Terminating the Provider-Patient Relationship: Avoiding an Allegation of Abandonment

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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 further medical care.¹ Further, there must be some causal connection between the termination of the relationship and an adverse patient outcome.

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, verbal abuse, physical threats or harm, personality conflict, and criminal activity.² 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.

Establish procedures for terminating relationships.

- Develop a written policy and procedures for discharging patients from the practice, including a sample termination letter.³

Determine if the relationship can be terminated.

- 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 or treatment.⁴ Some conditions, such as pregnancy, require ongoing care and resolve after a period of time. Accordingly, the relationship with a pregnant patient should not be terminated once the patient reaches 20 weeks gestation until after resolution of the pregnancy and completion of any requisite postpartum care.⁵
- 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.⁶
- Use extreme caution if 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.
- Assess the situation to determine if there are any underlying factors for the patient’s behavior. For example, if the reason for termination is the failure to pay a bill, 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
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 the provisions of any contract you have signed with the patient’s health plan to ensure compliance,” as third-party payers may also have their own policies and procedures which need to be followed when terminating a relationship.

Continue to treat patients who have an acute medical condition. Resolve acute medical conditions prior to terminating the relationship.

Notify the patient in writing.

“Notify the patient in writing via a certified letter to the patient’s home address, return receipt requested. Notice may or may not include the reason for termination.” If the patient refuses to accept the certified letter, file the returned letter and envelope in the medical record. Mail a duplicate letter in a plain envelope with no return address.

“Clearly state the date upon which the termination will become effective.”

“Provide information about resources, such as the local medical society or a local medical center that will aid in identifying other physicians in the same or similar specialty.”

“Place a copy of the termination letter and the return receipt in the patient’s chart.”

Sample Termination Letters – the following sample letters are written using plain language principles designed to make them easy for patients to read, understand and use. Click the links below to access.

Termination of the Doctor-Patient Relationship – Behavioral Issue
Termination of the Doctor-Patient Relationship – Non-compliance
Termination of the Doctor-Patient Relationship – Nonpayment of Bill

Continue to treat the patient during the notice period.

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.

Release a copy of the medical records to the new provider.

“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.

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.”

Sample authorization to release medical records form – the following sample form is written using plain language principles designed to make them easy for patients to read, understand and use. Click the link below to access.

Permission Form to Send Medical Records

Avoid re-establishing the relationship.

“Inform all practice staff that a termination letter has been sent. If a new appointment is made
after the termination date, it may arguably re-establish the relationship.\textsuperscript{22}

If you have specific questions related to terminating a provider-patient relationship or if you would like a sample termination letter, please contact the Coverys Risk Management Helpline at 800-225-6168, option 9.

References

5. Linda M. Greenwald, with Maureen Mondor and Ann Burke, Bonnie Ellis and Karyn Finneron.
6. Ibid.
7. Ibid.
8. Ibid.
10. Seanna R. Willis and Ann Zerr.
12. Coverys.
16. Ibid.
17. Ibid.
19. Coverys.
21. Ibid.
22. Ibid, p. 3.