

# Terminating a Chiropractor-Patient Relationship

Chiropractors have the right to treat the patients they wish to treat. They also have the right to terminate relationships with patients for various reasons, such as:

- Numerous attempts at communication have proven unsuccessful.
- The patient frequently misses or cancels scheduled appointments.
- The patient has repeatedly refused to obtain needed screening or treatment.
- The patient or his/her family members are persistently rude, belligerent, or threatening to chiropractors or staff.
- The patient and the chiropractor are simply too different, in any multitude of ways, to work as a team.

However, chiropractors should use caution when terminating from their care patients who are members of a protected class. Federal and state laws prohibit discrimination based on race, religion, color, etc., and other laws — such as the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 — also may apply.

Additionally, chiropractors should research whether the states in which they practice have other specific regulations related to discharging patients from care. When confronted with a situation in which federal or state laws might be applicable, consulting with an attorney is advisable.

## Objectives

The objectives of this guideline are to:

- Review important considerations for terminating a chiropractor—patient relationship, such as documentation, timing, payment issues, and patient agreements
- Emphasize the importance of developing a formal process that establishes a framework for terminating patients from the practice
- Discuss the essential components of drafting, sending, and documenting notifications of termination
- Review other termination considerations, such as using “no schedule” lists, following up with patients who initiate termination of the relationship, and establishing administrative oversight

# Considerations for Terminating a Chiropractor-Patient Relationship

## Documentation

When a chiropractor—patient relationship becomes untenable, the chiropractor should review the patient's health record before deciding to terminate the relationship.

Although it is true that chiropractors can terminate relationships with patients, it is wise for chiropractors to have objective and factual documentation that supports their decisions. For example:

- Have patient instructions and education been documented in the patient's health record?
- Have patient complaints or accusations against the practice, or inappropriate remarks to chiropractors and staff, been documented? These issues should be objectively noted in the patient's health record; use quotation marks where relevant to preserve the patient's actual statements.
- Does documentation include dates of no-show/cancelled appointments and staff follow-up with the patient?
- Does documentation objectively note that the chiropractor and staff have attempted to resolve the problems or address the issues?
- Has the chiropractor consistently documented treatment recommendations and warnings to the patient about possible negative effects of nonadherence? (Note: Every occurrence of nonadherence should be documented, not just situations in which the patient experiences adverse outcomes.)

If the health record does not support the decision to terminate the relationship, then the chiropractor would be wise to continue treating the patient, at least until such time as the documentation supports the decision.

## Timing

Timing of the termination might be critical in the defense of any allegation of patient abandonment. Abandonment is generally when a chiropractor terminates a provider—patient relationship without reasonable notice or in a manner that denies a patient necessary medical care. As such, terminating a relationship at a critical juncture in patient care is not recommended.

The chiropractor needs to consider the patient's clinical status before determining whether to initiate the termination process; this will help facilitate a safe care transition. For example, a behavioral health professional should determine whether a patient is mentally stable before termination.

Another consideration related to timing includes location. If a chiropractor is the only chiropractor in an area, or if he/she is practicing in a rural area, it might take longer to ensure a patient has appropriate care, which may result in a longer notice period prior to terminating the relationship.

## **Payment Issues**

Termination of a chiropractor—patient relationship can be problematic if the reason for it is nonpayment of bills. Before taking this step, the chiropractor should first verify whether a contract (e.g., managed care organization [MCO], health maintenance organization [HMO], or a preferred provider organization [PPO]) obligates the continued provision of care.

If no contractual obligations are in place, and if the patient is not undergoing active treatment, the chiropractor may advise the patient either by phone or letter that a payment plan must be established and followed — or the patient will be terminated from the practice.

The patient should be given adequate time to respond; however, if no response is forthcoming, the chiropractor can send a termination letter. If the nonpaying patient is in the midst of active treatment, the chiropractor should seek legal advice before sending any notice of termination.

## **Patient Agreements**

In some instances, even though a patient or family might be problematic, the chiropractor may not be ready to terminate the relationship. In these cases, the chiropractor might want to consider using a patient agreement with the patient or family.

A patient agreement can help preserve the chiropractor—patient relationship, or — if the patient agreement is not followed — it can support the decision to terminate the relationship.

## **The Process**

Chiropractic practices should develop formal processes for terminating chiropractor—patient relationships to avoid allegations of patient abandonment. Part of the process should include careful consideration of the patient’s situation and review of the patient’s health record prior to termination actions.

## **Contractual and Legal Obligations**

Chiropractors should review managed care contracts or other procedural documents prior to withdrawing from a patient’s care. MCOs may require compliance with additional steps before a chiropractor can unilaterally terminate a patient from his/her care. For example, the MCO may require warning letters or an extended waiting period to ensure that the patient has adequate time to select another chiropractor from the MCO panel. Often, the MCO will seek to refer the patient to another chiropractor within its network.

Additionally, some state health programs may have special grievance procedures that chiropractors must follow. Each practice should research contractual and legal requirements before finalizing its termination policies.

## **Notification**

Once a chiropractor has made the decision to terminate a patient from the practice, the chiropractor will need to notify the patient in writing about the decision.

### *Drafting the Notification Letter*

The notification letter should be professional and nonconfrontational, and it should set a tone that aims to maintain the best possible relationship with the patient. The tone should focus on the long-term benefit for the patient.

