

VERMONT BOARD OF MEDICAL PRACTICE

ADVISORY

TERMINATION OF THE PHYSICIAN-PATIENT RELATIONSHIP

The physician-patient relationship imposes obligations on both parties, and it can be terminated by either party. A patient has the right to dismiss a physician and seek treatment from another physician. The Board recognizes a physician also has the right to terminate the relationship when he or she believes it is best to do so. However, the termination of the physician-patient relationship must be done in compliance with the physician's obligation to support continuity of care for the patient.

Abandonment of a patient constitutes unprofessional conduct as set forth in 26 V.S.A. § 1354(4). When the Board receives a complaint alleging "abandonment" because a doctor or doctor group has terminated the physician-patient relationship, the Board will consider: (1) whether the physician gave the patient timely notice of the termination (at least 30 days); (2) whether the physician provided necessary treatment for an existing problem and/or emergency care during the transition period (at least 30 days); (3) whether the physician diligently transferred records to another physician chosen by the patient.

It is the position of the Board that the notice of termination should be in writing, presented to the patient by a method to ensure the patient received the notice. The transfer of records should be done promptly and whether or not there are any outstanding bills for past services. If the physician is a member of a group, the notice should state clearly whether the termination involves only the individual physician or all members of the group.

In its review, the Board should ascertain the cause of the breakdown in the doctor-patient relationship, so that either or both parties can be advised of possible ways to avoid such situations in the future. It is not necessary for the patient or the doctor to state a reason for termination.

APPROVED BY THE BOARD: January 6, 1999