



## Ending a doctor-patient relationship

The process for ending a doctor-patient relationship must be done in a professional and fair manner, and the reasons must be discussed with the patient.

Unless the patient's care has already been transferred to another doctor, you must be satisfied that the patient does not require urgent medical care.

Either a doctor or patient may end a professional relationship.

### How this statement applies

- 1 This statement is intended to provide guidance to the doctor on ending a professional relationship with a patient when changes in circumstances or problems with the relationship make it unsafe/unviable to continue caring for that patient

Examples could include:

- a if you want to downsize your practice
  - b if the patient poses a significant safety risk to you or your colleagues
  - c if the doctor-patient relationship breaks down.
- 2 This statement does not apply where a doctor's involvement with a patient reaches a natural or expected end. For example, where treatment as a specialist in secondary care, has concluded. Nor does it impose any obligation on your patient, who has the right to end the relationship at any point.
  - 3 This statement may be used by the Medical Council, the Health Practitioners Disciplinary Tribunal, and the Health and Disability Commissioner as a standard by which to measure your conduct when you end a doctor-patient relationship.

### What you should consider before ending a doctor-patient relationship

- 4 When considering whether to end a specific doctor-patient relationship, you should:
  - a explain your concerns or change in circumstances with the patient and the reasons you are considering ending the relationship
  - b try to find a resolution with the patient, taking into account the patient's needs and circumstances, and the safety risk to you and/or your colleagues
  - c only end the professional relationship if attempts to resolve the situation or to obtain agreement to end the relationship have not been successful
  - d consider whether your decision may impact negatively on the patient and their family/whānau, such as limiting the patient's options for, or access to, medical care
  - e consider the impact on the patient, where treatment may be incomplete, urgent, or ongoing unless their treatment has been transferred to another doctor or health professional
  - f discuss your decision with a peer, colleague, practice manager, or your medical indemnity insurer.

## What to do when the patient chooses to end the doctor-patient relationship

- 5 Sometimes, the patient may choose to end the doctor-patient relationship. This could be for a variety of reasons including concerns about the care provided, or differences in communication styles.
- 6 It may be difficult for the patient to tell you their reasons for ending the doctor-patient relationship but they should be supported and encouraged to do so, if they wish. This provides an opportunity to reflect on your interactions with the patient and a chance to salvage the relationship.

## Process for discontinuation of care

- 7 Once you have decided to end the professional relationship, you must:
  - a Tell the patient that the professional relationship has ended and the reasons for this. Do so in a respectful and professional manner.
  - b Note the termination in the patient's records.
  - c Give the patient sufficient notice so that they can find another doctor, or help them find one (if you are a specialist in secondary care, refer the patient back to their general practitioner).
  - d Confirm with the patient that they agree to have their notes transferred to their next doctor. If a patient is concerned about the content of their records that will be transferred to another doctor, you should give the patient the opportunity to review their records first. Note any concerns the patient may have. The records should not be changed just because the patient takes issue with the content, but it may be useful to separately document specific concerns the patient has raised and provide these to their next doctor in addition to their records. Ask the patient if they would like a copy of their records.
  - e Send a referral letter and the patient's notes to their next doctor. Medical indemnity organisations may advise you to keep original notes, but you must provide copies of the patient's notes at no cost.
- 8 Only after taking all the above steps does Council consider the doctor-patient relationship to have ended.

## Where it would be inappropriate to terminate the doctor-patient relationship

- 9 There is an inherent power imbalance in the doctor-patient relationship. As such, it is inappropriate and unethical for you to end a doctor-patient relationship if your sole purpose is to initiate a sexual relationship with that patient, or to achieve personal gain. Even if the patient has transferred to another doctor, they may still be harmed by having a sexual relationship with their former doctor where that relationship is strongly influenced by the previous doctor-patient relationship.<sup>1</sup>

## If you need more advice

If you are unsure about any aspects of this statement, please contact us at the Medical Council. You may find it helpful to seek advice from a trusted colleague, your medical indemnity insurer, or your professional college or association.

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<sup>1</sup> For more information, see the section headed 'Sexual relationships with former patients' in the statement on *Sexual boundaries in the doctor-patient relationship*.

## Related resources that may be helpful

- *Good medical practice*
- *Cole's medical practice in New Zealand*
- *You and your doctor*
- *Professional boundaries in the doctor-patient relationship*
- *Sexual boundaries in the doctor-patient relationship*
- *Managing patient records*

## Office of the Health and Disability Commissioner (HDC)

Code of Health and Disability Services Consumers' Rights

### May 2020

This statement was updated in May 2020. It replaces the March 2011 statement on *Ending a doctor-patient relationship*. It is scheduled for review in May 2025. Any changes to the law before that review may make parts of this statement obsolete.

