
Guidelines for Ending the Physician-Patient Relationship

Note re. Guidelines and Policies

This document is a physician **guideline** approved by the Council of the College of Physicians and Surgeons of Nova Scotia.

Guidelines contain recommendations endorsed by the College of Physicians and Surgeons of Nova Scotia. The College encourages its members to be familiar with and to follow its guidelines whenever possible and appropriate. Note that guidelines may contain references to College policies.

Policies reflect the position of the College of Physicians and Surgeons of Nova Scotia. Physicians licensed with the College are expected to be familiar with and to comply with College policies.

Introduction

The physician-patient relationship is a unique relationship that depends on trust and confidence between the parties for the provision of care. Physicians enter into a physician-patient relationship with a commitment to provide their patients with quality service. However, when circumstances affect the physician's ability to achieve this, the physician may decide to end the physician-patient relationship. This policy clarifies the expectations of physicians when ending a physician-patient relationship, and outlines the actions to be followed in doing so.

Scope

This policy covers situations where a physician ends a physician-patient relationship with one or more patients in circumstances other than the physician's retirement, relocation, leave of absence or disciplinary action.

Principles

- a) Physicians have a duty to act in the best interests of their patients.
- b) An effective doctor-patient relationship is necessary for the provision of quality health care.
- c) Patients are entitled to be treated with respect and without discrimination during all stages of the physician-patient relationship, even if the relationship faces termination.

Guidelines

Physicians are entitled to end the physician-patient relationship under certain circumstances. Each situation is ultimately fact-specific. Physicians are expected to apply good clinical judgment and compassion in each case to determine the most appropriate course of action.

Ending the physician-patient relationship will usually have significant consequences for the patient, as the patient will need to find another health care provider. The current shortage of health human resources in Nova Scotia may make this difficult. Physicians should always carefully evaluate any decision to discontinue care and should use reasonable efforts to resolve any issues affecting the relationship with the patient prior to any final decision.

Reasonable efforts include discussing with the patient, when possible, the reasons affecting the physician's ability to provide quality care and/or the elements that are necessary for an effective physician-patient relationship.

If physicians are uncertain whether or not it is professionally acceptable to end a physician-patient relationship, they may wish to contact the College and/or seek legal advice.

Situations that may result in a decision to end a physician-patient relationship

Breakdown of trust and respect between the physician and the patient

Trust and respect are essential elements of an effective physician-patient relationship. Physicians may find in the course of providing services to a patient that these elements break down to the extent that the physician is no longer able to provide quality care to the patient.

This may occur when there has been:

- patient fraud, such as for the purpose of obtaining narcotics or other drugs serious threat of harm to the physician, staff and/or other patients
- other forms of inappropriate behavior toward the physician, staff and/or other patients
- an unavoidable conflict of interest that compromises the physician's duty to put the interests of patients first
- a communication breakdown that makes it impossible to provide quality care

This list is not exhaustive.

The physician's practice has become too large to manage

The College recognizes that Nova Scotia is experiencing a shortage of health human resources, which places increasing pressure on physicians and patients. As a result, physicians may find on occasion that their practice has become too large to manage and that they must decrease the number of patients to whom they provide services. The College advises physicians in these situations to carefully consider the medical needs of their patients and to proceed in a manner that is fair, transparent and compassionate.

Physicians should consider factors including the vulnerability of the patient, the patient's ability to find care in an appropriate timeframe and the consequences that terminating the relationship may have on the health of the patient.

Physicians should also be careful that decisions to terminate the relationship comply with Nova Scotia *Human Rights Act*, which prohibits discrimination regarding provision of or access to services or facilities on the basis of age, race, colour, religion, creed, sex, sexual orientation, physical disability or mental disability, an irrational fear of contracting an illness or disease, ethnic, national or aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity. Failing to abide by the Act may result in a complaint to the Nova Scotia Human Rights Commission.

Communication is essential when reducing the size of a medical practice. Reasonable efforts should be taken to notify affected patients when a practice's roster is being reduced. These communications (whether patients are successfully contacted or not) should be carefully recorded. Office staff may likewise review medical records on an ongoing basis and contact patients who have not had an appointment in quite some time to confirm their desire to remain with the practice.

Situations where it is inappropriate for a physician to end a physician-patient relationship**Refusal to pay a block or annual fee**

Physicians are prohibited from ending a physician-patient relationship because the patient chooses not to pay a block or annual fee. See "Block Billing Policy" (www.cpsns.ns.ca/publications/block-billing-policy.htm).

Prohibited by the Nova Scotia *Human Rights Act*

The provision of medical services is subject to the Nova Scotia *Human Rights Act*. Dismissing a patient based on any prohibited ground in the Act (age, race, colour, religion, creed, sex, sexual orientation, physical disability or mental disability, an irrational fear of contracting an illness or disease, ethnic, national or aboriginal origin, family status, marital status, source of income, political belief, affiliation or activity) may result in a complaint to the Nova Scotia Human Rights Commission.

