

TERMINATING THE PHYSICIAN-PATIENT RELATIONSHIP: CAUTION IS ADVISED

A physician-patient relationship exists when a physician chooses to serve a patient's medical needs, generally by mutual consent between the physician and the patient. Contractual in nature, this relationship is voluntary and created by either an expressed or implied agreement.

Once a physician-patient relationship is established, the general rule is that a physician has an obligation to continue to provide care to the patient until that relationship is terminated. This termination may occur by mutual consent of the physician and the patient, by the patient's dismissal of the physician, when the services of the physician are no longer needed, or when the physician properly withdraws from the physician-patient relationship. Therefore, when a physician decides to end a relationship with his or her patient, it must be handled carefully and similarly to the termination of a business agreement or contract.

If a patient habitually misses or cancels appointments, fails to pay his or her medical bills, requires more specialized care, is uncooperative or unreasonably demanding, or is dishonest about his or her medical history, it is usually in a physician's best interest to terminate the relationship. Medical care is a two-way street in which patients must actively participate in order for the services to be effective. The American Medical Association Council on Ethical and Judicial Affairs agrees that a physician may decide to end treatment of a patient as long as the patient is not in need of immediate medical care and has been given a reasonable opportunity to find another doctor.

The dissolution of the physician-patient relationship by the physician should be handled as if it were the termination of a contractual agreement. Providing proper notice, documentation, and timely transfer of medical records will reduce the liability that may be created by the termination. The physician is advised to consult with an attorney prior to ceasing medical care and to adhere to the following recommendations:

- (1) Advise the patient of the end of the relationship verbally and in a letter sent via certified mail, clearly communicating the need for him or her to seek alternative medical care, the reasons for the termination, and an offer to assist in finding a new physician.
- (2) Provide the patient with a reasonable amount of time to find a new physician.
- (3) Inform your medical staff of the termination, and advise them to direct all patient inquiries regarding the termination directly to you.
- (4) Note the reason for termination within the patient's file, and put a copy of the termination letter in the patient's medical records.

- (5) Offer to quickly transfer the medical records to the patient or the patient's new physician.

In addition to acting as medical providers, physicians must act as smart businesspeople when handling these situations. This means taking the medical condition of the patient into consideration along with the liabilities that may be created by ending the physician-patient relationship. With the assistance of legal counsel, physician-patient relationships can be ended smoothly and with limited risk of liability.

[Add Mellinger bio?]