

**(PRACTICE NAME)**

Date:

Dear \_\_\_\_\_ (*Patient Name*):

This is to inform you that the practice of \_\_\_\_\_ (*Practice Name and Physicians*) will no longer serve as your physicians.

A very important part of providing quality care to our patients is the ability to establish a positive communication relationship between the patient, the doctor and the staff. Recently, it is my opinion that we have not been able to maintain our communications within a manner that is satisfactory to continue your care. I believe that it would be better for you to seek care for your \_\_\_\_\_ (*specialty*) needs from another physician effective immediately.

I regret having to take this action. For the next thirty (30) days, I will continue to see you on an emergency need basis only. After that time, you must seek care elsewhere. With your written permission, I will release your medical record to the physician of your choice.

Sincerely,

\_\_\_\_\_ (*Name of Physician(s)*)

# Take necessary steps when firing a patient

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AMNEWS CONTRIBUTOR

The ethics of the medical profession define the physician-patient relationship as one in which the doctor accepts ongoing responsibility for the patient's medical care. Unfortunately, there will be some physician-patient relationships that, for whatever reason, simply do not work.

Therefore, it is in the best interests of not only the physician, but also the patient, to terminate the relationship. A physician may legally and ethically decide not to continue treating a patient as long as the patient is not in need of immediate care and has been given a reasonable opportunity to find another doctor, which is consistent with the recommendations of the American Medical Association Council on Ethical and Judicial Affairs.

But the patient-physician relationship, while not a written contract, should be treated as one by the physician in order to avoid legal trouble upon its termination.

So it is advisable that a physician handle the dissolution as he or she might any other contractual relationship — by drafting a letter, reviewed (or written) by an attorney, to the patient, explaining that their "contract" has been terminated, and why.

## Reasons for termination

There are several legally justifiable reasons for terminating a patient. Common reasons include:

- The patient fails to pay his or her bills.
- The patient continually cancels or misses appointments.
- The patient is rude, disruptive, uses improper language, exhibits vio-

## Contract Language

Advice on agreements

lent behavior or threatens the safety of the office staff or other patients.

- The patient is dissatisfied with the care received from the physician.
- The patient requires more highly specialized services than the physician can provide.
- There is a conflict of interest between the patient and the physician, such as the physician's religious beliefs preclude him or her from providing certain treatment options, or the physician has a personal or financial interest in the treatment option.
- The patient is habitually uncooperative and refuses to comply with the treatment plan.
- The patient is unreasonably demanding.
- The patient did not provide an honest medical history or was misleading in the information he or she provided, thereby compromising the efficacy of treatment.
- The patient develops a personal interest in the physician. Examples include excessive contact with the physician, demanding the physician's time in the absence of a legitimate or urgent medical need, and becoming angry or unreasonable when the physician is unavailable.
- The physician develops a personal interest in the patient. Examples include consultations that involved dis-

cussion of information not relevant to the patient's treatment, the physician becomes attracted to the patient or the physician acts in a manner that would be deemed inappropriate by his or her colleagues.

- The patient files a complaint or initiates a legal proceeding against the physician.

One of the most difficult problems for a physician is finding a satisfactory way to terminate the physician-patient relationship.

The responsibility for ending the relationship rests with the physician and should not be delegated to an office staff member. The decision should be communicated verbally to the patient, and with a letter outlining the reasons why this dissolution is occurring.

Below are several steps for a physician to follow when terminating the relationship with a patient:

- Clearly communicate your decision and reasons for terminating the relationship as compassionately and supportively as possible.
- Provide the patient with reasonable time to find another physician. What is "reasonable" will vary, depending on the patient's circumstances and the level of care required.
- Offer to provide the patient with assistance in finding a new physician.
- Offer to provide the patient or the patient's new physician with a copy or a summary of the patient's medical record.
- If the patient is in need of medical care during the transition period, it is advisable that you continue to provide that care so the patient is not abandoned while he or she finds a new physician.
- If the patient will require ongoing medical care, make sure that fact is clearly conveyed to the patient.

