

4731-27-02

Dismissing a patient from the medical practice.

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, a physician shall comply with the following requirements in order to dismiss a patient from the medical practice:

(1) Send notice to the patient that includes all of the following:

- (a) A statement that the physician-patient relationship is terminated;
- (b) ~~A~~ Except where the patient, or patient's representative, has displayed disruptive or threatening behavior toward the physician, office staff, or other patients, 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 a new provider upon the patient's signed authorization to do so.

(2) The notice shall be sent in one of the following ways:

- (a) A letter sent via certified mail, return receipt requested, to the last address for the patient on record, with a copy of the letter, the certified mail receipt, and the mail delivery receipt maintained in the patient record;
- (b) An electronic message sent via a HIPAA compliant electronic medical record system or HIPAA compliant electronic health record system that provides a means of electronic communication between the health care entity and the patient, is capable of sending the patient a notification that a message has been received and is in the patient's portal, and is capable of notifying the sender that a message has not been viewed or has been viewed;
- (c) If a notice sent via an electronic message as authorized in paragraph (A)(2)(b) of this rule is not viewed within ten days of having been sent, a letter sent in accordance with paragraph (A)(2)(a) of this rule.

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

- (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 formally transferred the patient's care to another health care provider who is not in the same practice group;
 - (3) The physician is leaving a practice, selling a practice, retiring from medical practice, or whose employment with a health care entity has ended for any reason;
 - (4) The patient terminated the relationship, either verbally or in writing, or has transferred care to another physician for the same or a related condition, and the physician maintains documentation in the patient record of the patient's action terminating the relationship.
- (C) A physician assistant or anesthesiologist assistant may not independently dismiss a patient from a medical practice.
- (D) A physician's dismissal of a patient from a medical practice 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.
- (E) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

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