

	BLACK HAWK HEALTH CENTER POLICY: PATIENT DISMISSAL AND REFUSAL OF CARE DEPARTMENT: CLINIC-WIDE	Resolution:	SF-18-87
		Effective Date:	03/14/2018
		Origination Date:	05/24/2007
		Supersedes:	SF-07-133
		Revised:	02/13/2018

BACKGROUND:

The Patient-Physician Relationship in Risk Management: A patient-physician relationship is created when a physician agrees to treat an individual for an illness or injury. Once created, care must be taken not to terminate or breach the relationship in a manner which might be injurious to the patient and create liability for the physician. Once a physician does agree to treat a person, a relationship is formed, and the physician incurs certain obligations relative to that relationship. For example, the physician is obligated to continue to treat the patient for the duration of the episode of care or as long as care is needed. This duty exists as long as the treatment required is within the physician’s specialty and ability.

PROCEDURE:

Patient Dismissal and Refusal of Care by Provider: The provider can terminate the relationship and end the duty to the patient only after giving the patient reasonable notice of withdrawal of attendance and allowing the patient sufficient time to arrange for care by another provider. A provider’s unilateral medical attention is necessary, is called “abandonment” and abandonment is actionable. Providers may not dismiss a patient for discriminatory purposes in violation of any laws or rules prohibiting discrimination, including the Americans With Disabilities Act. Providers normally may not dismiss a patient if the provider knows, or ought to know, that no other healthcare provider is available to the patient that can provide the type of quality of care the patient is receiving. Patients must be advised of the dismissal in writing. Notice of Withdrawal of Attendance, contains all of the elements necessary to dismiss a patient without breaching any duty to the individual. This form, or a variation of it, is used to dismiss an established patient with a chronic illness or a condition which requires continued treatment. Letters used to notify a patient of his/her discharge must contain the following elements:

- a. A description of urgent medical issues the patient has and a statement that he/she needs to see another provider and a description of the consequences that are likely if the patient fails to follow-up with a new provider. If possible, a time frame for the visit to the new provider should be specified.
- b. A statement that medical records will be forwarded to the new provider or given to the patient at no cost.
- c. A list of alternate treatment facilities available to the patient and/or the names of referral agencies capable of assisting the patient to locate a new provider.
- d. Letters should be sent via certified mail with return receipt requested. A copy of the letter should be entered into the patients’ medical record as should a description of attempts to contact the patient if letters are returned unclaimed.

Mutual Consent Relationship Termination: Patients can be dismissed from care by mutual consent of both parties. Providers can unilaterally dismiss patients who are no longer in need of care without breaching a duty to the patient, providing reasonable notice of the dismissal is given. The later instance usually occurs when a patient fails to present for an extended period of time and the provider formally dismisses the patient prior to retiring the patient’s chart. When possible, the dismissal should be discussed with the patient and the discussion recorded in the patient’s chart. This action avoids possible misunderstandings concerning the patient’s status.

Dismissal for Cause:

- I. Major – Patients who are dismissed by the BHHC for cause (i.e. inappropriate behavior or language, threats, violations of policy, etc.) are no long eligible for care from any BHHC department. Annotations alerting administrative support personnel of the patient’s status are made in the patient’s chart and in the electronic system.
- II. Minor – Patient that are excluded from specific programs or units due to non-compliance with their treatment plans, program requirements, or no-show policies, may retain eligibility

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for services from other BHHC departments. For example, a client who is dismissed from a group counseling program conducted by Behavioral Health may continued to be treated by the dental and medical departments. A patient, whose eligibility for dental services has been suspended due to several missed appointments, may be seen in other units as long as the patient is in good standing there.

- i. First Offense(s): Patient shall be suspended for 6 months. Upon reinstatement as a patient if any further incidences occur then the patient shall be indefinitely dismissed as a patient at the BHHC.
- ii. Subsequential Offense(s): Patient shall be indefinitely dismissed as a patient at the BHHC.
 - Patients shall be advised of the suspension in writing.
 - Letters should be sent via certified mail with return receipt requested. A copy of the letter should be entered into the patient's medical record as should a description of attempts to contact the patient if letters are returned unclaimed.