

Reducing Risk

A Publication on Healthcare Risk Management from Princeton Insurance

Discharging a Patient from Your Medical Practice

Introduction

Occasionally, you may encounter patients who you no longer wish to treat. Reasons for ending the physician-patient relationship may include chronic non-compliance, rudeness to office staff, or non-payment of bills. While these patient behaviors can affect the interactive care-giving process, they may also identify patients with a propensity to file a claim against you. To help reduce the risk of a future claim, a physician may terminate or discharge a patient from the practice.

There are, however, certain exceptions that apply to terminating a patient. You may not terminate your professional relationship for any discriminatory purpose or in violation of any laws or rules prohibiting discrimination such as the Americans with Disabilities Act. You also are not permitted to terminate a patient where you know, or reasonably should know, that no other healthcare provider is currently able to provide the patient the type of care or services that you are providing to the patient.

If the patient is a member of a managed care network, you should consider discussing your intentions to discharge the patient with the health plan administrators, as special conditions may apply. They also can provide a list of other member physicians in the region who are accepting new patients.

You also are required by the New Jersey Board of Medical Examiner regulations to provide a patient whom you have discharged with a copy of his or her medical records without charge.

Reduce the Risk of Abandonment

Abandonment occurs when a physician suddenly terminates a patient relationship without giving the patient sufficient time to locate another practitioner. A patient, however, may withdraw from a physician's care at any time without notifying the physician.

To reduce the risk of allegations of abandonment, it is recommended that, if possible, you discuss with the patient in person the difficulties in the physician-patient relationship and your intention to discharge the patient from the practice. Be sure to document the discussion fully in the patient's medical record, also noting the presence of any witnesses such as a patient's family member or a member of your office staff.

Caution: Documentation in medical records should never include subjective or disparaging statements or judgments about a patient.

Write a Formal Discharge Letter

You are required by law to notify the patient in writing of the termination. The letter must state that you will no longer provide care to the patient as of a date certain. The date certain must be at least 30 days from the date of the letter. You must also state in the letter that you will be available to provide emergency care or services, including provision of necessary prescriptions, during the 30-day notice period.

The discharge letter should also include:

- A description of any urgent medical problems the patient may have, including, if appropriate, a time frame within which the patient should be seen by another physician, and the potential implications or consequences if treatment is not received
- An offer to forward copies of the patient's medical records to the subsequent treating physician (You may also include a HIPPA compliant authorization for the patient's convenience.)
- The name and phone number of a local physician referral service or the local/state medical society to assist the patient in locating a physician who is accepting new patients.

The discharge letter should be marked "personal/confidential" and mailed by certified mail, return receipt requested, to the patient's last known address. File a copy of the letter and the receipt in the patient's medical record. If the letter is returned unclaimed, mail it again. If it is returned a second time, file it in the patient's medical record as proof of your attempts to contact the patient. It is also suggested that you mail a copy of the letter by regular, first-class mail, in case the certified letter is not claimed.

A sample discharge letter is included here for reference on page 4.

Inform Your Staff

Communicate with your staff when you have formally discharged a patient from your practice. Office staff should not schedule an appointment for a discharged patient after the termination date specified in the letter, as doing so may reestablish a physician-patient relationship.

If you are covering for another physician and must see a former patient that you discharged, be sure to inform the patient that you are seeing him/her as the covering physician for the new physician and are not resuming your former physician-patient relationship. Document this communication in your progress note in the patient's medical record.

For more information about reducing risk at your practice, please view our risk management newsletter at www.RiskReviewOnline.com. To access additional Reducing Risk documents, visit our website at www.PrincetonInsurance.com and click on "healthcare risk services."

This material is not to be construed as establishing professional practice standards or providing legal advice. Compliance with any of the recommendations contained herein in no way guarantees the fulfillment of your obligations as may be required by any local, state or federal laws, regulations or other requirements. Readers are advised to consult a qualified attorney or other professional regarding the information and issues discussed herein, and for advice pertaining to a specific situation.

Sample Discharge Letter

Dear (Patient),

You will recall that we discussed our physician-patient relationship in my office on (date of last visit or discussion). Also present were your (wife, husband, etc.) and my (nurse, assistant, etc.)

As we discussed, I find it necessary to inform you that I will no longer be able to serve as your doctor as of (date at least 30 days from date of letter). The primary difficulty has been (indicate general reason, e.g., your failure to cooperate with the medical care plan, your behavior toward my staff, etc.).

I recommend that you promptly find another physician to provide for your medical needs (state needs if continual medical attention is necessary, e.g., diabetes, hypertension). You may want to contact (names and phone numbers of the state or local medical society, managed care referral service, etc.) to obtain names of other physicians who are accepting new patients. Any delay could jeopardize your health, so I urge you to act promptly.

I will remain available to provide medical services to you, on an emergency basis only, until (same date as specified above in second paragraph) while you have the opportunity to arrange for another physician to assume your care. A medical records release authorization form is enclosed for your convenience. Upon receipt of your signed authorization, I will forward a copy of your medical record. I will also be happy to discuss your case with the physician who assumes your care.

Very truly yours,

(Your name)