

4731-27-03

**Notice of termination of physician employment or physician leaving a practice, selling a practice, or retiring from the practice of medicine.**

- (A) When pursuant to section 4731.228 of the Revised Code a health care entity provides to patients a notice of the termination of a physician's employment, the notice shall be provided in one of the following ways:
- (1) A letter sent via regular mail to the last address for the patient on record, with the date of mailing of the letter documented;
  - (2) 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 and is capable of sending the patient a notification that a message has been received and is in the patient's portal.
- (B) When pursuant to section 4731.228 of the Revised Code a health care entity provides the physician whose employment has been terminated for any reason with a list of patients treated and the patient contact information, the physician shall provide the notice required by section 4731.228 of the Revised Code by one of the ways authorized by paragraph (A)(1) or (A)(2) of this rule. In addition, the physician may, but is not required to, publish a notice in a newspaper of greatest circulation in the county in which the physician has practiced and in a local newspaper that serves the immediate practice area.
- (C) Except as provided in paragraph (D) of this rule, a physician who is an independent contractor, who provides physician services as an employee or an owner at a medical practice that is not a health care entity, as that term is used in section 4731.228 of the Revised Code, or who has an ownership interest in a health care entity, as that term is defined in section 4731.228 of the Revised Code, shall provide notice in compliance with the following requirements when leaving, selling, or retiring from the health care entity or other medical practice entity where the physician has provided physician services:
- (1) The notice shall be sent to all patients who received physician services from the physician within the two-years immediately preceding the physician's last date for seeing patients;
  - (2) The notice shall be provided as authorized in paragraph (A)(1) or (A)(2) of this rule.
    - (a) The notice shall be sent no later than thirty days prior to the last date the physician will see patients or upon actual knowledge that the physician

will be leaving, selling, or retiring from the health care entity, whichever is earlier.

(b) A physician shall make a good faith effort to comply with paragraph (C) (2)(a) of this rule. However, a physician who because of acute illness or unforeseen emergency is unable to provide the notice thirty days prior to the last date of seeing patients shall provide the notice required by paragraph (C) of this rule no later than thirty days after it is determined that the physician will not be returning to the health care entity.

(3) The notice shall include all of the following:

- (a) A statement that the physician will no longer be practicing medicine at the health care entity;
- (b) The date on which the physician ceased or will cease to provide medicine services at the health care entity;
- (c) If the physician will be practicing medicine in another location, contact information for the physician subsequent to leaving the health care entity;
- (d) Contact information for an alternative physician or physicians employed by the health care entity or contact information for a group practice that can provide care for the patient;
- (e) Contact information that enables the patient to obtain information on the patient's medical records.

(D) The requirements of paragraphs (A), (B) and (C) of this rule do not apply to the following:

- (1) A physician who rendered medical service to a person on an episodic basis or in an emergency department or urgent care center, when it should not be reasonably expected that related medical service will be rendered by the physician to the patient in the future;
- (2) A medical director or other physician providing services in a similar capacity to a medical director to patients through a hospice care program licensed pursuant to section 3712.04 of the Revised Code;
- (3) Medical residents, interns, and fellows who work in hospitals, health systems, federally qualified health centers, and federally qualified health center look-alikes as part of their medical education and training;

- (4) A physician providing services to a patient through a community mental health agency certified by the director of mental health under section 5119.611 of the Revised Code or an alcohol and drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code;
  - (5) A physician providing services to a patient through a federally qualified health center or a federally qualified health center look-alike.
- (E) A physician's failure to provide notice in accordance with the provisions of paragraph (B) or (C) 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) 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

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Certification

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Date

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