Psychiatric clinicians may unilaterally decide to end a treatment relationship with a patient when the relationship is no longer therapeutic, such as when the patient does not adhere to treatment, repeatedly misses appointments, exhibits abusive behaviors, or fails to pay for treatment. Claims of abandonment can arise if ending the treatment relationship is not executed properly. Abandonment is the termination of a treatment relationship with a patient who remains in need of treatment, has no suitable substitute treatment, and subsequently experiences damages as a result of the termination. When a patient terminates a treatment relationship, there are no legal bases for abandonment claims. In this article, I provide a few practical tips for properly terminating the doctor-patient relationship to limit the likelihood of claims of abandonment.

Know your jurisdiction’s requirements for terminating the relationship. Each state has its own legal definition of a doctor-patient relationship as well as requirements for ending it. Abandonment claims are unfounded in the absence of a doctor-patient relationship. Contact the appropriate licensing board to determine what your state’s regulatory requirements are. If necessary, consult with your attorney or a risk management professional for guidance.

Communicate clearly. Communicate with your patient about the end of the treatment relationship in a clear and consistent manner, both verbally and in writing, because a termination should be viewed as a formal, documented event. Except in situations requiring immediate termination, psychiatric clinicians should inform the patient about the reason(s) for termination, the need for continued treatment, and the type of recommended treatment. This discussion should be summarized in a termination letter given to the patient that includes termination language, referral sources, the end date of treatment, and a request for authorization to release a copy of the patient’s medical records to their new clinician.

Give adequate time, set boundaries, and document. Thirty days is generally considered adequate time for a patient to find a new clinician, unless the patient lives in an area where there is a shortage of psychiatric clinicians, in which case a longer time period would be appropriate. Ensure your patient has a sufficient supply of medication(s) until they establish care with a new clinician. Offer to provide emergency care for a reasonable period of time during the termination process unless a safety concern requires immediate termination. Avoid situations in which the patient attempts to re-enter your care. Document the reason for the termination in your progress notes and keep a copy of the termination letter in the patient’s medical record.

References

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