

Pain Management Coding Alert

Compliance: Create Patient Termination Template to Avoid Compliance Headaches

Use certified mail to prove you've ended things with patient.

When your medical practice decides to discontinue a patient's care, the breakup is typically messy enough; you don't want to make it messier by ending the relationship too early ☐ or too late.

Practices must walk the line in these situations. On one hand, you want to give the patient enough chances to make the situation right. You don't, however, want to spend excessive practice resources trying to fix the patient's aberrant behavior ☐ whether it's failure to pay, repeated no-shows, or any other reason that you might have to consider the unfortunate step of relationship termination.

We picked the brains of a couple of experts who have had to send patients on their way. Here's what they had to say about how to best handle this tricky situation.

Treat Each Case Differently

Most practices only terminate a patient relationship as a last resort. Every medical practice should have a procedure in place for dealing with problem patients, which you'll follow before you consider ending things.

That procedure should only be considered a general guide, however, as you need to treat each patient situation differently.

"Every practice is different and every patient situation is different," says **Steven M. Verno, CMBSI, CHCSI, CMSCS, CEMCS, CPM-MCS, CHM, SSDD**, a coding, billing, and practice management consultant in central Florida. Therefore, you must consider each patient situation individually within the framework of your practice's problem patient procedure.

And each practice will make its own decisions based on what's best for all parties involved. Some practices may terminate "problem" patients immediately, and "some may never terminate," explains Verno.

Use Certified Letters for Formal Notice

Once a practice decides to terminate the practice's relationship with the patient, it sends the notice by certified mail/return receipt letters. That's the method of notification favored by Verno and **James P. Bartley, MS, Med**, a practice administrator in Norwalk, Conn.

The method of notification depends on the practice ☐ not everyone uses the certified mail/return receipt letters ☐ but Bartley's method makes sense in terms of legal notification.

Best bet: If you are unsure of the soundest way for your practice to terminate patients without opening it up to potential litigation, first check your state statutes. Be sure to follow those guidelines to the letter, if there are any.

Verno agrees that certified mail/return receipt letters are the best way to inform patients of a relationship severance. If the patient wanted to contest the legality of the relationship severance, "it wouldn't take much for a patient to say 'I never received any termination letter,'" Verno says.

Practice protection: If a patient does deny that he received the letter, a certified mail/return receipt letter will prove:

- the date the termination letter was mailed.

- the date the patient received the termination letter.
- that the patient signed for the termination letter when he received it.

Give Patient Time to Find Another Provider

When you send the termination letter, it doesn't necessarily mean that you won't see the patient ever again. Another issue you must consider when terminating patient relationships is transfer of care. You must give the patient time to find another provider, or you could be in big trouble.

Verno offers this guidance from the Florida Medical Association (FMA): "[The FMA] recommends to a practitioner who wishes to terminate a relationship that the practitioner should give the patient adequate notice in writing, and the practitioner should remain available to the patient for at least 30 days in order to allow time for the patient to find a new practitioner."

Consequences: If you don't give a patient adequate time to find another provider, you could be sued for patient abandonment, negligence, malpractice, etc.

Notify Patient's Insurer ... Sometimes

As for whether or not you need to inform the patient's insurer that you have terminated the relationship, opinions vary. Some practices don't notify the payer, nor do they think it is warranted.

And in most cases, the practice has no obligation to notify the payer. There are exceptions to this rule, however.

"If the provider is contracted as a participating provider with a patient's health benefit plan, the language in that agreement may specify that the [payer] be notified of any termination," Verno advises.

Best bet: Before formally ending things with a patient, check your payer contracts to see if you need to inform the insurer as well.