

COOPERATIVE OF AMERICAN PHYSICIANS, INC. (CAP)

RISK MANAGEMENT

DISCONTINUING A PATIENT FROM YOUR PRACTICE

CAP encourages positive patient-physician relationships and open communication. However, certain patients may be uncooperative, refuse to comply with treatment, or are abusive. A physician is not required to continue treatment of these types of patients but must: a) indicate the need to select another physician for continuity of care, including the risks of not continuing treatment/care, and b) give reasonable notice before care is discontinued.

PATIENT ABANDONMENT

- An allegation of abandonment may occur when a physician fails to provide necessary medical care to a patient.
- Once a patient-physician relationship has been established, the physician has an ongoing responsibility (duty) to provide medical care or coverage to that patient until the relationship is formally discontinued.
- Caution. A duty to provide care to a patient *may* also be created by contractual arrangements and/or emergency room coverage commitments.

PROCESS TO DISCONTINUE CARE

- It is essential to notify patients of your plans to discontinue care. If possible, discuss your decision with the patient.
- Follow the guidelines below, using certified mail, to notify the patient. If the patient refuses the certified letter, file the returned, unopened letter in his medical record and send a copy of the letter by regular mail.
(A sample letter is provided on the back of this page).
 - Notify the patient you will be available for emergency treatment until a specific date. The patient should be given sufficient time (10 to 30 days) to select another physician.
 - Indicate the need to select another physician for continuity of care.
 - Identify the risks of NOT continuing treatment/care.
 - While it is not necessary to indicate a reason for discontinuing care in the letter, reasons such as “failure to follow medical advice,” “drug-seeking behavior,” or “abusive behavior” may be used when the medical record contains supportive documentation.
 - Provide the patient with a physician referral source, such as the patient’s health plan, local medical society, or a physician referral service.
 - Include a medical record release authorization form. (Forms available through CAP).
- Review the patient’s health plan/HMO contractual guidelines for discontinuing services and transferring care. This will avoid breach of contractual issues and/or violation of laws governing HMOs.
- The above process should be documented in the medical record, including a copy of the registered mail letter, all letter receipts, and any discussion(s) with the patient or health plan.
- Copies of records may not be withheld pending payment of outstanding medical bills.
- If the patient requests transfer of the medical record, it should be completed within 15 calendar days of the request.

SPECIAL CONSIDERATIONS:

Only in rare situations should the physician-patient relationship be discontinued during an acute episode of illness. In those occasional situations, transfer of care should be made physician-to-physician to maintain continuity of care.

This information is not all-inclusive nor is it offered as legal advice. If you have a specific patient situation, please contact CAP Risk Management at 800- 252-7706 for further information.