

CARIEND

PATIENT NOTIFICATION REQUIREMENTS FOR A CLOSING MEDICAL PRACTICE:

Through our years of experience in the custodial records field, we have worked with clients in almost every health care arena and handled the full spectrum of records management needs. Though every client's situation is unique, a good place to start when planning for your practice's records after retirement or closure is reviewing the legal guidelines for your state regarding patient notification. Regardless of the state you are in, best practice for physicians is to provide ample notice to their patients regarding changes in practice or closure. It is imperative patients are notified well in advance of closure to ensure they have access to their medical records for continuation of care. The legal guidelines regarding patient notification vary for each state. See the state-by-state comparison of the available guidelines starting on Page 5.

As we were assembling the resources for this document, we were amazed at the level of vague, incomplete, and even inaccurate material on the internet regarding notification requirements for closing medical practices. Anyone looking for information on this topic should be aware of the risk in assuming a simple internet search will provide clear and accurate information. In contrast, our goal is to help closing practices gain a better understanding of the process and guidelines when it comes to patient notification.

Every state has a long list of requirements to obtain and maintain a license to practice medicine, but when it comes to closing a

practice, most states only offer (at best) guidelines for what to do when ending a practice, and some states offer no guidance at all.

Many states defer to their state medical society or American Medical Association (AMA) guidelines, which are not legal requirements, and typically do not cover all of the potential variables that may exist in your situation. These guidelines tend to put a heavy burden on the physician, leaving them to decide on their own, items such as:

- ✓ What is an "active" patient?
- ✓ What determines a "critical" or "high-risk" patient?
- ✓ What is "reasonable" notification?
- ✓ How does the estate of a deceased or incapacitated physician provide 30-day notice?

In all cases, even if a particular state offers no specific requirements or guidelines for closing practice notifications, every state is clear about seeking to penalize physicians for complaints of abandonment or untimely records access if the steps chosen by the physician fail to meet an unpublished standard. This makes it very unfair to a physician closing their practice and illustrates why the steps outlined here are important to help closing practices avoid trouble, ensure continuity of patient care, and achieve peace of mind.

It is important to be mindful when reviewing sample closure letters floating around on the

internet that most fail to consider many items beyond closure date and how to obtain copies of medical records. However, there are several other elements that could be helpful to your patients as they are searching for their next provider, having their medications refilled, or other specific needs related to continuation of care. For example, including the date in which your Drug Enforcement Administration (DEA) license will expire within the notification message could help patients avoid unexpected disruptions in access to life-saving medications. Another helpful approach, particularly for specialized physicians, is to provide referrals to nearby practices or physicians offering similar types of care or services. When you compare any random series of practice types – for example, psychiatry, dental, OB/GYN, or pain management - you quickly realize a one-size-fits-all approach does not work for notifying patients of your closing practice. However, here are a few baseline recommendations.

- Anticipated changes in practice
- Final date of practice
- Contact information for providers remaining in practice
- ✓ Options for next providers
- ✓ Necessary information regarding access to medication

- ✓ How medical records will be stored and how they may be accessed
- Contact information for the records custodian
- Expected timeline for transitioning the records
- ✓ Date records will become available and how long they will be available for request

Many notification guidelines you find on the internet are well-intended but can be costly and ineffective.

For example, a common suggestion is to place repeating local newspaper ads to notify the public of a closing practice. This may be a requirement in your state, but make sure your plan also includes more effective notification methods that contain modern avenues of communicating that will more likely reach your patients. Examples include social media pages, website banners, email, or even utilizing the practice's existing patient portal. The newspaper ad may have been effective in 1990 when daily newspaper circulation in the US was over 62 million, but with that figure now less than 20 million and declining rapidly, newspaper alone is no longer practical. Placing a sign on the door of the closed practice only works if the space will not have future tenants. Mailing letters to every patient in your statutory retention window may not be effective either, especially if your state has a baseline of 7-10 years for medical records retention. If you mail notification letters to every

patient and half return as undeliverable, can you feel confident that you provided "reasonable" notification? When preparing your notifications:

- ✓ **FIRST** start with an assessment of your specific type of practice and patients. Put yourself in their position and think about what you would need to see if you were receiving the notification.
- ✓ NEXT seek guidance from your malpractice insurer as they are likely providing a tail risk policy, the insurer typically provides very good advice on closing notifications.
- ✓ LAST consult your custodial records provider, as they can be a great resource to share best practices and perhaps sample notification messages that others in your unique situation have used.