The patient chooses not to follow the physician's treatment advice

Patients are entitled to make decisions about their health care. In general, they can make their own decisions about treatment and lifestyle, even if the physician does not agree with those decisions. A physician should not end a physician-patient relationship solely because the patient chooses not to follow the physician's advice.

Physicians are generally prohibited from administering treatment unless they have obtained consent from the patient or the patient's representative, even if the treatment is beneficial. Patients are entitled to withhold consent to any proposed or ongoing treatment.

If this occurs, it should be noted in the patient's medical record; particularly if the recommended treatment is supported by evidence based practice or generally accepted standards of practice.

The patient requires urgent or emergency services not otherwise available

Where care is needed on an urgent or emergency basis and there are no other services available, such as a walk-in clinic or local emergency room, physicians should provide the needed care.

Communicating a decision to terminate

Decisions to terminate a physician-patient relationship are difficult for both physicians and patients. In all circumstances, physicians must have a transparent and bona fide rationale for ending the physician-patient relationship. This should be shared with the patient when appropriate, and documented in the patient's medical record.

In most cases, it is appropriate and useful for the patient to understand the reasons why medical services are being discontinued. However, physicians may use their discretion in situations where there is a genuine risk of serious harm associated with communicating those reasons to the patient.

The decision to terminate must always be communicated to the patient in writing (see Appendix for sample letter). Ideally, physicians should also communicate the decision in person, but certain situations (such as where there is a genuine risk of serious harm) may warrant written communication only.

Actions to be taken when ending a physician-patient relationship

Ending a physician-patient relationship should always be done in a professional manner. When ending a physician-patient relationship, the College expects physicians to take the following actions:

- a) Notify the patient of your decision to end the physician-patient relationship by letter sent by registered mail (see Appendix for a sample letter). Physicians may also discuss this decision with the patient, if appropriate.
- b) Place a copy of the notification letter (with the registered postal receipt) in the patient's file. Also, document if the matter was discussed with the patient.
- c) Document in the patient's file the reasons for ending the professional relationship.

- d) Clearly convey to the patient that he or she should seek ongoing care.
- e) Be as helpful as possible to the patient in finding a new physician or other primary care provider and provide the patient with a reasonable amount of time for doing so.
 - What is considered “a reasonable amount of time” depends on the circumstances of each case.
 - This period can be defined as the amount of time it would take a person using reasonable effort to find a new physician.
 - This time may vary from community to community and may be complicated by physician shortages.
 - Sometimes it may be impossible for a patient to find a new physician. In such circumstances, the College would not expect the physician to continue to provide care indefinitely, but would expect that he or she would provide emergency services that would otherwise be unavailable to the patient.
- f) Ensure the provision of necessary medical services in the interim. This includes:
 - Renewing prescriptions, where medically appropriate (and where feasible without the need for ongoing monitoring), for a reasonable length of time given the needs of the patient, the time required to find a new physician, and the nature of the medication. It is not expected that prescription will be renewed indefinitely.
 - Ensuring access for patients to laboratory or test results and that all abnormal results receive required review and follow-up. Patients should be given necessary contact information for obtaining their test results.
- g) Ensure the timely transfer of a copy or summary of the patient’s medical records upon the patient’s request.
- h) Notify appropriate staff (e.g., office receptionist) that you are no longer providing care to the patient.
- i) Notify the patient’s other health care providers that you are not longer providing care to the patient, if such notification is necessary for the purposes of the patient’s care.

Appendix: Sample notification letter

The College expects physicians to communicate decision to terminate the physician-patient relationship in writing in all cases and in person when appropriate. The following template contains possible wording for a notification letter when a physician-patient relationship is ending due to a breakdown of trust and respect between the physician and patient. The College expects the physician to customize his or her letter to fit the particular circumstances. The letter should explicitly state the reason for the termination, and should be written in way that the patient can understand.

Dear [patient’s name]:

As we discussed at your appointment [insert date], my first obligation as a medical doctor is to provide quality care to all of my patients. In order to do this, you and I must willingly work together toward your health and well-being.

It has become clear that because of [if appropriate, indicate reason] there has been a breakdown of trust in our doctor-patient relationship. This has made it difficult for me to continue providing quality care to you.

In these circumstances, I do not believe that it is in your best interest for me to continue as your doctor. I therefore regret to inform you that I will not be in a position to provide you with further medical services after [enter the date – this time will vary from community to community, but you should give sufficient notice].

I urge you to obtain another physician or primary health care provider as soon as possible. With your consent, I will be pleased to provide them with a summary of your medical records. You are also able to obtain the results of any outstanding medical tests by contacting [enter contact information].

For assistance in locating another physician, you may wish to contact the Nova Scotia Department of Health Physician Information Line at 902-424-3047, or visit the Department's online directory of physicians who are accepting new patients at www.gov.ns.ca/health/physicians.

Yours truly,
[Signature of physician]

Acknowledgments

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Document History

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