

Q: When discharging a patient, CURI recommends giving a 30-day notice that includes providing “emergency care” during that period. **How is “emergency care” defined?**

A: I agree that the term “emergency” in connection with patient termination notices is somewhat ambiguous. As a starting point, here’s what the Georgia Composite Medical Board says on its website in response to the question: **Can my physician terminate my care or discontinue seeing me?**

Yes, a physician generally has the right to terminate the doctor-patient relationship. In most cases, the physician may terminate a doctor-patient relationship upon giving the patient adequate written notice, preferably through certified mail. Physicians should give the patient adequate notice and a reasonable amount of time to find another health care provider. "Adequate notice" and "adequate written notice" are not legal terms and will depend on the circumstances. Generally speaking, 30 days is considered "adequate notice."

Given that the Medical Board does not specifically carve out “emergency care” only in its guidance, I’d err on the side of caution and would include sick visits as “emergencies” in the 30-day notice period. For example, I think the family could make a good case for abandonment if they called the practice during the 30-day notice period about their child having a low fever and vomiting, and the practice refusing to see the patient, and then having it turn into something worse that requires an ER visit (which could have been avoided had the provider agreed to see the patient when the concerns were first made).

For routine well-visits, if they’re already scheduled within the first few days after receipt of the termination letter, they may want to follow through with those visits as well. The closer the scheduled visit is to the end of the 30-day notice period, however, the more likely they may not want to follow through with those visits, and they’ll want to address that in the termination letter (e.g., “*This means that your currently scheduled well-visit with us on _____ has been cancelled, and you should schedule any further well- and sick-visits with your new pediatrician.*”)

Now, the above guidance assumes that the patient’s parents have been civil and cordial, and perhaps the reason for termination is simply that the parents have refused to vaccinate their child against the practice’s vaccination policies, for example. If the parents are combative, exhibit threatening behavior, etc., then they’ll likely need to be discharged immediately.

Note: *Nothing herein should be considered, construed, or interpreted as legal advice. Rather, my comments, suggestions, advice, recommendations, etc. have been provided strictly as a risk management consultant pursuant to your insurance broker relationship with Sterling Seacrest Pritchard. You should first consult with an attorney before relying upon or utilizing this information.*

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