Looking at the closing medical practice notification guidelines of all 50 states, some are silent on providing guidance, while others provide a vague range of recommendations.

In any case, some of the most effective notification arrangements you can make include:

- ✓ Keep the phone number of the closed practice active for a minimum of 90 days and include key information on the voicemail after the practice has closed.
- Post the notification on the practice website.

- ✓ If the practice has social media, post the notification message there as well.
- Alert your state medical board in case patients contact them for information.
- ✓ Notify the regulatory and business agencies impacted by your closure, including Centers for Medicare & Medicaid Services (CMS), Drug Enforcement Administration (DEA), health insurers, state medical or business associations, and state medical boards.

As you look for notification guidance on the internet, carefully assess the credibility of the source for information. You may start by searching for your state requirements, but quickly end up at a third-party source that has paraphrased or misinterpreted the laws. Make sure that if there are legal guidelines in your state, that you review them. Don't risk falling short on your notification message which can result in charges of abandonment. For the states that do not offer specific guidance on closing a medical facility and simply defer to AMA or state medical society guidelines, understand these third-party sources are merely providing general guidance, and not legal or practice-specific advice. There may also be different rules for different types of medical facilities or practice types, such as hospital vs. private practice, or psychiatry vs. dentistry.

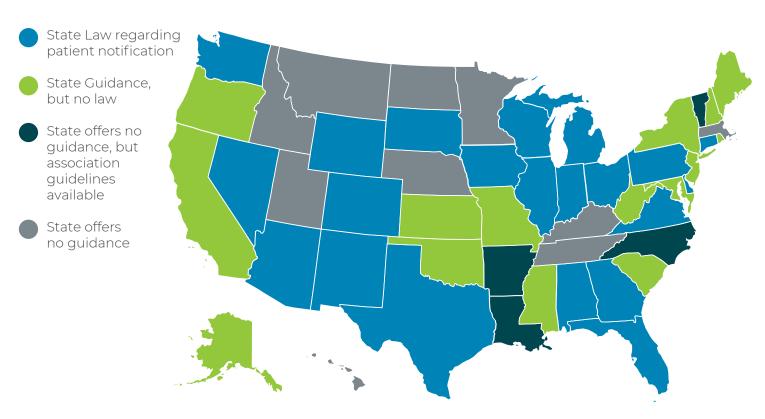
Some states don't specifically list steps for closing a practice, but simply note the requirements for

terminating a physician's relationship to patients. We've compiled a resource to compare guidelines for every US state.

Patient Notification Guidelines for Retiring Physicians or Closing Practices: 50 State Comparison

This comparative map shows the patient notification guidelines for all 50 states. Each state treats notification guidance differently, but their approach generally falls within four distinct categories. 1) The state has enacted law regarding patient notification. 2) The state offers guidelines, but without any statutory requirements or law enforcing notification practices. 3) The state offers no guidance, but another state association (i.e. the state Medical Association or Board) has guidelines available. And 4) The state is completely silent on patient notification without any guidance available. The comparison is intended to serve as a resource to help retiring physicians and closing practices navigate their obligations and avoid regulatory penalties as a result of the patient notification process. However, the information provided does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available on this site are for informational purposes only. Readers should consult their healthcare attorney to obtain advice with respect to any legal matter.

