

How to avoid abandonment claims when terminating care

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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.¹ 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.² When a patient terminates a treatment relationship, there are no legal bases for abandonment claims.³ 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.³ 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.⁴

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.³ Except in situations requiring immediate termination, psychiatric clinicians should inform the patient about the reason(s) for termination,⁴ the need for continued

treatment,³ and the type of recommended treatment.³ 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.^{3,4}

Give adequate time, set boundaries, and document. Thirty days is generally considered adequate time for a patient to find a new clinician,⁵ 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.³ Ensure your patient has a sufficient supply of medication(s) until they establish care with a new clinician.⁴ Offer to provide emergency care for a reasonable period of time during the termination process unless a safety concern requires immediate termination.⁴ 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.⁴

References

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