many missed appointments will trigger consideration for termination of the relationship.
    - Publish the missed appointment policy in the practice welcome brochure.
    - Consider termination of the professional relationship when the patient violates the missed appointment policy.

  o Non-Payment of Bills
    - Notify patients on their first visit regarding responsibilities for bill payment and copayments.
    - Include the name and phone number of the contact for billing information or questions.
    - Provide an adequate amount of time to pay the bill (e.g., 30 days).
    - Contact the patient to determine why the bill has not been paid. The patient may be unhappy with the treatment or there may be extenuating circumstances, such as the loss of a job. Terminating the relationship with the patient may lead to further anger and may even prompt the patient to sue. Demonstrating personal attention and concern for the underlying problem may help to prevent a conflict with the patient from escalating.
    - Send the patient a 30-day notice of termination if payment is not received.
Termination of Provider/Patient Relationship

Determine If Relationship Can Be Terminated

- If, after 30 days, the patient has not contacted the office to arrange payment, send a final termination letter.
- Do not deny medical care to a patient with an outstanding bill until termination becomes effective.

  o Drug-Seeking Patients
  - Assess the patient for a medically indicated need for opioids.
  - Voice concern about drug dependency.
  - Refer the patient to an appropriate specialist to help with detoxification or help the patient enroll in a licensed detoxification program.

  o Minors
  - Discuss the situation with the parent before terminating the relationship with the minor if the minor is not emancipated.
  - Send the termination letter to the parent if there is a decision to terminate the relationship with a minor who is not emancipated.

  o Patient Who Sues
  - If you are not comfortable continuing to treat the patient, consider termination of the professional relationship after resolving any acute conditions.
  - Explain to the patient that, given the circumstances, another practitioner might be better able to meet his/her needs.

  o Criminal Activity, Violence and Abuse
  - Consider immediate verbal termination for verbal abuse, physical violence, threats of physical harm or criminal activity involving the practice.

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Termination of Provider/Patient Relationship

Determine If Relationship Can Be Terminated

- Consider seeking the reason for abuse or violence, rather than resorting to immediate termination of the professional relationship, if the behavior occurs as a one-time event in a long-term relationship.

- Send a follow-up letter indicating the reason for termination, directions to obtain ongoing care at a local urgent care facility or emergency department, and assurance that the medical record will be forwarded to the new practitioner selected by the patient.

  o Terminated Patient Presents for Care

- Do not deny care to a terminated patient when the patient presents to the office in crisis or to the ED when you are on call.

- Follow-up with the patient to ensure that ongoing care is provided.

- Notify the patient’s primary care provider of the visit and advise of the need for follow-up.

Recognize limitations for termination of a professional relationship

Do not terminate a relationship because of gender, race, religion or sexual preference. Furthermore, relationships with patients covered under the Americans with Disabilities Act (ADA) may only be terminated for reasons similar to that of a non-disabled patient. Relationships may not be terminated because of the disability or illness or costs that the disability or illness might involve (e.g., providing an interpreter for a deaf patient).

Check health plan contracts

Check the provisions of any contract you have signed with the patient’s managed care organization or health plan to ensure compliance, as third party payers may also have their own policies and procedures which need to be followed when a professional relationship is terminated.

Resolve acute conditions

Continue to treat patients who have an acute medical condition. Resolve acute medical conditions prior to terminating the professional relationship.
**Notify Patient in Writing**

**Send a certified letter**

Notify the patient in writing via a certified letter to the patient’s home address, return receipt requested. The notice may or may not include the reason for terminating the professional relationship. If the patient refuses to accept the certified letter, file the returned letter and place it in the medical record or scan it to the electronic medical record (EMR). Mail a duplicate letter in a plain envelope with no return address.

**State the effective date**

Clearly state the date upon which the termination of the professional relationship will become effective.

**Provide resources**

Provide information about resources, such as the local medical society or a local medical center, that are available to help identify other physicians in the same or similar specialty.

**Specify the relationship that is being terminated**

Determine exactly with whom the professional relationship is being terminated when the practitioner is in a group practice. Specify whether the professional relationship is being terminated only with the practitioner signing the letter or with the entire practice. Name all of the group members or the entire practice if the relationship is being terminated with the practice.

**File a copy of the letter**

Place a copy of the termination letter and the return receipt in the patient’s chart or scan it to the EMR.

**Document process**

Document each step in the termination process, including communication with the patient. Include quotes whenever possible. Note what the practitioner said and the patient’s response.

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**Continue to Treat Patient During Notice Period**

**Treat for 30 days**

Continue to treat the patient for a reasonable period of time, such as 30 days, while the patient makes arrangements for the services of another physician. During these 30 days, treat patients who are in crisis and present either to the office or the local emergency department.
## Termination of Provider/Patient Relationship

### Release Copy of Medical Records to New Provider

<table>
<thead>
<tr>
<th>Use an authorization form</th>
<th>Offer to transfer records to the new physician upon receipt of a signed authorization to do so. Include an authorization to release records with the termination letter. See sample <a href="#">Permission Form to Send Medical Records.</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do NOT withhold records</td>
<td>Do NOT refuse to provide a subsequent treating physician with a copy of the medical record because the patient has not paid for medical services.</td>
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</tbody>
</table>

### Avoid Re-establishing Relationship

| Do NOT make new appointments | Inform all practice staff members that a termination letter has been sent. If a new appointment is made after the effective termination date, it may arguably re-establish the relationship. |

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