Patient Notification Guidelines by State





Board Rule 540-X-9-.10 states "reasonable notification" must be provided. There is no specific time period required. This may vary from practice to practice. "While the Board rule does not specify the State Law regarding mode of notification, it would be difficult to ensure patients received Alabama patient notification notification by a newspaper ad. If you use certified, return receipt mail, you can place a copy of the letter and return receipt in the patient's file in case there is ever an issue of notification." https://www.albme.gov/resources/licensees/practice-issues Alaska State Medical Board adopted AMA policy No. 7.03. "When a physician retires or dies, patients should be notified and urged to find a new physician and should be informed that upon authorization, records will be sent to the new physician. The patients **State Guidance,** Alaska of a physician who leaves a group practice should be notified that but no law the physician is leaving the group." https://www.commerce.alaska.gov/web/portals/5/pub/MED_Guide_R etiring_Closing_Leaving_Group.pdf Arizona Revised Statutes Title 32. Professions and Occupations § 32-3211 states, "If the health professional terminates or sells the health professional's practice and the patient's medical records will not remain in the same physical location, the procedure by which the health professional shall notify each patient in a timely manner State Law regarding **Arizona** patient notification before the health professional terminates or sells the health professional's practice in order to inform the patient regarding the future location of the patient's medical records and how the patient can access those records." https://www.azleg.gov/ars/32/03211.htm Arkansas Medical Society states, "AMS recommends that a physician place an ad in their local newspaper announcing the closure with State offers no guidance, instructions as to how the patient can obtain copies of their medical but association records. Also, we advise that a letter is sent to all patients seen within **Arkansas** guidelines available the last year with the same information and possible suggestions for other physicians." https://www.arkmed.org/resources/faq/

California

State Guidance, but no law State advises, "It is the Board's position that due care should be exercised when closing or departing from a medical practice. Not only does this ensure a smooth transition from the current physician to the new treating physician, but it also reduces the liability of "patient abandonment." Therefore, to ensure this occurs with a minimum of disruption in continuity of care, the physician terminating the physician-patient relationship should notify patients sufficiently in advance."

https://www.mbc.ca.gov/Licensees/Close_Practice.aspx

Colorado

State Law regarding patient notification

Colorado provides a combination of guidelines and state laws, and while their categorization in terms of whether it's a law or mere guidance isn't completely clear, when considering the information as a whole it compels Colorado physicians to make provisions to ensure the physician (or estate) isn't liable for abandoning patients or their records. Below we share both guidance from the State Board of Medical Examiners and information available from the Department of Regulatory Agencies (DORA) indicating regulatory penalties that could be assigned for not ensuring patient access to records.

• Colorado State Board of Medical Examiners Policy Number 40-08 states, "Practitioners continue to have obligations toward patients during and after departure from, or the closing of a medical practice. Except in cases of death or other incapacity of the practitioner, practitioners may not abandon a patient or abruptly withdraw from the care of a patient. Therefore, patients should be given reasonable advance notice to allow their securing other care." "Patients are notified of changes in the practice. This is often best done by letter to patients who are currently, or have recently been under the physician's care, and should explain the changes in the practice, and the final date of practice."

https://www.cms.org/uploads/BME_Policy_40-8.pdf

• Colorado Revised Statutes 2020 TITLE 12 PROFESSIONS AND OCCUPATIONS ARTICLE 240 § 142 states, "(3) A licensee shall inform each patient, in writing, of the method by which the patient may access or obtain his or her medical records if an event described in subsection (1)(b) of this section occurs. (4) A licensee who fails to comply with this section shall be subject to discipline in accordance with section 12-240-125."

https://drive.google.com/file/d/0B-K5DhxXxJZbZGZUdllNbUFvdDg/view

Connecticut

State Law regarding patient notification

Connecticut Code of Medical Records Regulations Number 19a-14-44 states, "Upon the death or retirement of a practitioner, it shall be the responsibility of the practitioner or surviving responsible relative or executor to inform patients. This must be done by placing a notice in a daily local newspaper published in the community which is the prime locus of the practice. This notice shall be no less than two columns wide and no less than two inches in height. The notice shall appear twice, seven days apart. In addition, an individual letter is to be sent to each patient seen within the three years preceding the date of discontinuance of the practice."

https://portal.ct.gov/DPH/Public-Health-Hearing-Office/Regulations/Public-Health-Code-Medical-Records-Regulations

State Law regarding Delaware patient notification State Law regarding Florida patient notification State Law regarding Georgia patient notification

Delaware Code Title 24 § 1761 states physicians discontinuing business: "shall notify that person's patients of record by publishing a notice to that effect in a newspaper of daily circulation in the area where the person practices. The notice must be published at least 1 time per month over a 3-month period in advance of discontinuing the business or leaving the State and must explain how a patient can procure that patient's patient records. All patients of record who have not requested their records 30 days before the person discontinues the medical-practice business or leaves the State must be notified by first class mail by the person to permit that person's patients to procure their records."

