Avoiding Patient Abandonment

A physician is free to choose whom to accept as a patient. Once a physician-patient relationship is established, however, the physician owes a continuing duty to provide care until that relationship is properly terminated. The failure to do so may constitute neglect or abandonment. See AMA Code of Medical Ethics, 1.1.5.

Termination of the Physician-Patient Relationship

A physician-patient relationship can be terminated in one of three ways:

- The condition which gave rise to the relationship no longer requires treatment;
- The patient chooses to receive treatment elsewhere; or
- The physician ends the relationship by giving the patient sufficient notice in advance and reasonable assistance to enable the patient to secure treatment from someone else. See AMA Code of Medical Ethics, 1.1.3. Thirty days’ notice is appropriate in most circumstances.

Because the relationship is ordinarily voluntary and consensual, it may be terminated for most any reason, including if the patient refuses to make payment arrangements for services rendered, fails to follow the treatment plan, does not show up for appointments, or is abusive to staff. See AMA Code of Medical Ethics, 1.2.2. A patient may not be terminated in a way that violates law. This would include for reasons of the patient’s race, age, disability, limited English proficiency, or unwillingness to sign an arbitration agreement. Every office should establish and document that they follow a patient termination policy. This can help you avoid accusations of favoritism or illegal discrimination.

The sample correspondence on the following page may be helpful in preparing withdrawal letters to patients for whom care will no longer be provided.

Interruption of Practice

Whenever a physician is temporarily unavailable, arrangements must be made to have a competent substitute provide coverage. Patients who are hospitalized and otherwise known to need care during such an absence should be introduced to the substitute physician to avoid confusion and to assure continuity of care. When a physician plans to be unavailable for an extended period, patients should be notified in advance to give them an opportunity to choose a substitute physician. In all circumstances, patients must be given a means of quickly identifying and locating the physician who is providing temporary coverage.

Termination of Practice

When a physician plans to terminate his or her practice, arrangements should be made to facilitate transfer of active patients and their records to another treating physician. What constitutes an “active” patient versus an “inactive” one varies, depending upon the nature of the physician’s practice. Physicians providing primary care should probably consider patients seen within the last five years to be active. Those in referral specialties might choose a shorter time if consistent with patients’ expectations.

For recommendations on transferring and retaining records see, Records of Patients.
Sample Patient Correspondence

The following sample correspondence may be helpful in preparing withdrawal letters to patients for whom care will no longer be provided. If you plan to charge patients a fee for copying their records, you should note that in the letter.

January 1, 20xx

Chris Doe
1111 Main Street
City, UT 84000

Dear Chris Doe:

I regret to inform you that I will no longer be able to provide medical care for you and your immediate family.

If you and your family need medical care during the next 30 days and are unable to obtain medical care from another physician of your choice, please let me know so I can help you make arrangements.

I recommend that you retain another physician to provide medical care you may need or desire in the future. If you need assistance in locating another physician, I suggest that you contact the Utah Medical Association at 801-747-3500 for a referral. I will be happy to furnish copies of your medical records to any physician you choose if you will provide me with a written authorization. There will be a no charge for the first copy of your records [OR] There will be a charge of __ cents per page for the copies of your records.

Sincerely,

Physician