

Section 9

TERMINATION OF THE PATIENT-DOCTOR RELATIONSHIP

Once the patient-doctor relationship has been established, it may be terminated by either party.

Patient Termination

The most common way for patients to end the relationship is their recovery from the condition for which they were receiving chiropractic care.¹⁰⁰ Another way the patient may terminate the relationship is to discharge the physician at any time.¹⁰⁰ If at the time of termination by the patient, it is the opinion of the treating physician that the condition requires further care, it is suggested that the physician notify the patient. This should be documented by the physician.

Physician Termination

Physicians may terminate the patient-doctor relationship at their discretion, but must not abandon the patient. The patient must be given reasonable notice,¹⁶ preferably in writing. By sending the notice "return receipt requested" the physician will have the assurance that the patient was notified. The patient must also be given reasonable time to locate another physician. The courts have held that once a physician has agreed to treat a patient a physician cannot cease his treatment except, first with the consent of the patient, or secondly upon giving the patient time and notice so that he may employ another doctor or thirdly when the condition of the patient is such that medical treatment is no longer required.¹⁰⁰

Abandonment

Abandonment has been defined as "the unilateral severance by the physician of the physician-patient relationship" without reasonable notice, at a time when there is still the necessity of continuing medical attention.¹⁰⁰ Abandonment involves intent on the part of the physician to improperly terminate the patient-doctor relationship.¹⁰⁰ Examples of abandonment include:

- the physician fails to provide adequate withdrawal notice to the patient;
- the physician fails to see a patient within a clinically indicated timeframe;
- the physician withdraws from a patient case without making arrangements for continued care for lack of payment or any other reason.

Physician Substitution/Referral

Physicians are entitled to reasonable time away from their practices as long as arrangements are made for a competent, licensed substitute. Notice must be given to the patient of the substitution, as the patient may prefer to consult with a doctor other than the substitute.¹⁰⁰ If notice is not given and the patient's condition suffers an adverse effect the physician may be held to have abandoned the patient.¹⁰⁰ If the substitute is an "employee" of the physician, standard rules of vicarious liability may apply. If the substitute is unqualified or incompetent the physician may also be liable for the substitute's negligence. In multi-physician practices where each physician sees the others' patients on a rotating basis, none of the physicians can be held to have abandoned a patient if another member of the group or partnership has seen that patient.¹⁰⁰ When a physician refers a patient to a second physician, the referring physician cannot be held liable for abandonment as long as due care is used in selecting the second physician.¹⁰⁰ This referral should be documented by the referring physician

Physicians have the right to make reasonable limitations on their practice.¹⁰⁰ Physicians are not legally obligated to treat any patient beyond the chosen limitations of their practice. In such circumstances, referral to another physician does not constitute abandonment.¹⁰⁰