

ExecTech

ExecTech Guideline How to Dismiss Patients

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Ten Types of Patients You Should Dismiss

You should seriously consider dismissing the following types of patients.

1. Patients who abuse your attempts to help them or refuse to follow your recommendations.
2. Patients who upset your employees or other patients.
3. Freeloaders who refuse to pay.
4. Patients who are chronically late or who frequently miss appointments.
5. Anyone who disrupts your practice.
6. Patients who you honestly feel you cannot help.
7. Patients who you or your staff can never please, despite your best efforts.
8. Patients who might be a threat to anyone in your office.
9. Any patient you feel relieved at the thought of dismissing.
10. Any patient your staff members recommend that you dismiss.

Benefits of Dismissing Troublesome Patients

- You create room for the patients you love to treat.
- You no longer dread seeing certain patients.
- You no longer waste time and money on freeloaders.
- Stress relief—you eat better and sleep better.
- You reduce your chances of a malpractice case.
- You secure a better environment for your staff and patients.
- You can practice for more years with less stress and more pleasure.

Three Legal Risks

1. Discrimination. Federal law prohibits you from dismissing patients based on gender, race, color, religion, ancestry, national origin or physical disability. These are called “protected classes.”

Before you decide to dismiss a patient, who is a member of a protected class, honestly ask yourself if you are doing so because of politically incorrect reasons.

For example, if you want to dismiss a patient because of his or her skin color, you need to change your attitude or the government will change it for you. If you want to dismiss a patient because of his or her nasty attitude, you are on safe ground.

2. The Only Provider Available. Special rules apply if you are the only doctor of your type available for miles around. If alternative sources of care are not easily available, you may be at risk in some circumstances.

For example, a mildly-retarded 18-year-old patient needed frequent medical attention. A medical group denied him care because he had filed a malpractice case against one of its doctors. So the boy’s mother had to drive her son 40 miles to another practice, which disrupted her work. A federal appeals court ruled the group’s denial of care could form the basis of an antitrust (monopoly) lawsuit (*Leach v. Drummond Medical Group, Inc.*, 1983).

Similarly, dismissing a patient for financial reasons brings up an ethical issue. While no law requires you to treat financially poor patients, consider the patients’ alternatives. Make certain alternatives are available.

Physicians should also be particularly careful when dismissing a pregnant patient who cannot easily obtain the care she needs.

Talk to an attorney, such as your malpractice carrier’s attorney, if dismissing a patient would greatly inconvenience him or her.

3. Patient abandonment. Your biggest legal risk when dismissing patients is a malpractice case. The patient sues you for not fulfilling your obligations as the patient’s healthcare provider.

A patient abandonment case can begin for many reasons: you tell patients they no longer need your care, you refuse to treat them, you go on vacation, you are ill or other reasons. Some malpractice cases have even begun when patients imagined their doctors had abandoned them, yet the doctors had no such intention.

To win a patient abandonment lawsuit, the patient must prove four things:

- You had a doctor-patient relationship
- The patient expected care
- You did not provide that care, **and**
- Your discontinuation caused injury or harm to the patient

Health care providers are supported by courts if:

- You refused to comply with unreasonable demands of the patient
- The patient would not follow your recommendations
- Your letter dismissed the patient with plenty of time for the patient to arrange for a new provider, and when the patient was not in the middle of a critical point of treatment.
 - You maintained responsibility and remained available to the patient, even if you referred the to someone else, **or**
 - You obtained the patient’s consent to be treated by another doctor. For example you referred the patient to a specialist or arranged a temporary substitute while you were on vacation.

Eight Rules for Dismissing Patients

When ending a doctor-patient relationship, keep these rules in mind.

1. Dismiss the patient in writing.
2. Allow plenty of time for the patient to find a new provider.
3. Do not dismiss a patient in the middle of a critical treatment situation.
4. You do not need to give any reasons for your decision.
5. Keep the tone professional and never critical or angry.
6. Send the letter by certified mail and staple the receipt to your file copy of the letter. Send it to the patient and/or responsible person such as the patient's guardian, family or responsible friend.
7. Keep all records of the dismissal, including staff reports, conversation notes and so on, for at least seven years.
8. If your actions may look bad to a jury, or if you suspect the patient may want to sue you, discuss the case with your malpractice attorney before dismissing the patient.

Sample Dismissal Letter

Dear _____,

As of _____ (a date two to four weeks in the future), *I will no longer be able to provide your health care/dental care.*

I recommend you find a new (physician, dentist, specialist) within the next two weeks so that you may continue your treatment for _____.

If you are unable to find a facility, please contact _____ (local society or state association) at (xxx) xxx-xxxx.

After we receive a written release from you, we will send your treatment records to your new provider.

Sincerely yours,

Authorization to transfer records

Date: _____

To: _____ (insert your name here)

I hereby authorize you to transfer or make available to _____ at _____ (address), all the records and reports relating to my (medical/dental/specialty) treatment.

Signed: _____

How to Dismiss Managed-care Patients

1. Document the situation. Write down the specific details of why you wish to dismiss the patient. If staff members were involved, get them to write a statement about the patient in their own words.
2. Read the contract you signed as it may give you a procedure for dismissing a patient. None of the PPO or discounted-fee contracts we reviewed said anything about dismissing patients.

Yet all of the capitation plans we reviewed had restrictions, especially if the patient needs a great deal of care.

3. If not in the contract, ask the plan's representative for instructions.

4. Send a dismissal letter to the patient. Some contracts or plan representatives say they will inform the patient. Send your own letter regardless.

