Terminating the Physician-Patient Relationship

by: Vivek Chandra, Esq.

A good physician-patient relationship is the cornerstone of success for any medical practice. However, patients who fail to pay, miss appointments, or fail to follow a physician’s instructions may leave a physician in a position where termination of the relationship is necessary. A physician’s actions in these types of situations can not only ruin the physician’s reputation, but potentially expose the physician to legal liability as well. As in many jurisdictions, Tennessee physicians potentially face abandonment claims for improperly terminating the physician-patient relationship. Once the physician-patient relationship has been established and the physician has undertaken to treat a patient, the physician is under a duty, not to abandon his patient, and to continue treating the patient unless and until the patient orders the physician off the case, the patient’s condition improves so that the physician’s services are no longer needed, or the physician gives [due] notice of his intent to quit the case and provides an opportunity for the patient to obtain another physician’s services.1

A physician’s adherence to the principles in the AMA quote above is vital in situations where termination of the physician-patient relationship is necessary. Therefore, physicians are advised to take certain steps before terminating any relationship with a patient:

1. Give the patient written notice - preferably by certified mail, return receipt requested;
2. Provide the patient with a brief explanation for terminating the relationship, but this is not required;
3. Offer to provide treatment and access to services for a “reasonable” period of time (usually 30 days) to allow the patient to secure care from another physician;
4. Provide resources and/or recommendations to help a patient locate another physician of the same specialty; and
5. Offer to transfer records to a newly-designated physician upon signed patient authorization to do so.

Although following these steps will not completely insulate physicians from any resentment from difficult patients, following them will go a long ways toward protecting physicians from legal liability.

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1 Principles of Medical Ethics of the American Medical Association (AMA) 1903, Chapter II, Article 1, § 5

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