

## Terminating the Physician-Patient Relationship

by Kelli Carpenter Fleming

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Oftentimes, I am asked by physicians how to end the physician-patient relationship. For various reasons, the physician desires to end the relationship and have the parties go their separate ways. Such may stem from a disagreement concerning the course of treatment, threats or harassment by the patient, or just personality conflicts.

While a physician retains some control over who he/she treats, there are certain ethical and legal obligations imposed on the physician once the physician-patient relationship has begun. The American Medical Association ("AMA") states that "Physicians are free to choose whom they will serve...Once having undertaken a case, the physician should not neglect the patient." Thus, when terminating the physician-patient relationship, the termination must be structured properly in order to avoid violating ethical obligations and opening oneself up to potential liability.

For example, patient abandonment claims can arise when the physician-patient relationship is not terminated properly. These claims generally develop when there is a termination of the physician-patient relationship at an unreasonable time or critical stage in the patient's treatment and without giving the patient an opportunity to find a replacement provider. To legally succeed on a claim of patient abandonment, the patient must be able to show that he/she was injured as a result of the termination of the relationship.

To avoid patient abandonment claims and to satisfy ethical obligations, the termination of the physician-patient relationship should be documented in writing. I recommend sending a letter to the patient that sets forth the basis of the termination, the effective date of the termination, information regarding where the patient may locate alternative providers, and information regarding access to medical records. For tracking purposes, the letter should either be hand delivered to the patient or mailed by certified mail, return receipt requested. A copy of the letter should be retained by the physician and included in the patient's files.

In order to allow the patient sufficient time to locate a replacement provider, while there may be certain situations that dictate otherwise, the letter should be provided at least thirty (30) days prior to the expected termination date. In other words, the patient should have at least thirty (30) days to locate another provider before the relationship is terminated. (If, under the circumstances, thirty (30) days is not ample time for a patient to locate another provider, a longer period of time can be used). In this regard, the AMA states that "while physicians have the option of withdrawing from a case, they cannot do so without giving notice to the patient, the relatives, or responsible friends sufficiently long in advance of withdrawal to permit another medical attendant to be secured."

In addition, the letter should direct the patient to where they may locate a list of alternative providers practicing within the relevant specialty (e.g., health insurance company, local hospital, local medical association). Assisting a patient in locating another provider can help reduce the risk of a patient abandonment claim.

Finally, the letter should notify the patient that he/she may obtain a copy of his/her medical records upon receipt of a legally compliant, written authorization. Some providers choose to include a copy of an acceptable authorization form with the termination letter.

Terminating the physician-patient relationship can pose a difficult situation, both legally, ethically, and emotionally. Following the steps mentioned above will not only satisfy applicable ethical requirements, but will also reduce the risk of facing a patient abandonment claim following the termination.



[Kelli Carpenter Fleming](#)  
*Attorney at Law*

Birmingham Office  
Phone (205) 458-5429  
E-Mail [kfleming@burr.com](mailto:kfleming@burr.com)

420 North 20th Street, Suite 3400  
Birmingham, Alabama 35203  
[www.burr.com](http://www.burr.com)

*Kelli Fleming practices with Burr & Forman LLP and works exclusively within the firm's Health Care Practice Group.*