Risk Tip: Working With Noncompliant Patients; Ending Patient Relationships

SUSAN MARR, MSA, CPHRM
Posted: Tuesday, April 12, 2011 5:29 pm

Noncompliant patients are liability risks, as their behavior often exacerbates existing health conditions, which can lead to negative outcomes.

You can improve the odds of patient compliance and protect yourself when patients refuse to follow your recommendations if you:

Fully explain the reasons for the recommended treatment.

- Explain the risks of not following treatment recommendations.
- Verify that the patient fully understands what you have said by having them repeat the information back to you.
- Ask if they have any questions.
- Identify barriers. Perhaps the patient cannot afford the prescribed medication, and they would benefit from a less expensive alternative.
- Encourage them to be responsible for monitoring an aspect of their care – such as recording blood sugar measurements, weight, or blood pressures.
- Enlist family members, with patient’s approval, to get the patient to follow your advice.
- Be persistent.
- Thoroughly document all steps taken in the patient’s medical record as proof that you reasonably encouraged compliance.

However, if all else fails, just as it is an acceptable and reasonable practice to screen incoming patients, it is also acceptable and reasonable to end unproductive relationships. Failure to comply with office policy, treatment plans, follow-up, and payment of bills are some acceptable reasons for termination.

**Terminating Patient Relationships and Minimizing Liability**

Some terminations may require additional considerations or a delay or longer time span in the termination. The following circumstances fall into this category:

If the patient is in an acute phase of treatment, termination must be delayed until the acute phase has passed.

- If the physician is the only source of medical care within a reasonable driving distance.
- If the physician is the only source of a particular type of specialized medical care.
Termination should be formal: The patient should be put on written notice that he or she must find another healthcare provider. The written notice should be mailed to the patient by regular and certified mail, return receipt requested.

A written notice should include:

- Reason for termination.
- A specific effective date.
- Current medical condition that requires attention.
- Assuring the patient has been provided at least 15 days of emergency treatment and prescriptions before discontinuing availability.
- A local physician referral service phone number to facilitate the patient finding a new physician.
- Instructions on how to obtain a copy of the medical record.

For more industry-leading patient safety articles, forms, and sample letters, including sample termination letters, please visit [http://thedoctors.com/KnowledgeCenter/index.htm](http://thedoctors.com/KnowledgeCenter/index.htm)

Susan Marr, MSA, CPHRM is a patient safety/risk management account executive with The Doctors Company. She has over 30 years of experience in hospital liability/medical malpractice claims and healthcare risk management. She is a past president of the Florida Society for Healthcare Risk Management and a two-time recipient of the FSHRM President’s Award.