



New Patient Notification Requirements Upon Physician Termination

by Kevin D. Devaney and Breanne M. Democko

On March 22, 2013, [Ohio House Bill 417](#) will go into effect, changing existing Ohio law with regard to patient notification of a physician's departure from a health care practice. Ohio House Bill 417, codified in Ohio Revised Code 4731.228, significantly changes physician's patient notification requirements. Unless the employer is willing to provide a patient list and contact information to the departing physician, the new law requires the health care entity (the physician's employer) to send the notice to patients seen within the last two years preceding the termination date of the departing physician. The health care entity is required to send the notice when it terminates the physician's employment for any reason. "Termination" is defined as "the end of a physician's employment with a health care entity for any reason." Notice is not required if the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.

The patient notice must be sent no later than the date of termination or 30 days after the health care entity has actual knowledge of termination or resignation of the physician, whichever is later. The patient notice must contain the following items:

- Notice the physician will no longer be practicing as an employee of the health care entity;
- The physician's name and new contact information, provided by the physician, unless the health care entity has a "good faith concern" that the departing physician's conduct or medical care would jeopardize the patient's health or safety;
- The date the physician ceased or will cease to provide care as an employee of the health care entity;
- Contact information for an alternative physician employed by the health care entity, or contact information for an outside group practice that can provide care for the patient; and
- Contact information that enables the patient to obtain information on his or her medical records.

Offices

Toledo Office:

One Seagate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699
Phone: 419-241-6000
Fax: 419-247-1777

Columbus Office:

100 East Broad St.
Ste. 2100
Columbus, Ohio 43215
Phone: 614-564-1445
Fax: 614-280-1777

Findlay Office:

510 South Main St.
Findlay, Ohio 45840
Phone: 419-424-5847
Fax: 419-424-9860

Novi Office:

28175 Haggerty Rd.
Novi, Michigan 48377
Phone: 248-994-7757
Fax: 248-994-7758

There are some notable exceptions to this new patient notification requirement. The following physicians are exempted from the new law's requirements:

- Physicians who render services to patients on an episodic basis or in an emergency department or urgent care center, when the physician should not reasonably expect related medical services will be rendered by the physician to the patient in the future;
- A medical director or other physician providing services in a similar capacity to a medical director to patients through a licensed hospice care program;
- Medical residents, interns and fellows who work in hospitals, health systems and federally qualified health centers or federally qualified health center look-alikes as part of their medical education and training;
- Physicians working in a community mental health agency certified by the Director of Mental Health or an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services;
- Physicians working in a federally qualified health center or a federally qualified health center look-alike; and
- Hospice medical directors.

The new statute does away with the requirement that a notice be posted in the health care office and also in the largest newspaper in each county where the physician practices.

In accordance with the new statute, the Ohio State Medical Board is required to revise its regulations for patient notification before September 22, 2013. These new regulations will provide greater detail and guidance on the notification requirements.

If you have any questions about this or any other health care related issue, please contact [Kevin D. Devaney](#) or [Breanne M. Democko](#).

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