http://delcode.delaware.gov/title24/c017/sc05/index.html

Florida Statute Title 32 Ch. 456 § 057 subsection 13 states, "records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record." https://www.flsenate.gov/Laws/Statutes/2011/456.057

Rule 360 § 3-.02 (16) states, O.C.G.A §§ 43-1-19 and 43-34-37 authorize the Board to take disciplinary action against licensees for unprofessional conduct." "Unprofessional conduct" shall include, but not be limited to, the following: Failing to maintain patient records documenting the course of the patient's medical evaluation, treatment, and response. The requirements of this rule shall not apply to a physician who has retired from or sold his or her medical practice if: Such physician has notified his or her active patients of retirement from or sale of practice by mail. Has caused to be published, in the newspaper of greatest circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a notice which shall contain the date of such retirement or sale that offers to provide the patient's records or copies thereof to another provider of the patient's choice, and if the patient so requests, to the patient..." http://rules.sos.ga.gov/GAC/360-3

Hawaii State offers no guidance

Idaho State offers no guidance

Illinois General Assembly Public Act 84-7; 92-228 states health care facilities must provide the public with at least 30 days prior notice of the closure of the facility. The notice must include an explanation of how copies of the facility's records may be accessed by patients. The notice may be given by publication in a newspaper of general State Law regarding Illinois circulation in the area in which the health care facility is located. patient notification Failure to comply with the time limit requirement of this Section shall subject the denying party to expenses and reasonable attorneys' fees incurred in connection with any court ordered enforcement of the provisions of this Section. https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0087 Indiana Administrative Code 844 IAC § 5-2-16 states, "A practitioner, upon his/her retirement, or upon discontinuation of the practice of medicine or osteopathic medicine, or upon leaving or moving from a community, shall notify all of his/her active patients in writing, or by publication once a week for three (3) consecutive weeks in a State Law regarding newspaper of general circulation in the community, that he/she Indiana patient notification intends to discontinue his/her practice of medicine or osteopathic medicine in the community, and shall encourage his/her patients to seek the services of another practitioner." https://www.in.gov/pla/professions/medical-licensing-board-of-indian a/public-notices/practice-related-faqs/ Iowa Administrative Code 13.7(1) states, "Termination of the physician-patient relationship. A physician may choose whom to serve. Having undertaken the care of a patient, the physician may not neglect the patient. A physician shall provide a patient written notice State Law regarding of the termination of the physician-patient relationship. A physician Iowa patient notification shall ensure that emergency medical care is available to the patient during the 30-day period following notice of the termination of the physician-patient relationship." https://www.legis.iowa.gov/docs/iac/rule/09-22-2010.653.13.7.pdf Kansas Board of Healing Arts (a regulatory board created by legislature for the purpose of education, administration, regulation enforcement) advises providers follow AMA Guidelines. AMA Principles of Medical Ethics Opinion 1.1.5, "(1) Notify the patient far enough in advance to permit the patient to secure another physician; and (2) Facilitate transfer of care when appropriate. The unique facts and circumstances related to a patient's condition and care should be

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Kansas

State Guidance,

but no law

used to determine how much notice a patient should be given prior

While the KBHA does not make laws, this organization works closely with both bankruptcy courts and other official state resources,

appearing as both a regulatory authority and an independent agency.

The KBHA serves as a great resource to physicians. For sound guidance on regulations and requirements, retiring physicians can

to the actual termination of the physician-patient relationship, and whether the physician should facilitate the transfer of care to another

provider." http://www.ksbha.org/faq/faqlegal.shtml

call the KBHA at (785) 296-7413.

Kansas

State Guidance, but no law

Additional Resources: The Kansas Medical Society advises physician, "Develop and send a letter notifying patients of closing date and contact information of the custodian."

https://www.kmsonline.org/resources/practice-operations/26-general -topics/120-transitioning-a-medical-practice

Kentucky

State offers no guidance

Louisiana

State offers no guidance, but association guidelines available States offers no guidance, but association guidelines available State advises providers follow (1) AMA and (2) Louisiana State Medical Society Guidelines.

