

Q&A: Ask the Lawyer

What are the legal issues surrounding discharging a patient from a medical practice?

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Q: Can an office discharge a patient because of personality? Our practice has a compliant and respectful patient who never misses an appointment. However, the patient appears to have some psychological issues that prevent her from fully understanding what the physician is saying. The patient's husband has joined her on a few appointments, but this has not helped the situation.

A: Yes. An office may discharge a patient based upon personality. You are not legally compelled, in a private office setting, to treat any particular patient. While that is the general rule, there are some exceptions. In this case, you have already seen the patient, so you have to follow proper procedures to dismiss the patient from your practice. I can almost hear the boos and hisses from your physicians when you deliver this unpleasant piece of news. After allowing your physicians to vent, offer some helpful suggestions. If patients provide permission for communication to occur in an unsecured or unencrypted manner, you may do so. Then, you can preemptively obtain patient permission on your intake forms.

Most states have a statute that sets forth the requirements for discharging a patient from a practice. Typically, you must give the patient 30 days to find a provider. During this 30 day-period, you must see the patient for any emergency situation.

A notice to the patient should be provided in writing, and I recommend it be sent by certified mail. You want to document that you have told the patient and also start your 30-day clock. The patient may wish to have his or her records forwarded to a new provider, and your office will need to comply with those wishes.

If the situation is so bad that you think the patient and her husband cannot care for themselves, you may need to contact Adult Protective Services. States often require that authorities be notified if a patient is in danger of hurting themselves or others. I assume your patient's ability to schedule and appear for appointments means she is not so incompetent that you need to notify authorities. I simply raise this issue so you are aware of it.

As to providing a reason for discharging the patient, that may not be necessary. Most states do not require that you specify why you are discharging the patient. If you wish, you can say something like "I don't believe that you are a good match for this practice," or "Unfortunately, this practice is unable to meet your medical needs at this time." Whatever you do, don't say "The doctor thinks you're a demented old bat! Find a new physician." Sometimes less is more.

You're smart to consider discharging the patient. There is an old saying that a physician spends the first half of his or her career learning how to practice medicine and the second half of his or her career learning when not to. I think you've just identified a patient that fits the "when not to" scenario.

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