

# 402 Can the Provider Dismiss the Patient from Their Practice?

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McLaren Health Care

McLaren Medical Group  
Approx 173 sites  
500+ providers



- McLaren Bay Region
- McLaren Bay Special Care
- McLaren Central Michigan
- McLaren Greater Lansing
- McLaren Orthopedic Hospital
- McLaren Lapeer Region
- McLaren Clarkston
- McLaren Health Plan
- McLaren Flint
- McLaren Macomb
- McLaren Oakland
- McLaren Homecare Group
- McLaren Insurance Company, Ltd.
- McLaren Northern Michigan
- McLaren Northern Michigan at Chikoygan
- McLaren Port Huron
- McLaren Caro Region
- McLaren Thumb Region
- Karmanos Cancer Institute
- Karmanos Cancer Hospital
- McLaren Health Care Headquarters
- McLaren Medical Group
- McLaren Proton Therapy Center
- McLaren Health Plan



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### Disclaimer

- This material is designed to offer basic information and is presented based on the experience and training of the presenters. Information was carefully researched and checked for accuracy and completeness. However, the presenters do not accept any responsibility or liability with regards to errors, omissions, misuse, or misinterpretation. This presentation is intended as a guide only.



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## 402 Can the Provider Dismiss the Patient from Their Practice?

### Agenda

- Stories from the Practice
- Legal/Risk Considerations
- Patient-Provider Relationship
- Standardized Approach
- Types of Patient Dismissal
- Possible Reasons for Patient Dismissals
- Supporting Documentation
- Provider Approval Required
- Payer Requirements
- Reasons to Deny
- Patient Notification
- Patient Experience
- Next Steps

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## 402 Can the Provider Dismiss the Patient from Their Practice?

Live Q & A Polling Question #1

- Can the provider dismiss the patient from their practice?
  - Yes
  - No
  - May be so



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Stories from the Practice

- Patient
- Staff
- Provider
- Manager

EVERYONE  
HAS A STORY



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### Live Q & A Polling Question #2

- Has your organization experienced a lawsuit, breach of contract, or state agency case related to a patient dismissal?
  - Yes
  - No



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### Legal/Risk Considerations

- Lawsuit for patient abandonment or medical malpractice
- Lawsuit for discrimination or violation of ADA
- Breach of payer contract
- Complaint to the state licensing board or other state agency



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### Patient-Provider Relationship

- Privilege held by the patient
- AMA Opinion says relationship based on trust, physician responsibility is to place patient's welfare above their own
- Relationship is collaborative effort between patient and provider
- Patient Rights – provider is patient advocate & is respectful
- Patient Responsibilities – patient is truthful & cooperates with agreed-on treatment plan



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### Live Q & A Polling Question #3

- Does your organization have a standardized approach for patient dismissals?
  - Yes
  - No



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### Standardized Approach

- Advantages
  - Makes it easier to handle challenging cases
  - Allows opportunity for provider and patient to try to work things out
  - Assures not violating any patient rights & adhering to payers' guidelines
  - Policy with Compliance oversight assures process is followed properly



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### Types of Patient Dismissals

- Provider
- Office
- Regional
- Network



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### Possible Reasons for Patient Dismissals

- Missed Appointments
- Behavior
- Prescription or other type of fraud
- Non-Compliance with Controlled Medicine Agreement
- Breakdown in the Patient-Provider Relationship
- Other



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### Live Q & A Polling Question #4

- According to the provider, there was a breakdown in the patient-provider relationship. Who discusses the impending discharge due to this breakdown with the patient?
  - Compliance staff
  - No one, it is not necessary
  - Office staff or management
  - Patient Experience staff
  - Provider



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### Supporting Documentation

- Missed Appointment Letters
- Witness Statements
- Copy of fraudulent prescription or other document
- Copy of police report
- Controlled Medicine Agreement, urine drug screen, PDMP
- Office visit notes documenting conversation of breakdown



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### Provider Approval Required

- Patient Dismissal Request form requires provider's approval/signature

McLennan Medical Group  
PATIENT DISMISSAL REQUEST FORM

Patient Name \_\_\_\_\_ Office \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Insurance and CID# \_\_\_\_\_  
Patient Address \_\_\_\_\_

DISMISSAL FROM:  
\_\_\_\_ Physician  
\_\_\_\_ Office  
\_\_\_\_ Region  
\_\_\_\_ Network

DISMISSAL CATEGORY:  
\_\_\_\_ No Show  
\_\_\_\_ Breakdown in provider-patient relationship  
\_\_\_\_ Non-Compliance/Controlled Medicine Agreement  
\_\_\_\_ Prescription Fraud  
\_\_\_\_ Referrals  
\_\_\_\_ Other, describe: \_\_\_\_\_

DISMISSAL DESCRIPTION:  
\_\_\_\_\_  
\_\_\_\_\_

Provider Name \_\_\_\_\_ PCP Name, if speciality \_\_\_\_\_  
Provider Signature \_\_\_\_\_ Date \_\_\_\_\_  
Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

See Quick Reference Dismissal Guide for supporting documentation needed to process this request.  
 Supporting documentation included \_\_\_\_\_



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Live Q & A Polling Question #5

- Should a provider have to continue to treat a patient they no longer want to treat?
  - Yes
  - No



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Payer Requirements

- Check contracts/requirements by payer
- Prior approval for some payers
- Some require notification prior to the patient being notified
- Some require a medical director to review and approve
- Recommendations for dealing with payer requirements



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### Reasons to Deny

- Payer will not approve
- Additional supporting documents requested and not received
- Patient owes money and no payment plan set up
- Insufficient supporting documentation
- Request did not follow policy guidelines (ie three missed appointments in a 12-month period)
- Request not made in a timely manner (issue with patient more than 3 months old)
- Request is by the PCP for patient non-compliance with referral specialists
- Request is for patient non-compliance (informed refusal)
- Requesting provider is not the PCP listed by the payer as the PCP
- Request is for behavior of the patient's "visitor" (ie spouse, child, etc)



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### Patient Notification

- Patient must be notified and provided with opportunity for 30-days emergency care
- Recommended that letter is mailed certified mail and 1<sup>st</sup> class mail, or in person
- Notification on the Practice Management system



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### Patient Experience

- Before a dismissal is considered, recommend provider's try to work it out with the patient
- Set clear expectations with the patient and document it
- After a dismissal, recommend that office management assist the patient with finding a new provider, if possible, within the system (exception network dismissal)
- Provider should refill all medications for 30-days, unless issues with controlled substances and within their discretion
- For network dismissals, recommend the patient follow up with the insurance company for assistance in finding a new provider
- Recommend that actual discharge letter is kept either in a secure administrative file or in the chart section noted as not part of the legal health record



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### Next Steps

- Review your organization's policy
- Review your payer's requirements
- Look at patient dismissals as possible risks to the patient, the staff, and the organization
- Educate staff and providers on how to handle difficult patients



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### Questions?

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