1. Principles of Medical Ethics Opinion 1.1.5 - "(1) Notify the patient far enough in advance to permit the patient to secure another physician; and (2) Facilitate transfer of care when appropriate. The unique facts and circumstances related to a patient's condition and care should be used to determine how much notice a patient should be given prior to the actual termination of the physician-patient relationship, and whether the physician should facilitate the transfer of care to another provider."

https://www.ama-assn.org/delivering-care/ethics#Chapter%201:%200 pinions%20on%20Patient-Physician%20Relationships

2. Louisiana State Medical Society Guidelines – "The physician cannot abandon the patient. Abandonment is the unilateral termination of the physician-patient relationship by the physician without giving the patient adequate notice of such termination and without giving the patient sufficient time to establish a relationship with a new physician." Continued...

https://cdn.ymaws.com/lsms.site-ym.com/resource/resmgr/resources/lsms_resource_closingamedica.pdf

http://www.lsbme.la.gov/content/health-care-resources-practitioner

Maine

State Guidance, but no law State advises, "Complaints of patient abandonment or neglect can be avoided by giving patients sufficient notice of the practice closure. Approximately ninety days is suggested whenever possible. Each patient should receive a letter and notices should appear in local newspapers at least three times over a few months or more. Approximately sixty days prior to closure, patients who require frequent follow up should be referred to other physicians and patients with acute medical problems should have appropriate follow up arranged."

https://www.maine.gov/md/sites/maine.gov.md/files/inline-files/2017s ummer_0.pdf

Maryland

State Guidance, but no law State advises, "adequate time must be given to allow the patient to obtain a new practitioner. The notice should be in the form of a letter sent to the patient, preferably certified with a return receipt requested. Offer to send copies of their medical records to their new physician and include an authorization for release of medical records."https://health.maryland.gov/mbpme/Pages/patientabando n.aspx

Massachusetts

State offers no guidance

Michigan

State Law regarding patient notification

Michigan Public Health Code 333 § 16213(3)(b) states, "licensee or the personal representative of the licensee, if the licensee is deceased, sends a written notice to the last known address of each patient for whom he or she has provided medical services and receives written authorization from the patient or his or her authorized representative, destroy the records required under subsection (1). The notice shall provide the patient with 30 days to request a copy of his or her record or to designate where he or she would like his or her medical records transferred and shall request from the patient within 30 days written authorization for the destruction of his or her medical records."

http://www.legislature.mi.gov/(S(qm1p2yrrhuxenh2d4yfgk1dd))/mile g.aspx?page=GetObject&objectname=mcl-333-16213

Minnesota

State offers no guidance

Mississippi

State Guidance, but no law Mississippi State Board of Medical Licensure Policy 3.17 advises, "whether by relocation, retirement, disability or death, the patient should be advised of the right to have the medical records sent to the physician of their choice. Notification can be accomplished by a sign in the reception area, a note in the monthly billing statement, or an advertisement in a local newspaper." Continued... https://www.msbml.ms.gov/sites/default/files/Policies/3-22-19Policies.pdf

Missouri

State Guidance, but no law Missouri Med. 115(4): 325–327 advises, "practices must notify patients as soon as possible to facilitate continued patient care. The office should notify patients as soon as possible to support continuity of care for the deceased physician's patients. As a first priority, the office staff should call patients with scheduled appointments so patients with immediate needs for a physician can find another healthcare provider. The office should also consider changing its

