

## **PHYSICIAN-PATIENT RELATIONSHIP**

### **When is the physician-patient relationship created?**

Generally, the physician-patient relationship is created when a patient consults a physician for the purpose of health care, including prevention, treatment, management of illness, and preservation of mental and physical well-being. It is not necessary for the creation of the relationship that the physician actually treat the patient.<sup>1</sup> Whether a physician-patient relationship is created depends on whether the patient believes that the patient's contact with the physician was for the purposes of treatment. Regarding a child, parents do not have a physician-patient relationship themselves with a physician treating their child, but have the right to act as in a representative capacity for their child with regard to informed consent.<sup>2</sup>

Usually, no relationship is formed when the physician is merely evaluating the patient at the request of a third party. However, workplace examinations of employees may, depending on the circumstances, give rise to a physician-patient relationship.

### **Is the physician-patient relationship created when a patient calls for an appointment?**

If confidential information is given or medical advice is conveyed over the phone, the physician-patient relationship may have been created.

### **Does the initial appointment create the relationship?**

Generally, yes.

### **What can patients expect from the physician-patient relationship?**

The American Medical Association encourages physicians to foster certain rights for patients in order to maximize the effectiveness of medical treatment. These rights include the patients' right to:<sup>3</sup>

- Receive information from the physician and to discuss the risks and benefits, and the costs, of appropriate treatment alternatives;
- Make decisions regarding health care that is recommended by the physician, including the right to refuse care;
- Courtesy, respect, dignity, responsiveness, and timely attention to their needs;

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<sup>1</sup> *State v. Gibson*, 3 WN. App. 596 (1970).

<sup>2</sup> *Branom v. State*, 94 Wn. App. 694 (1999).

<sup>3</sup> American Medical Association Opinion 10.01, *Fundamental Elements of the Patient-Physician Relationship*, available at:

<http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion1001.page>.

- Confidentiality;
- Continuity and coordination of health care; and
- Have adequate health care available.

### **Must a physician render medical care to anyone requesting it?**

Generally, no. A managed care contract, however, may require a physician to treat any of the health plan's members who select the physician. Moreover, a physician is prohibited from refusing treatment on the basis of sex, race, national origin, religion, or disability. See DISCRIMINATION and AMERICANS WITH DISABILITIES ACT. A physician also may not refuse to treat a patient because the patient has AIDS or is HIV positive. See AIDS/HIV/STD.

A physician may refuse to withdraw or withhold life support services. See LIVING WILLS. A physician may also refuse to perform an abortion. See ABORTION.

### **How does a physician terminate a physician-patient relationship?**

A physician may terminate a relationship with a patient by written notice to the patient which provides adequate time and opportunity for the patient to obtain care from another physician.

### **What steps should a physician take to properly terminate a patient relationship?**

Generally, a physician should take at least the following steps to properly terminate a physician-patient relationship:<sup>4</sup>

- Make sure the patient is stabilized.
- Assuming the patient is stabilized, inform the patient verbally and in writing of what follow-up care, if any, is needed.
- Inform the patient in writing, by letter sent certified mail return receipt requested, of the physician's intent to terminate the physician-patient relationship and of the specific date that the physician intends to stop rendering care.
- Make sure the date specified in the letter gives the patient adequate time to find another suitable physician to provide care.

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<sup>4</sup> See generally: American Medical Association: *Ending the Patient-Physician Relationship*, available at: <http://www.ama-assn.org/ama/pub/physician-resources/legal-topics/patient-physician-relationship-topics/ending-patient-physician-relationship.page>.

- If possible, provide the patient with a list of physicians qualified to treat the patient's condition to contact for alternative referrals.
- Advise the patient that the physician will remain available to render care until the date specified in the letter.
- Inform the patient that copies of the patient's medical record will be made available either to the patient or to the patient's new physician upon request and with a valid authorization.

A physician's failure to properly terminate the physician-patient relationship can result in allegations of abandonment.

### **Must a physician follow and treat a patient with a chronic illness?**

Generally, once the physician begins care, the obligation to provide treatment continues until the patient is stabilized and the physician-patient relationship is properly terminated. It is advisable for a physician to formally terminate the relationship once a physician decides not to continue to seeing the patient. Because questions as to whether to terminate a physician-patient relationship are often fact-specific, a physician is well-advised to consult an attorney.