Severing a relationship with a patient is often a difficult decision and a difficult conversation. Providers may decide to dismiss patients for a variety of reasons such as nonpayment, non-adherence or simply because of the patient’s rude or demanding behavior. Whatever the reason, a termination is a subject of concern for everyone and something that should be handled carefully.

Because the physician-patient relationship is voluntary for both parties, either side can terminate the relationship at any time. However, be aware that the issue that led to termination could trigger the initiation of a medical liability action, Medical Board complaint or other legal action.

Issues to Consider Before Termination

Abandonment:

Unless certain conditions are addressed, allegations of abandonment may be made if a physician terminates care during the treatment of a medical condition. The patient must be in stable condition. You must give adequate notice, provide emergency medical care for a specified period, and assist with the continuity of care by expeditiously providing the patient’s new physician with copies of medical records when requested. We recommend the emergency care period to be 30 days. However, it may be necessary for the period to be longer in certain clinical situations due to ongoing medical care issues and the availability of other medical resources. Extreme caution should be exercised in
the termination of any obstetrical patient.

- A physician cannot withhold the transfer of records for a patient’s failure to pay for medical care. However, if a patient requests copies for personal reasons, you can charge them a reasonable copying fee.
- The Emergency Medical Treatment and Active Labor Act must be considered. Physicians who have an obligation to treat patients coming to the hospital with emergency medical conditions cannot terminate the physician-patient relationship until they have stabilized or appropriately transferred the patient.

Discrimination:

You should be aware that termination may not be based upon gender, race, religion, disability, ethnic origin, national origin, or age. Disability status can be complex and contentious. Further, local laws might protect against discrimination based on issues such as sexual orientation.

Contract issues:

Be cautious when terminating patients who are members of managed care plans. Your contracts with health plans might specify the manner of termination with a member patient. This is especially true if the method of payment is capitation. Plans might need notification of the reason for termination to prevent allegations of dismissing a patient because he or she is “too expensive to treat.” The patient might also have different time constraints for the health plan to complete reassignment to a new physician. Medicaid has a specific process for termination of Medicaid patients, and physicians need to consult their provider participation agreement for details.

Document with a Formal 'Termination Letter':

All terminations should be documented in writing so that the patient understands the need to find another physician.

A termination letter should:

- Be succinct.
- Spell out that emergency care will be provided for a period of 30 days.
- State that a new physician should be sought and suggest that the medical society and/or the patient’s health insurance might assist them in finding a new provider.
- Make sure your office staff knows of your plans. The patient should be reappointed to see you only if there is an emergency medical condition.
- Assure the patient that all medical records will be provided at his or her request with a valid authorization.
- Avoid editorializing or restating your side of a dispute in the termination letter. A simple “It has been determined that I can no longer function as your physician” is adequate. The documentation in the medical record can be more detailed, but should remain factual and avoid pejorative or emotional statements regarding the termination.
- Send the letter via certified U.S. mail.
- For specific clinical situations (i.e. the need to follow-up on a critical lab/image or to complete a procedure or consultation) the letter can include the reasons for the necessary actions and the risks of not complying with them.

For a sample termination letter, please contact your MagMutual Patient Safety Consultant.

Caveats:

Anger, disagreements, poor communication, failure to comply or follow-up, billing issues and allegations of abandonment often trigger patients to initiate legal actions. Therefore, physicians should proceed with caution in terminating patients.
The information provided in this resource does not constitute legal, medical or any other professional advice, nor does it establish a standard of care. This resource has been created as an aid to you in your practice. The ultimate decision on how to use the information provided rests solely with you, the PolicyOwner.

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