answering message to alert patients..." https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6140270/ Additional Resources: The Missouri State Medical Association offers, "Be sure to notify your patients regarding your retirement. This **State Guidance**, Missouri should be posted in your office well in advance of your official but no law retirement. If possible, consider posting your retirement in your local newspaper(s) as well as on your website and/or social media pages (if applicable). An official letter to your patients is highly recommended." https://www.msma.org/guide-to-closing-a-medical-practice.html **State offers** Montana no guidance **State offers** Nebraska no guidance Nevada Revised Statues (NRS) 630.304 states, "The following acts, among others, constitute grounds for initiating disciplinary action or State Law regarding denying licensure: (7) Terminating the medical care of a patient Nevada patient notification without adequate notice or without making other arrangements for the continued care of the patient. https://www.leg.state.nv.us/nrs/nrs-630.html#NRS630Sec304 NH Rev Stat § 329:9 Section: Med 501.02 Standards of Conduct. Subsection: F9 states, "If a licensee retires, moves from the area or decides to stop treating a patient or group of patients, the licensee shall: a. Provide notice to those active patients which explains that the licensee is no longer available to them, b. Ensure that their records can be transferred to another health care provider as State Guidance. **New Hampshire** but no law requested by the patient, and c. Whenever possible, notice shall be provided at least 30 days prior to cessation of treatment; and (10) After transfer of the licensee's medical records which meets the requirements of (9) above, the licensee shall be relieved of further responsibility for complying with requests for copies of records." http://www.gencourt.state.nh.us/rules/state_agencies/med100-600.html State advises in Section 1-15, "The doctor must notify the patient, in writing, that he/she will no longer provide care as a date certain, which cannot be less than thirty days prior to the termination date. This letter must be sent by certified mail, return receipt requested." State Guidance, Section 5-5: "If a licensee ceases to engage in practice: Publish a **New Jersey** but no law notice and the established procedure for the obtaining of records in a

newspaper of general circulation at least once a month for the first three months after the practice closes and forward a copy to the

New Jersey

State Guidance, but no law Board. Make reasonable efforts to directly notify patients treated within the prior six months letting the patients know about the manner in which the patient can obtain copies of his/her records." https://www.njconsumeraffairs.gov/bme/Pages/FAQ.aspx

New Mexico

State Law regarding patient notification

NMAC § 16.10.17.9 states, "Whenever possible, active patients and patients seen within the previous three years must be notified at least 30 days before closing, selling, relocating or leaving a practice. Notification may be satisfied using any of the following methods: (1) by placing a notice in at least one newspaper in the local practice area; notice should advise patients where their medical records will be stored; notice should include any pertinent information the patient may need for obtaining or transferring the records, including the name, mailing address and telephone number of a contact person with access to the stored records; notification should run a minimum of two times per month for three months to reach a maximum number of patients; or (2) by written or electronic mail; or (3) by individual correspondence to the patient's last known physical or electronic mail address."

http://164.64.110.134/parts/title16/16.010.0017.html

Additional Resources: The New Mexico Medical Society offers, "Closing Your Practice" Guide:

http://www.nmms.org/wp-content/uploads/2018/08/closing_your_practice_2016_revised_-_pcs_0.pdf

New York

State Guidance, but no law

State advises, "the following requirements regarding closures must be met: each patient, resident, next of kin, physician and sponsor must be notified immediately upon receipt of the Department of Health's approval.

https://www.health.ny.gov/facilities/adult_care/dear_administrator_letters/acf_closure_guidelines.htm

North Carolina

State offers no guidance, but association guidelines available State offers no guidance, but association guidelines available The North Carolina Medical Society advises, "practitioners and other parties that may be involved to ensure that: patients are notified of changes in the practice, sufficiently far in advance (at least 30 days) to allow other medical care to be secured, which is often done by newspaper advertisement and by letters to patients currently under care (Sample letter Attachment A); patients clearly understand that the choice of a health care provider is the patients'; patients are told how to reach any practitioner(s) remaining in practice, and when specifically requested, are told how to contact departing practitioners; and patients are told how to obtain copies of or transfer their medical records."

https://www.ncmedsoc.org/wp-content/uploads/2013/06/Closing-a-Medical-Practice.pdf

North Dakota

State offers no guidance

Ohio

State Law regarding patient notification

State Law

Rule 4731-27-03 states, "When (...) a health care entity provides to patients a notice of the termination of a physicians 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 patients portal." https://codes.ohio.gov/ohio-administrative-code/rule-4731-27-03

Oklahoma

State Guidance, but no law State Guidance, but no Law

State advises, "Whenever a physician is leaving or has left practice and the actual office is being closed, several different methods of patient notification can be used. A letter placed in the patient's monthly billing notice is one method. Since most patients do not receive a monthly notice, it is common practice to place a dignified advertisement in two or three editions of the local newspaper notifying the general public, as well as past and present patients." https://apps.ok.gov/osboe/documents/Closing%20DO%20Office.pdf

