

4731-27-01

Termination of the Physician-Patient Relationship.

A physician-patient relationship is established when the physician provides service to a person to address medical needs, whether the service was provided by mutual consent or implied consent, or was provided without consent pursuant to a court order. Once a physician-patient relationship is established, a person remains a patient until the relationship is terminated.

(A) Except as provided in paragraph (B) of this rule, in order to terminate a physician-patient relationship, a physician shall comply with the following requirements:

(1) Mail to the patient via regular mail and certified mail, return receipt requested, a letter containing the following information:

(a) A statement that the physician-patient relationship is terminated;

(b) A statement that the physician will continue to provide emergency treatment and access to services for up to thirty days from the date the letter was mailed, to allow the patient to secure care from another licensee; and

(c) An offer to transfer records to the new physician upon the patient's signed authorization to do so.

(2) For each letter sent in accordance with paragraph (A)(1) of this rule, the physician maintains in the patient record a copy of the letter, the original certified mail receipt, and the original certified mail return receipt.

(B) The requirements of paragraph (A) of this rule do not apply in the following circumstances:

(1) The physician rendered medical service to the person on an episodic basis or in an emergency setting and the physician should not reasonably expect that related medical service will be rendered to the patient in the future;

(2) The physician has formally transferred the patient's care to another health care provider who is not in the same practice group; or

(3) The physician who is leaving a practice, selling a practice, or retiring from practice, with retirement evidenced by the relinquishment of all clinical privileges and either termination of or conversion of medical liability insurance to extended reporting period coverage only, has provided notice of retirement, leaving the practice, or the sale of the practice no later than thirty days prior to the last date the physician will see patients, via the following methods:

(a) Mailing a notice, sent by regular mail addressed to the last known address,

to all patients seen by the physician within the immediately preceding three years;

(b) Publishing a notice in the newspaper of greatest circulation in each county in which the physician has practiced and in a local newspaper that serves the immediate practice area; and

(c) Posting a sign in a conspicuous location in or on the façade of the physician's office.

The required notices and sign shall advise the patients of their opportunity to transfer or receive their records and, for patient records remaining in the physician's possession once the physician is no longer seeing patients, the contact information for obtaining the records.

(C) A physician-patient relationship shall be considered terminated by the patient if both of the following requirements are met:

(1) The patient terminated the relationship, either verbally or in writing, or has transferred care to another physician for the same or a related condition.

(2) The physician maintains documentation in the patient record of the patient's action terminating the relationship.

(D) A physician assistant or anesthesiologist assistant may not independently terminate the physician-patient relationship.

(E) A physician's termination of a physician-patient relationship other than in accordance with the provisions of this rule, as determined by the state medical board of Ohio, shall constitute "a departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in division (B)(6) of section 4731.22 of the Revised Code.

(F) For purposes of this rule, "emergency setting" means an emergency department or urgent care center.

(G) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

Effective: 09/30/2006

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CERTIFIED ELECTRONICALLY

Certification

09/15/2006

Date

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