



CLOSURE OF PRACTICE GUIDELINES

PHYSICIANS CLOSING PRACTICE

The principal objectives of the guidelines for physicians who are leaving their practice in the Yukon are to provide for:

1. Reasonable and timely notice;
2. Continuity of patient care; and
3. Protection and access to patient records.

A physician's medical practice may be closed for a variety of reasons including:

- The relocation of the physician's practice to another community or jurisdiction;
- A planned leave of absence for personal reasons;
- The deterioration of the physician's health;
- The retirement of a physician;
- The unexpected death of a physician; or
- Directions from medical licensing authorities.

While these guidelines are not intended as a standard of medical care or legal advice, the Yukon Medical Council expects doctors will make every effort to adhere to the procedures established in the guidelines when closing their practice. Doctors should be aware that the Council considers the abandonment of patients needing acute medical care without an adequate attempt to arrange for continuity of their treatment as a matter that may have an impact on a doctors licensing record that is communicated to other medical licensing authorities.

1. NOTICE

Every physician who is closing a practice in the Yukon has a duty to inform patients, colleagues and medical institutions of their intention to cease practice. Except in the case of illness or death, physicians should not abruptly close their medical practice.



PATIENTS

Patients should be advised of a physician's intention to close a practice to allow them sufficient time to obtain a copy of their medical records and to have their care transferred to another physician. Whenever possible, patients should be notified at least three months prior to the doctor's intended date for the closure of their practice.

When a patient has a scheduled appointment or procedure after the physician's departure date, they should be notified of alternatives available to them for their care, such as arrangements for them to be seen by other physicians, rescheduling the appointment to a time before the physician's departure, or the cancellation of the appointment entirely if no other options are available.

A physician may be held responsible if the Yukon Medical Council receives complaints and determines that adequate notice was not given of a physician's intention to close practice and a patient's health was put at risk.

ACCEPTABLE FORMS OF NOTICE TO PATIENTS

Patients are to be notified of a physician's intention to close their medical practice by:

- Sending a letter to the last known address of the patient or delivering a letter by hand to the patient during an office visit; and
- By a notice prominently displayed in a local newspaper.

In addition the notice provided by letter and newspaper, the physician may provide notice to patients by:

- Posting a notice in a prominent location of the physician's office; or
- Providing a notice on a telephone answering service.

COLLEAGUES

Colleagues, including referring physicians, should be informed of a physician's intention to leave practice in the Yukon with as much advance notice as possible.

Specialists should return their patient to the family physician. If a new specialist is taking over the practice, the family physician should be informed, but the patient referral should not be assumed to continue automatically.



Colleagues should be advised of the physician's new location and contact information.

MEDICAL INSTITUTIONS

Notice to medical institutions should include the date for the closure of the practice, a forwarding address of the physician after the practice is closed, and the name(s) and address of colleagues, liaisons or other persons to whom correspondence and reports may be sent. Notice should be sent to the following medical institutions:

- The Registrar of Medical Practitioners;
- The Whitehorse General Hospital, the Watson Lake General Hospital, or the Community Health Centre(s) served by the physician;
- The Yukon Health Care Insurance Plan; and
- The Canadian Medical Protective Association;

2. CONTINUITY OF CARE

To assure continuity of care during a physician's extended absence or closing of their medical practice, physicians should, prior to their departure take reasonable steps to assist patients in making arrangements for another physician to assume their continuing care.

Patients should be assisted in their search for a new physician. Notices should inform patients of the name of the physician, if there is one, who will assume responsibility for the medical practice during the physician's absence or after the closure of their practice.

If a new physician is taking over the practice, the provision of some introductory information would reassure patients. Patients should be given the option to continue with the physician assuming responsibility for the medical practice, if there is one, or to transfer their medical care to another physician of their choice.

Family practitioners may provide a list of physicians in their geographic area who are accepting new patients. If there are no physicians who are accepting new patients, the physician who is leaving practice must make every effort to ensure for the continued care of any patient under acute, active treatment. Family practitioners who cannot find other physicians who will provide continuity of care for patients under acute active treatment are advised to document the actions they have taken to find an alternative care provider.



It is the responsibility of physicians who are leaving their practice to have all outstanding activities, such as results of requested consultations, reports, laboratory test results and imaging investigations, reviewed and acted upon after their departure.

Specialists should return their patient to the referring family physician. If a new specialist is taking over the practice of the departing specialist, the family physician should be informed, but the patient referral should not be assumed to continue automatically.

If arrangements are not made by the specialist who is leaving for another specialist to accept the referred patient, the referring family physician should make the necessary arrangements to refer the patient to another specialist.

Specialists should cancel elective surgeries immediately prior to closure of the practice, if it is anticipated that the patients will not have recovered from the surgery by the time the specialist departs. Patients who remain in hospital, or who require postoperative follow-up, must be transferred to another physician who has similar specialist qualifications.

3. PROTECTION OF MEDICAL RECORDS AND PATIENT ACCESS

Physicians who close their practice must ensure patient's medical records are either properly transferred or stored in a manner that protects the integrity of the records and ensures the patients' reasonable access to the records.

Physicians are required to retain patient's medical records for seven years after the last entry in the record. Records for pediatric patients should be retained until the later of either:

- (1) two years after the age of majority; or
- (2) seven years after the date the patient was last seen by the physician.

Physicians who close their practice shall transfer a patient's medical records to a physician who has agreed to accept the patient. When arrangements have not been made for a new physician to accept a patient, the physician who is closing their practice should make an effort to transfer the files to another physician at the same address even if that physician does not accept the patient.

When a physician closing a practice cannot arrange for a patient's medical records to be transferred to a physician at the same address, the physician closing practice



should make every effort to transfer the records to another member practicing in the same locality, a medical records department of a health care facility, or a secure storage area with a person designated to allow physicians and patients reasonable access to the medical records. Physicians who remove patient medical records from the Yukon must ensure physicians and patients have timely access to the patient's records.

Physicians who are closing their practice should advise patients of the location of their medical records by the method referred to in the section Acceptable Forms of Notice to Patients above. Physicians should also inform the Registrar of Medical Practitioners of where patient records will be stored.

A patient is entitled upon request to receive a copy of the complete medical record compiled by the physician in administering advice or treatment to the patient including records prepared by other doctors that the physician may have received such as consultation reports.

A patient's access to their records is not absolute as there may be situations where the physician may believe the information in the medical record, if released to the patient, may cause a substantial adverse effect on the physical, mental, or emotional health of the patient or harm to another person. A patient may apply to the court for a review of any refusal by a physician to disclose all or part of a medical record.

Physicians are entitled to charge a reasonable fee for expenses incurred in facilitating a patient's access to their medical records and making copies of the records.

4. PATIENT'S RIGHT OF ACCESS TO MEDICAL RECORDS

The Yukon Medical Council policy on Patient's Right of Access to Medical Records should be referred to for information on a physician's obligation to grant a patient access to their medical records.