Oregon

State Guidance, but no law State Guidance, but no Law

State advises, "If you plan to cease the practice of medicine in Oregon, you are required to ensure safe storage and access to patient records. You should: (1) Notify patients by letter that your practice will end and give the effective date (2) Notify patients of the record location and how to access them (3) Advise patients that they must seek the services of another health care provider or refer them to another provider (4) Advise patients that their records will be forwarded to the provider of their choice upon receipt of a properly signed release form."

https://www.oregon.gov/omb/Topics-of-Interest/Pages/Patient-Records.aspx

Pennsylvania

State Law regarding patient notification

Pa. Code § 16.61(a)(17) states, "(a) A Board-regulated practitioner who engages in unprofessional or immoral conduct is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41). Unprofessional conduct includes, but is not limited to, the following: (17) Abandoning a patient. Abandonment occurs when a physician withdraws his services after a physician-patient relationship has been established, by failing to give notice to the patient of the physician's intention to withdraw in sufficient time to allow the patient to obtain necessary medical care. Abandonment also occurs when a physician

leaves the employment of a group practice, hospital, clinic or other health-care facility, without the physician giving reasonable notice State Law regarding and under circumstances which seriously impair the delivery of Pennsylvania patient notification medical care to patients." https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pa code/data/049/chapter16/chap16toc.html&d= State advises, "Publish a notice 90 days before closing a practice in a newspaper with statewide circulation, including information on how patients can get their medical records (when a physician is **State Guidance**, deceased, the heirs or the estate must give the same public notice **Rhode Island** but no law within 90 days); Send a letter to patients that have been seen within the past year notifying them of the practice closure." https://health.ri.gov/healthcare/about/closingpractices/ State advises, "Doctors should advertise in all papers, and notify all patients (no matter how long ago treated) the letter of closing. All returned mail should be kept in patient file. Notifying patients should be done within three months in advance; thirty (30) days at State Guidance, **South Carolina** minimum. This is done so patients cannot sue for abandonment." but no law "To avoid charges of abandonment, you'll need to send a letter to "active" patients." https://www.llr.sc.gov/med/Policies/ClosingOffice.pdf South Dakota Codified Law (SDCL) § 44:04:09:11 states, "At least 30 days before closure, the health care facility must notify the department in writing indicating the provisions for the safe State Law regarding **South Dakota** preservation of medical or care records and their location and patient notification publish in a local newspaper the location and disposition arrangements of the medical or care records." https://sdlegislature.gov/api/Rules/Archived/1540.pdf **State offers** Tennessee no guidance

limited to: (j) termination of patient care without providing reasonable notice to the patient. https://texreg.sos.state.tx.us/public/readtac\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=9&ch=190&rl=8

Texas Administrative Code Rule §190.8 22:9:190: b states, Practice Inconsistent with Public Health and Welfare. Failure to practice in an acceptable professional manner consistent with public health and welfare within the meaning of the Act includes, but is not

Additional Resources: Texas Medical Association advises, "Texas

Texas

State Law regarding

patient notification

Texas

State Law regarding patient notification

Medical Board (TMB) regulations say a physician leaving a group must notify his or her patients by: Publishing a notice either: On the physician's or practice's website or In the newspaper of greatest general circulation in each county in which the physician practices or practiced, and in a local newspaper that serves the immediate practice area; and Placing a written notice in the physician's office; and Sending patients the physician has seen in the last two years either: A notice in a letter or A notice in an email in a manner compliant with state and federal law.

https://www.texmed.org/Template.aspx?id=6676

Utah

State offers no guidance

Vermont

State offers no guidance, but association guidelines available The Vermont Guide to Healthcare Law by the Vermont Medical Society advises, "In order to avoid a claim of abandonment, the physician should take several steps to terminate the physician-patient relationship. (Abandonment is defines as the termination of the physician patients relationship at an unreasonable time and without giving the patients the chance to find an appropriate replacement.) The Physician should initially notify all patients by a letter which informs the patient of the date the physician will stop practicing and the method by which the patients can obtain their medical records or have them transferred to another physician."

