



American Professional Agency



RISK MANAGEMENT

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PREPARED BY

Anne Huben-Kearney, RN, BSN, MPA, CPHQ, CPHRM, CPPS, Assistant Vice President, Healthcare & Psychiatry Group of AWAC Services Company, a member company of Allied World

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CONSIDER THIS ...

Terminating with Patients

At some point in your career, you will be faced with terminating care with a patient. It could be for a variety of reasons including failing to keep or cancelling appointments at the last minute, demands for specific medications you do not think appropriate or safe for his care and treatment, has created an unhealthy attachment to you, or divorced parents of a minor who cannot agree on treatment. It may be time to consider terminating care. Termination can be challenging and even more so with patients who may be considered difficult. To avoid a potential allegation of patient abandonment, it is important to develop and follow a plan that is in compliance with your state regulations.

Why Terminate?

The professional relationship may be terminated for a variety of reasons:

- The patient may no longer need treatment;
- You determine treatment is no longer beneficial;
- If you or your staff feel threatened or endangered by the patient;
- The patient frequently cancels or misses appointments;
- You determine that treatment needed is beyond your area of expertise or competency; and
- The patient has communicated that he intends to leave your practice.

What Steps Should Be Taken to Terminate the Relationship?

When terminating with a patient, there are a number of strategies that can be taken that may minimize the risks of exposure to a lawsuit or a complaint to a licensing board. These include:

- **Know your state requirements on proper termination of a physician-patient relationship.** You may not want to send a letter to your patient after discussing the issue; however, your state may have a requirement to do so. These laws may vary among states and it is important to be aware of your obligations. Some of the state requirements may include:
 - A required notification procedure or timeframe;
 - Manner in which you need to notify the patient (certified mail, regular mail); and
 - Whether you need to provide names of alternate care providers.

- **When possible, discuss the reason and process for termination with your patient.** Consider having at least one termination conversation with the patient when transitioning care but avoid negotiation about whether treatment should continue. Depending on the situation, you may also consider a phone conversation with the patient versus in person.
- **Termination sessions should not turn into negotiating sessions to continue treatment.** Once the decision to terminate the relationship has been discussed, it is important to follow through. Be aware that if you do not follow through with the termination and start to treat the patient again, the timeframe of termination starts again –essentially the clock starts all over.
- **For patients who are being prescribed medications, ensure that these patients have a sufficient supply of medication to cover the termination period.** However, if you are terminating the patient if he is using multiple medications or prescriptions with multiple providers, seek advice on whether you can terminate without providing medication. Consider patient safety and use clinical judgment before prescribing these last medications. Keep in mind that if you fill a prescription for a patient with whom you have terminated the relationship, the clock for the time period for termination will likely need to be reset and you may have to restart the termination process.
- **The patient must be notified of the termination in writing.** The patient should be provided with the effective date of the termination so that there is no misunderstanding as to when the termination will occur. You may also want to provide at least a basic reason for why you feel it is necessary to terminate the relationship.
- **If the patient requires continued treatment and care, he should be advised verbally and in the termination letter to find another psychiatrist of his/her choice, so that care can be continued in a timely manner.** Efforts should be made to identify other providers who may be able to assist the patient with the specific treatment issues. Be aware if your state requires you to provide the patient with names of alternate providers. Inform the patient that records will be provided, or a summary of the treatment (if allowable in your jurisdiction), to the new psychiatrist upon receipt of a properly authorized release for the records.
- **Offer to continue to be available for emergency treatment only for a reasonable number of days.** In many instances, thirty days is a reasonable period. However, a longer period of time may be indicated in cases where the patient needs more time to complete termination or if he/she is located in an area where it may take him/her longer to find a new psychiatrist. Remind the patient of the procedures for emergencies or after-hour calls, such as calling 911 or a mobile crisis line, or going to the nearest emergency department so that the patient can follow those procedures during the termination period.
- **If you have a patient for whom immediate termination should be considered, it is important to seek advice from your risk management professional or attorney to determine whether you are able to do so without exposing yourself to potential liability risks.**

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- **Consider consulting with an attorney or risk management professional when sending a letter terminating care.** It is important to be as non-inflammatory as possible. Keep in mind this letter may be presented as evidence in a board proceeding or during litigation.
- **Send termination letter by first class mail and certified mail.** Send the letter to the patient by regular mail to the patient's last known address, not by email or via the patient portal. Include a copy of your practice's medical record release form. Many state licensing boards recommend or require sending the letter by certified mail, return receipt requested, so that delivery and acceptance has been confirmed. It is wise to send the letter by regular mail as well. Retain a signed copy of the termination letter sent to the patient, as well as a copy of the certified mail receipt for the termination letter, in the patient's medical record.

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- It is important to thoroughly document the termination process, as well as the entire course of treatment. In the event that a malpractice claim is brought or a patient makes a complaint to the licensing or regulatory board, your documentation will serve as evidence of the steps taken to discuss the termination with the patient.
- Once the decision has been made to terminate the relationship, follow through with the decision. Avoid reconsidering or changing your decision.

Other Considerations

It may be difficult terminating with a patient. It is important to pay special attention to details, stick to the plan to terminate the treatment, and where indicated, initiate transition to another provider. These steps can reduce the risk of any potential action by the patient. You are encouraged to contact your risk management professional or an attorney to assist in the process to ensure that you are complying with your state's regulations.

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