

Career Transitions: Closing a Practice



To minimize risks when closing your practice, you must:

1. Notify your patients in advance to help **ensure continuity of care** and avoid potential abandonment claims.
2. Safeguard the **integrity of your medical records** and the confidentiality of your patients' health information by making appropriate arrangements for custodianship of all medical records.
3. Ensure you have professional liability insurance **coverage for incidents** reported after you retire.

1. Notify Your Patients

Some states have statutory requirements dictating notification requirements for a physician closing a practice or retiring. Contact a Risk Management consultant at **844-223-9648** or **RiskAdvisor@ProAssurance.com** for your state's regulations.

Provide at least 60 to 90 days' written notice by mail to each active patient's last known address. You do not have to contact inactive patients. These include patients who were properly discharged from the practice, have moved from the community, or transferred their care to another physician—and patients you haven't seen for several years.

Ask your patients to choose a new physician as soon as possible. If you suggest a physician or group, you must also tell patients they may choose someone else.

- If you are leaving or retiring from a group practice, the remaining physicians in the practice may assume the care of most or all of your patients. When applicable, tell your patients they can remain with the same practice and switch to another physician.
- If you are retiring and selling a solo practice to another physician who will assume care of your patients, tell your patients the new physician's name and that they are willing to continue their care.
- Similarly, if you are retiring and closing a solo practice and have arranged for another physician in the area to assume care of your patients, tell your patients the physician's name and where they are located.

Finally, if you are moving, closing, or retiring from a solo practice and have not arranged for another physician in your area to assume care of your patients, patients can contact their health insurance company for a list of approved providers, or you may refer them to a local or state medical society for a list of qualified physicians in the area.

Explain to patients where their medical records will be maintained and how to request copies. Encourage them to contact you or your office immediately if they wish to make different arrangements. Do not release the original medical record to a patient; offer to provide a copy instead.

- Include a statement in your written notice that upon receipt of proper authorization from the patient (or the patient's legally authorized representative), your office will provide a copy of the patient's medical record to the physician of the patient's choice.
- Consider enclosing an authorization form with your notice to the patient.

Retain a list of patients who have been notified and the date of notification.

For sample patient notification letters, visit RiskManagement.ProAssurance.com/Bundles#closing or contact a ProAssurance Risk Management consultant.

We're here to help.

Contact a Risk Management consultant at **844-223-9648**, or **RiskAdvisor@ProAssurance.com**. Monday–Friday, 8 a.m.–5 p.m.

2. Provide for Proper Custody of Your Patients' Medical Records

As the treating physician, you are responsible for your patients' medical records. You must maintain medical records in a safe, secure, and confidential manner. These obligations do not cease when you close or retire from practice. You may maintain records in one of several ways, including:

- If you are moving or retiring from a group practice, leave your patients' records in the custody of the practice.
- If you are selling a practice to another physician, transfer patients' records to the purchasing physician's custody.
- If you are closing or retiring from a solo practice, make arrangements with another physician to assume care of your patients and their records.
- Maintain custody of your patients' records yourself and/or with the assistance of a records storage service.

Before making any of the above arrangements, obtain legal and risk reduction advice for your specific situation. It is also prudent to consult your state licensing board or medical association for specific requirements.

Visit RiskManagement.ProAssurance.com/Bundles#closing for sample letters, a checklist, and other helpful resources to assist you. Or contact a ProAssurance Risk Management consultant for assistance during business hours at **844-223-9648** or RiskAdvisor@ProAssurance.com.

3. Make Sure You're Covered

An Extended Reporting Endorsement ("tail") helps protect you if a claim is reported after you close your practice or retire. Contact your ProAssurance underwriter to ensure you are protected. Depending on your policy and circumstances, you may be eligible for tail coverage at no added cost.

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- Checklist
- Sample form and letters
- New "2 Minutes: What's the Risk?" video