5. If the plan will not allow you to dismiss a patient, document your communications with the plan and their actions. Get their refusal in writing.

You have the right to dismiss the patient despite the plan's opposition, but you might be excluded from the plan. In some cases, this may be best anyway.

Try challenging their refusal in writing. Send an extra copy of your refusal to the plan's legal department. Emphasize how you are not an employee of the plan and have the right to only treat patients you feel you can help.

If needed, ask a contract attorney to review the situation and advise you.

You can also contact your county society or state association for assistance.

Dismissing Patients after Terminating Their Plan

If you drop a managed-care plan, do not abandon their members. Even if the company says it will notify your patients, don't rely on it. You formed a doctor-patient relationship and have a responsibility to the patient, despite the managed-care company.

Send the patients your own letter, but first, read the contract. Some require you to obtain wording approval of your letter from the managed-care company before you send it to the patients. The best time to get this letter wording approved is before you sign the managed-care contract. Regardless, the managed-care company will most likely approve the letter if it does not criticize their plan in any way.

Staff Rules

You, the Practice Owner, can be sued for malpractice if one of your employees gives bad advice to a patient. Likewise, you must not give staff members the authority to dismiss a patient for any reason.

Only a doctor may dismiss a patient. Add a rule along these lines to your office policy. Here is the wording we use:

Patient Advice and Dismissal: In no case should you or any employee of The Office provide advice, opinions or recommendations to any patient about the patient's pain, symptoms, complications, treatment or condition without proper training and licensing by the State and permission from the treating doctor. Additionally, staff members do not have the authority to dismiss a patient for any reason. For example, telling a patient they cannot continue their treatment because they have not paid their fee is prohibited. Only a doctor may dismiss a patient.

If any of your staff members feel you should dismiss a patient, take it seriously. Ask the employee to write a detailed report along with a written recommendation to end the patient's care.

This documentation will be a valuable addition to the patient's file.

Emergency Care for Dismissed Patients

If a dismissed patient arrives at your office with an emergency, treat the patient until the condition is stabilized. Then send another letter to the patient repeating your decision to end the relationship. Attach a copy of your original dismissal letter.

If the patient protests or tries to see you anyway, contact your attorney or an attorney at your malpractice carrier's office for instructions.

What to Do with Patients Who Drop You

When a patient drops you, keep good notes and send a confirmation letter by certified mail, return receipt requested. For example:

Dear _____,

I received your letter/call of ___ informing me that (or according to our conversation of _____) you have chosen to discontinue our relationship and will be seeking treatment from another facility.

I recommend you find a new (physician, dentist, specialist) within the next _____ so you may continue your treatment for _____.

If you are unable to find a facility, please contact _____ (local society or state association) at (xxx) xxx-xxxx.

If we receive a written release from you, we will send your treatment records to your new provider.

Sincerely yours,

You should also send a letter if the patient drops you during important treatment. For example:

Dear _____,

My staff and I have been trying to reach you to continue treatment for _____. We have left six messages and mailed you two letters. Based on your lack of communication, I am assuming you wish to terminate your relationship with this office.

I recommend you find a new (physician, dentist, specialist) within the next _____ so that you may continue your treatment.

If you are unable to find a facility, please contact _____ (local society or state association) at (xxx) xxx-xxxx.

If we receive a written release from you, we will send your treatment records to your new provider.

Sincerely yours,

Keep written records of all patient dismissal facts for seven years or longer. Include conversation notes, copies of letters, memos to staff and so on.

Public Relations Risks

Certain patients make you think they have a great deal of power over you. Don't buy it!

For example, one of our clients worked in a small town where everyone knew everyone. Yet despite the beautiful scenery, the doctor and his wife were miserable.

The doctor said, "The stress is getting so bad, we're thinking of moving."

We asked, "Where does the stress come from?"

They said, "Our patients."

"How so?"

"Oh, I don't know. They think we have too much money."

"Who thinks you have too much money?"

"Everyone in town."

"For example?"

"The mayor's wife."

"What did she say?"

"She saw our new Jaguar and said, 'You give a bad impression to the community when you drive such an expensive car around.'"

"Why don't you dismiss her?"

"Oh, we could never do that. She's one of the most important people in town. She also refers a lot of patients to us."

"How many has she referred over the past year?"

"Oh, uh, well, I don't know. She says she talks about us all the time."

"Does she owe you money?"

"In fact, she owes around \$2000 and keeps putting us off."

After further investigation, it turns out the mayor's wife owed more than \$3000, rarely showed on time for her appointments **and had never referred a single patient.**

Rather than leaving town, the owners dismissed the mayor's wife and removed a few other negative influences. They went on to build the practice of their dreams.

Sure, a patient you dismiss may squawk and complain. But so what? You'll never be liked by everyone in the world. And it's unlikely many people listen to these complainers anyway.

Your practice PR is built on your good work, not on the opinions of critics.

Summary

Acting for the good of your practice sometimes means acting against an individual. Your practice must come first because without your practice, patients do not get treated, staff members do not get paid and you do not reach your goals.

Release patients who fight your care or your policies. Do not let a patient run you down. Do not work for free, especially for patients who can afford to pay you.

Open the door to better patient care by closing the door to patients who ruin your mood.

You do not owe care to everyone. You do have the right to enjoy your work.

Feel free to call us if you have any questions.

Good luck!

For Information about ExecTech

Learn how ExecTech can help you increase your profit, reduce your stress and reach your goals. Visit www.exectechweb.com for more information, or contact the office nearest you.

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