● If the patient has been habitually noncompliant with the treatment plan, ensure that the patient has an accurate understanding of the possible consequences.

● Inform your office staff about the termination so it may handle any contacts with the patient appropriately.

● Notify the patient's other physicians and health care professionals of the transfer to the new physician.

● Document the termination process and maintain detailed records of discussions with the patient.

● Send the patient a letter drafted by an experienced lawyer confirming the termination and the reasons for this decision. Be sure to send the letter by certified mail with a return receipt requested.

● Put a copy of the letter and the postal receipt in the patient's medical record and write a final record entry.

Either party has the right to terminate the relationship. But it is important for the physician to be fully cognizant of the patient's situation.

The physician must always act in a manner that best represents the interests of the patient first and foremost.

To avoid possible legal issues, it is advisable that the physician consult his or her lawyer before terminating the doctor-patient relationship. That way, the physician can be advised on the best possible approach to ending the relationship ethically and legally and to minimizing the risks that are posed by each particular situation. ♦

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## How to tell a patient Goodbye

A physician's decision to discharge a patient should always be made in writing, on his letterhead, and sent via certified mail, return receipt requested. Malpractice insurers provide sample letters for physicians to use, but they suggest that the letters be modified according to the specific circumstance.

Some insurers favor giving the patient a specific reason for the termination, while others believe it's unnecessary and could provoke the patient. Here are samples based on several letters we've reviewed:

### When a patient won't pay his bill

Dear \_\_\_\_\_,

As you know, we have been unsuccessful in our attempt to resolve the outstanding balance on your account. I previously informed you that I would have to withdraw as your physician unless you made an effort to bring your account up to date. *[Optional: Consequently, 10 days after your receipt of this letter, your account will be turned over to a collection agency for action.]*

Your county medical society and/or hospital *[give addresses and phone numbers]* may be able to assist you in finding another physician. This office will transfer your records to another physician upon receipt of the proper authorization.

Sincerely, \_\_\_\_\_

### When a patient won't comply with medical advice

Dear \_\_\_\_\_,

I find it necessary to inform you that I will no longer be able to serve as your physician or prescribe medications for you. The reason is *[indicate a reason or delete this sentence. If you provide a reason, keep it brief and factual. For example, "I've recommended treatments and tests, but after repeated discussions, you have declined to follow my advice. The physician-patient relationship depends on mutual rapport. Since it appears that you have lost confidence in my advice, I must withdraw as your physician."]*

As you may need medical attention in the future, I recommend that you promptly find another physician to care for you. You may require ongoing medical attention for the following: *[list conditions]*. You may contact the local medical society *[give address and phone number]*, or hospital *[give number]* for the names of physicians who are accepting new patients.

I will be available to treat you on an emergency basis for the next 30 days. This will give you time to find a new physician. I will make my records of your care available to the physician you designate. Since your records are confidential, I'll require your written authorization to make them available to another physician. Enclosed is an authorization form. Please complete it, and return it to me as soon as possible.

I extend to you my best wishes for your future health.

Sincerely, \_\_\_\_\_

### Authorization to transfer records

Date \_\_\_\_\_

To: \_\_\_\_\_, MD

I hereby authorize you to transfer or make available to \_\_\_\_\_, MD, at \_\_\_\_\_ *[address]*, all the records and reports relating to my medical treatment.

Signed: \_\_\_\_\_

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## Sample Letters of Physician's Intent to Withdraw

This is a sample letter informing a patient of your intent to end treatment services. This letter should inform the patient of the need to seek services of a replacement physician, provide a reasonable time of interim treatment, including emergency care, and name a source who can help the patient locate a new physician. Additionally, this letter should be sent certified mail, return receipt requested. Keep a copy of the letter and the return receipt in the patient's chart.

### Sample 1 Dear (Patient's name):

This letter is to inform you that I am no longer able to continue as your physician. (Here, you may insert the basis for your decision to terminate services if you feel an explanation is necessary.)

