

Withdrawing from Care

Monday Morning Quarterbacking

Situations arise where physicians decide to end the physician-patient relationship. Most physicians take precautions to prevent allegations of abandonment by sending letters to patients. A letter, however, is sometimes just part of the overall process. Consider the following examples.

Example #1

The Family physician sent a letter to the patient terminating the physician-patient relationship; the patient had verbally abused staff members and was disruptive in the waiting room on several occasions. Neither the physician nor staff had documented the patient's conduct in the medical record. The letter described each occasion in detail and was sent certified mail, but the patient refused the letter and it was returned to the practice. The patient repeatedly called the office and was told he was no longer a patient and could not schedule an appointment. The patient claimed he never received the letter and presented to the practice demanding to speak with the physician. The FP explained to the patient he would no longer provide care because of his conduct described in the letter. The patient argued his conduct was justified, but eventually left and did not return. In retrospect, the physician decided that, in the future, he or his staff will attempt to hold a conversation with the patient before sending the letter.

Example #2

While standing in line at the post office, the internal medicine specialist recognized an elderly woman who looked familiar. He introduced himself and discovered she was one of his patients and had been one of his elementary school teachers. The teacher was clearly upset with the internist, indicating she had received a letter stating he was unwilling to continue to treat her because she had not paid her bill. The internist was unaware the letter had been sent and told her to call his office to schedule an appointment.

Ending the Physician-Patient Relationship

Physicians may end the physician-patient relationship for any number of reasons. Valid reasons include delinquent account status, persistent noncompliance with medical advice, repeated failure to keep appointments, and combative or threatening behavior.

When physicians terminate a patient from their practice, care should be taken to avoid allegations of patient abandonment. An abandonment claim is when a patient claims the physician discharged him or her without proper advance notice and, while trying to find another physician, the patient's condition worsened—resulting in injury.

Claims of abandonment can be avoided by following these risk management guidelines:

- Review the patient's medical record before sending a dismissal letter.
- Evaluate the patient's condition and render stabilizing care. Consider the likelihood of whether the patient's condition will worsen before the patient finds another physician.
- Consult third party payor and managed care contracts to determine if there are additional requirements for discharging covered patients.
- If at all possible, discuss the termination with the patient in person or by phone and document the discussion in the patient's chart.
- Send a written confirmation of the termination to the patient via regular mail and certified mail (return-receipt requested). The letter may be brief, and you do not need to restate the reason for termination. If you do, however, be objective and tactful in your choice of words. The letter should include the following:
 1. A specified period of time during which you will continue to provide care. The American Medical Association generally suggests 30 days, but more or less time may be appropriate depending on the circumstances and availability of another physician.
 2. A reminder that the patient's medical condition requires care and the patient should find another physician immediately.
 3. Contact information for a medical referral service. Many state and local medical societies have such services.
 4. How the patient can obtain a copy of his or her medical record from your office.

Personally sign the termination letter and place a copy in the patient's medical record.

Additional Consideration

Take care when terminating patients with disabilities. Your reason for terminating a disabled patient should be "disability neutral" (i.e., the reason for ending the relationship cannot be due to the patient's disability).

Lastly, each state has different laws on patient abandonment. Some states' laws are more specific than others; consult with the necessary resources for your state.

ProAssurance has developed a tool to assist you in terminating the physician-patient relationship. You can access a sample withdrawal from treatment letter within the policyholder-only, secure area of www.ProAssurance.com. Click "Login" (or "Sign Up" for first-time users) at the upper right corner of the home page. Under the heading Risk Management Resources, select "Sample Forms, Checklists, and Letters." Allow up to two business days for new accounts to be processed before trying to access the forms.

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