http://w.vtmd.org/sites/default/files/Vermont%20Guide%20to%20Health%20Care%20Law%20-%20Nov%202018%20Edition%20Final.pdf

Virginia

State Law regarding patient notification

Code of Virginia § 54.1-2405 states, "No person licensed, registered, or certified by one of the health regulatory boards under the Department shall transfer records pertaining to a current patient in conjunction with the closure, sale or relocation of a professional practice until such person has first attempted to notify the patient of the pending transfer, by mail, at the patient's last known address, and by publishing prior notice in a newspaper of general circulation within the provider's practice area, as specified in § 8.01-324." https://law.lis.virginia.gov/vacode/title54.1/chapter24/section54.1-2405/

Washington

State Law regarding patient notification

State Guideline Number: OPO4-29 states, "Practitioners continue to have obligations toward patients during and after departure from, or the closing of a medical practice. Except in cases of death or other incapacity of the practitioner, practitioners may not abandon a patient or abruptly withdraw from the care of a patient. Therefore, patients should be given reasonable advance notice to allow their securing other care. It is the position of the Washington State Board of Osteopathic Medicine and Surgery (Board) that transition from a medical practice is done with a minimum of disruption to the

Washington

State Law regarding patient notification

patient." "When an osteopathic physician leaves a group practice, the patients of that physician must be notified." https://www.doh.wa.gov/portals/1/Documents/2300/RetentionOfMedicalRecords_And_PatientNotification.pdf

West Virginia

State Guidance, but no law

State advises, "When a medical practice closure timetable allows, physicians should engage in a conscious and methodical winding down of a medical practice. First, ensure proper notice is provided to patients as well as all interested governmental entities and other organizations. The following are best practices for notifying patients: Send current patients (i.e. established, continuing care patients who have been seen within the last year and/or patients who have future appointments scheduled) written notification of the office closure with instructions on how they may obtain access to their medical records; Place a notice on the door or near the reception desk of your practice at least 30 days in advance of the closure." https://wwbom.wv.gov/Closingordepartingpractice.asp

Wisconsin

State Law regarding patient notification

Med 10.03.2 (o) states, "Patient abandonment occurs when a physician without reasonable justification unilaterally withdraws from a physician-patient relationship by discontinuing a patient's treatment regimen when further treatment is medically indicated and any of the following occur: 1. The physician fails to give the patient at least 30 days notice in advance of the date on which the physician's withdrawal becomes effective. 2. The physician fails to allow for patient access to or transfer of the patient's health record as required by law. 3. The physician fails to provide for continuity of prescription medications between the notice of intent to withdraw from the physician-patient relationship and the date on which the physician-patient relationship ends, if the prescription medications are necessary to avoid unacceptable risk of harm. https://docs.legis.wisconsin.gov/code/admin_code/med/10/03/3/j

Wyoming

State Law regarding patient notification

Wyoming Administrative Code Chapter 3; Section 5 states, "(b) Any physician licensed by the board who desires to relocate or close a medical practice shall notify patients of such termination, sale, or relocation and unavailability by causing to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a display advertisement which shall contain the date of termination, sale, or relocation and an address at which the records may be obtained from the physician or terminating the practice or located or from another licensed physician. A copy of this notice shall also be submitted to the Board not less than one (1) month prior to the date of termination, sale, or relocation of the practice. The physician may, but is not required to, place a sign in a conspicuous location on the façade of the

Wyoming

State Law regarding patient notification

physician's office or notify patients by letter, of the termination, sale or relocation of the practice. The sign or notice shall advise the physician's patients of their opportunity and right to transfer or receive copies of their records.

https://regulations.justia.com/states/wyoming/medicine-board-of/medicine-board-of/chapter-3/section-5/

CONCLUSION

Most practices only close once. We understand the process can feel daunting. For determining your best course of action on notification, rely on an experienced custodial records provider that can share examples of what others have done, participate in a dialog with your malpractice insurer or healthcare attorney, and determine what is best for your specific practice type and patients in order to balance cost, patient care, and reasonability.

LEARN MORE ABOUT CARIEND:







Your moment begins now. To get started with the closure process, call Cariend today at **855.516.0611** or visit us online at **CARIEND.COM.**

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