Generally, the chiropractor is under no obligation to provide a reason for withdrawing from the patient’s care. Some chiropractors may wish to do so, but the statement should be brief. It should not be argumentative or punitive in tone.

The letter should clearly state the date upon which the termination will become effective, and it should commit the chiropractor to helping the patient through the

transition period by offering to provide emergency care only for a specified time, such as 30 days. In most instances, this notice allows the patient sufficient time to obtain the services of another chiropractor.

However, because state requirements and patient needs differ, a local professional society might be able to offer guidance as to how long it could take a patient to transition to another chiropractor's care. During the transition period, the patient will remain the responsibility of the original treating chiropractor.

Whenever possible, include resources in the notification letter that the patient can use to access another chiropractor. Local organizations or public health services might provide the names of chiropractors who are accepting new patients. The patient's insurance panel may also provide names of available chiropractors. Generally, it is not a good idea to refer the patient directly to another chiropractor.

The notification letter also should describe the process for transferring or forwarding health records, and it should include a records release authorization form. The patient should be informed that, once a written authorization is received, copies of his/her health records will be forwarded to the new chiropractor.

Some organizations charge a reasonable fee for copying health records. If your practice plans to impose a fee, review federal and state regulations first. HIPAA and most state laws limit the amount that can be charged for duplication and searching services.

If the state law permits photocopying fees that are greater than the fees permitted under HIPAA, then the HIPAA fees preempt state law and must be used. Further, HIPAA prohibits charging patients for handling fees, chart-pulling fees, or per-page fees in excess of the direct cost of materials, even if state laws permit it.<sup>1</sup>

Because the circumstances for providing copies of health records may vary, the chiropractor should evaluate whether a charge makes sense relative to the patient. If the chiropractor intends to charge for copying health records, he/she should clearly state this information in the notification letter.

In no case should a patient be required to pay a fee for copies of his/her health record prior to release. Further, no practice can require a patient to pay on any account balances before releasing his/her health records.

For more information, see the U.S. Department of Health and Human Services' information about [individuals' right under HIPAA to access their health information](#).

### *Sending the Notification Letter*

Once the notification letter is finalized, send it to the patient via certified mail, with return receipt requested. Because some patients may refuse to accept delivery of a certified letter, the chiropractor should also send a copy of the letter via standard mail at the same time.

### *Documenting the Notification*

A copy of the letter should be retained in the patient's health records. The return receipt, when obtained, also should be maintained in the file. If the post office returns the letter because it is undeliverable or because the patient fails to pick it up, file the unopened letter in the patient's record.

## **Other Considerations**

Other factors to consider when developing a policy for terminating a chiropractor—patient relationship include the following:

- The notification letter should be written in a clear, concise, and professional manner. It should state the reasons for the termination, the effective date of termination, and the patient's right to seek legal counsel. The letter should be signed by the chiropractor and dated.
- The notification letter should be sent to the patient via certified mail, with return receipt requested. The return receipt should be filed in the patient's health records. If the letter is returned by the post office as undeliverable, the chiropractor should attempt to locate the patient and deliver the letter in person.

## **Terminating a Chiropractor-Patient Relationship With a Minor Patient**

Not only can chiropractors terminate professional relationships with adults, but chiropractors also might consider dismissing minors (pediatric patients) from the practice. Reasons for such dismissal might include that the minor's parents are difficult, demanding, nonadherent, or financially irresponsible with respect to payment.

Unless the minor is emancipated (standards for emancipation vary by state), termination of the chiropractor—patient relationship should be preceded by a discussion with the parent(s). Further, the termination letter should be sent to the parent(s).

## Conclusion

Chiropractors have the right to terminate a relationship with a patient as long as they do not violate state or federal laws. A chiropractor may choose to terminate a provider—patient relationship for many reasons, such as nonadherence to treatment regimens or appointments, refusal to obtain needed screening or treatment, or inappropriate behavior.

To avoid allegations of abandonment, chiropractors should ensure that their practices have formal, well-developed termination processes in place. These processes should establish a framework for reviewing each patient's health records, documenting essential information, and notifying the patient of the termination.

Further, because the circumstances with each patient will differ, chiropractors should carefully consider their approach and actions relative to each situation.

## Resources

- American Academy of Pediatrics: Discharging Patients from the Practice
1. HIPAA Privacy and Security Rule, 45 C.F.R. § 164.512(c) (4) 2016.

*This document should not be construed as medical or legal advice. Because the facts applicable to your situation may vary, or the laws applicable in your jurisdiction may differ, please contact your attorney or other professional advisors if you have any questions related to your legal or medical obligations or rights, state or federal laws, contract interpretation, or other legal questions.*

*ChiroPreferred is the marketing name used to refer to the chiropractic-related products offered by MedPro Group. MedPro Group is the marketing name used to refer to the insurance operations of The Medical Protective Company, Princeton Insurance Company, PLICO, Inc. and MedPro RRG Risk Retention Group. All insurance products are underwritten and administered by these and other Berkshire Hathaway affiliates, including National Fire & Marine Insurance Company. Product availability is based upon business and/or regulatory approval and may differ among companies.*

*© MedPro Group Inc. All Rights Reserved.*