As you are aware, you are suffering from a condition that requires further medical attention. I recommend that you contact a physician to provide those services to you without delay. During the interim, but for no longer than 30 days from the date of this letter, I will continue to provide you with routine or emergency medical care.

At your request, I will provide either you or the physician you select a copy of your complete medical record. Please sign and return to me the attached medical record authorization. If you have a problem selecting a physician, I suggest you contact the county medical society for a list of physicians practicing in the local area.

Date: \_\_\_\_\_ Signed \_\_\_\_\_

### Sample 2 Dear (Patient's name):

I find it necessary to inform you that I am withdrawing from further professional attendance upon you for the reason that you have persisted in refusing to follow my medical advice and treatment. Since your condition requires medical attention, I suggest that you place yourself under the care of another physician without delay. If you so desire, I shall be available to attend you for a reasonable time after you have received this letter, but in no event for more than 30 days.

This should give you ample time to select a physician of your choice from the many competent physicians in this city. With your approval, I will make available to this physician your case history and information regarding the diagnosis and treatment which you have received from me.

Very truly yours,

\_\_\_\_\_, M.D.

**\*Note:** The above is a suggested format. you may wish to contact your attorney for legal advice.

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## Ending the Patient-Physician Relationship

### Ending the Patient-Physician Relationship

Once a patient-physician relationship is begun, a physician generally is under both an ethical and legal obligation to provide services as long as the patient needs them. There may be times, however, when you may no longer be able to provide care. It may be that the patient is noncompliant, unreasonably demanding, threatening to you and/or your staff, or otherwise contributing to a breakdown in the patient-physician relationship. Or, it may be necessary to end the relationship simply due to relocation, retirement, or unanticipated termination by a managed care plan and/or employer.

Regardless of the situation, to avoid a claim of "patient abandonment," a physician must follow appropriate steps to terminate the patient-physician relationship. Abandonment is defined as the termination of a professional relationship between physician and patient at an unreasonable time and without giving the patient the chance to find an equally qualified replacement. To prove abandonment, the patient must show more than a simple termination of a patient-physician relationship. The plaintiff must prove that the physician ended the relationship at a critical stage of the patient's treatment without good reason or sufficient notice to allow the patient to find another physician, and the patient was injured as a result. Usually, expert evidence is required to establish whether termination in fact happened at a critical stage of treatment.

A physician who does not terminate the patient-physician relationship properly may also run afoul of ethical requirements. According to the AMA's Council on Ethical and Judicial Affairs, a physician may not discontinue treatment of a patient as long as further treatment is medically indicated, without giving the patient reasonable notice and sufficient opportunity to make alternative arrangements for care. Further, the patient's failure to pay a bill does not end the relationship, as the relationship is based on a fiduciary, rather than a financial, responsibility. According to the AMA's Code of Medical Ethics, Opinion 8.115, physicians have the option of terminating the patient-physician relationship, but they must give sufficient notice of withdrawal to the relatives, or responsible friends and guardians to allow another physician to be secured.

Appropriate steps to terminate the patient-physician relationship typically include:

1. Giving the patient written notice, preferably by certified mail, return receipt requested;
2. Providing the patient with a brief explanation for terminating the relationship (this should be a valid reason, for instance non-compliance, failure to keep appointments.)
3. Agreeing to continue to provide treatment and access to services for a reasonable period of time, such as 30 days, to allow a patient to secure care from another physician (a physician may want to extend the period for emergency services);
4. Providing resources and/or recommendations to help a patient locate another physician of like specialty; and
5. Offering to transfer records to a newly-designated physician upon signed patient authorization to do so.

Following this protocol may be easier in some situations than others. For example, if a physician has signed a covenant-not-to-compete, chances are the employer will not hand over the patient list upon notice of departure. In instances such as these, you (in consultation with your attorney) may want to provide a model patient termination letter to the party withholding your patients' addresses, and request that the addresses and letter be merged for distribution to your patients. Ideally, you should not be in a contractual arrangement that makes contacting your patients difficult. However, if you find yourself in this situation, work with an attorney to ensure that appropriate steps are taken.