

Ask the Ethicist: How to End the Physician-Patient Relationship

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Q: *One of my patients questions my every recommendation, is noncompliant in following my treatment suggestions, makes endless phone calls to my staff about the expense of the office visits, calls at the last minute to change appointment dates/times and has been verbally abusive to my staff. The situation is becoming intolerable. How can I dismiss this patient and regain professionalism in my office?*

A: There is a simple remedy for this situation: documentation, documentation, documentation. Careful documentation of patient noncompliance, disruptive behavior, refusal to respect practice policies and so on should be kept in the patient's record to serve as the rationale for termination of the physician-patient relationship if your actions are ever questioned. In addition, short memos to the record from your office staff regarding their experiences with the patient could be useful.

If you believe it's in your (or the patient's) best interests to terminate the relationship, notify the patient in writing and include the following information:

- the reason(s) for the termination
- the effective date of the termination (usually 30 days from the date of the notification)
- the names and contact information of other ophthalmologists in the area
- the offer to transfer patient records following receipt of a signed authorization
- the agreement to continue medical care for the 30-day time period.

Ensure that the letter and envelope are properly addressed and affix proper postage. As a general matter, the law has a presumption that a properly addressed letter with appropriate postage affixed to it is considered legally delivered once it is deposited into the mail. However, rather than relying on the legal presumption, it will make things easier (in the unlikely event of a lawsuit) if you have proof of delivery from the carrier; so if you wish, send the letter via any carrier that will document delivery. Because specific requirements for terminating physician-patient relationships may vary by state and malpractice carrier, it would be wise to discuss this situation with your attorney.

Allegations of patient abandonment can bring serious legal challenges to your practice and cost you time, money and energy better spent elsewhere. Abandonment can be defined as unilateral severance of the relationship by the doctor without acceptable notification while the patient is in need of medical treatment. In this situation, the physician may be liable for injuries affecting the patient as a result of termination of the relationship. Allegations of abandonment can only be considered against a physician who has a legal duty to treat a patient and fails to do so. The documentation noted above and the letter you send to the patient release you from that legal duty.

To submit a question contact the Ethics Committee staff at ethics@aao.org.