# 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.[[1]](#footnote-1) 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.[[2]](#footnote-2)

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:[[3]](#footnote-3)

* 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;
* 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:[[4]](#footnote-4)

* 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.
* 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.

1. *State v. Gibson*, 3 WN. App. 596 (1970). [↑](#footnote-ref-1)
2. *Branom v. State*, 94 Wn. App. 694 (1999). [↑](#footnote-ref-2)
3. 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>. [↑](#footnote-ref-3)
4. *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>. [↑](#footnote-ref-4)