

Ohio State Medical Board issues new rules on terminating the physician-patient relationship and notifying patients when a physician leaves a practice

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The Ohio State Medical Board (OSMB) adopted new rules on patient notification effective December 31, 2013 in response to Ohio Revised Code (ORC) [4731.228](#) enacted in March 2013.

The OSMB rules specify the methods for notifying patients of a physician's departure from a health care entity and the patient notification requirements when a physician is an independent contractor (or a physician with an ownership interest in a health care entity) and is leaving a health care entity. The rules also specify the patient notification requirements when a physician terminates a physician-patient relationship. The new requirements are below.

Notice Upon Termination of Physician Employment with a Health Care Entity

The notice must be provided by the health care entity or by the physician if the health care entity provides the physician with a list of patients the physician has treated and the patients' contact information. The notice must be provided in one of the following ways:

- By regular mail to the last known address of the patient on record, with the mailing date of the letter documented; or
- By electronic message via a Health Insurance Portability and Accountability Act (HIPAA) compliant electronic medical record system or a HIPAA compliant electronic health record system meeting specified requirements.

Notification Requirements When an Independent Contractor Physician or Physician with an Ownership Interest in a Health Care Entity Leaves the Health Care Entity

A physician who is an independent contractor or who has an ownership interest in a health care entity must provide notice in compliance with the requirements below when leaving, selling or retiring from the health care entity where the physician has provided physician services.

Timing and Which Patients to Notify

- The notice must be sent no later than 30 days prior to the last date the physician will see patients or upon actual knowledge that the physician will be leaving, selling the interest in the health care entity or retiring, whichever comes first.
- The notice must be sent to all patients treated by the physician within two years immediately preceding the physician's last date for seeing patients.
- If an unforeseen emergency or an acute illness prevents a physician from providing notice within the 30 days deadline,

the notice must be sent no later than 30 days after it is determined that the physician will not return to practice.

Content of the Notice

The notice must include the following:

- Notice to the patient that the physician will no longer be practicing medicine at the health care entity;
- The date the physician ceased or will cease to provide medicine services at the health care entity;
- If the physician will be practicing medicine in another location, contact information for the physician subsequent to leaving the health care entity;
- 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; and
- Contact information that enables the patient to obtain information on the patient's medical records.

Patient Notification Requirements Upon Terminating a Patient from a Medical Practice

Content of the Notice

The notice by the physician must include the following:

- A statement that the physician-patient relationship is terminated;
- A statement that the physician will continue to provide emergency treatment and access to services for up to 30 days from the date the letter was mailed, to allow the patient to secure care from another licensee; and
- An offer to transfer records to a new provider upon the patient's signed authorization to do so.

Methods to Send Notice

The notice must be sent in one of the following ways:

- By certified mail with a return receipt request to the last patient address on record, including a copy of the letter, the certified mail receipt and the mail delivery receipt maintained in the patient record; or
- By electronic message via a HIPAA compliant electronic health record system or a HIPAA compliant electronic medical record system meeting specified requirements; and
- If a notice sent via the HIPAA compliant electronic health record system or medical record is not viewed by the patient within 10 days, a letter must be sent to the patient's last known address by certified mail and with a return receipt request.

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