
Subject: Physician Termination of Patient Care **Page 1 of 3**

Objective:

- I. To ensure patients receive adequate notification when a physician needs to terminate the physician patient relationship.
- II. To ensure continuity of care as the member transitions from one care provider to another.

Policy:

- I. Tuality Health Alliance is under contract with the State of Oregon to provide medical services to a population of the Division of Medical Assistance Program (DMAP) members. Under this contract, THA is required to provide these members access to ongoing primary care appropriate to the member's needs. To that end, THA is also required to ensure continuity of care is provided as stated in OAR 410-141-0160.
- II. The American Medical Association's Code of Medical Ethics states: *"8.115 Termination of the Physician-Patient Relationship." Physicians have an obligation to support continuity of care for their patients. 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.*
- III. The applicable Patient Protection Act statute in Oregon is ORS 743.803 (2) (d) which states: *"All medical service contracts shall: (d) allow the provider to withdraw from the care of a patient when, in the medical judgment of the provider, it is in the best interest of the patient to do so."*
- IV. THA's Membership Agreement requires: Section 4.3 "Participate in all contracts approved by the Alliance in accordance with the terms of the policies of THA and the health plan contracts."
- V. When a physician intends to withdraw from a patient who is in need of continuing care at that time, the physician must take the following steps:
 - A. Give reasonable notice of the intent to withdraw by notifying the appropriate Case Manager to allow time for development an action plan of care that is agreeable to both the physician and the member.

Subject: Physician Termination of Patient Care **Page 2 of 3**

- B. When there isn't compliance to an action plan and termination of the physician/patient relationship needs to be terminated, a thirty (30) day notice is required.
 - C. Continue to meet the member's medical needs during the 30 day time period indicated in the notice.
 - D. If the basis for termination is a threat of dangerous behavior to other patients or staff, the period may be shortened to as little as one (1) day; depending upon the seriousness of the threat.
 - 1. The physician must work with THA to ensure appropriate documentation is received to member's mental state and any or all attempts to coordinate behavioral needs with their mental health provider.
 - 2. In this situation, emergent care may be provided in the TCH Emergency Department.
- VI. Physicians have a duty to provide emergent medical care to a patient thirty (30) days after the patient is given written notice of the termination of that relationship. A patient-physician relationship can be terminated by:
- A. Mutual consent
 - B. The patient's dismissal of the physician
 - C. The physicians' dismissal of the patient
- VII. Written notification is required and signed by the physician terminating the care of the patient. THA suggests physicians give written notice of the termination via mail by a certified, return receipt letter.
- VIII. Written notification must be submitted to THA, either to the appropriate Nurse Case Manager or the THA Administrative Coordinator who will notify the case managers.
- IX. Patients residing in nursing homes or otherwise incapacitated must have letters sent to the person acting in their behalf when making medical decisions.
- X. It is not necessary to indicate to the patient why the relationship is being terminated.

Subject: Physician Termination of Patient Care **Page 3 of 3**

- XI. The physician should request a release of records for the patient and forward pertinent records to the new Primary Care Physician if requested.

See related policies:
THA policy VII-7- Continuity of Care
OMA policy "Termination of Patient Care"

Formulated: December 2000
Revised: October 2003
February 2007

THA Plan Director

THA Medical Director