

## **MANAGING RELATIONSHIPS WITH PATIENTS**

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Besides the necessities of the personal relationship you must establish with your patient to be able to provide appropriate treatment, the psychiatrist-patient relationship has formal rules that must be adhered to in the interest of protecting yourself from malpractice liability. Once you have agreed to having a treatment relationship with a patient, you are legally and ethically obligated to continue that relationship until it is terminated in a proper manner (see below).

### **AVOID CREATING AN INADVERTENT PHYSICIAN-PATIENT RELATIONSHIP**

The following are several situations where you might inadvertently establish what could legally be construed to be a psychiatrist-patient relationship and advice on how to avoid doing this.

#### **Informal Counseling or Prescribing for Friends**

Just answering general questions at a social gathering would not constitute establishing a physician-patient relationship, but any time a colleague or friend asks to discuss a problem with you and perhaps get some advice, you're running a risk. In such a situation you must be careful to make it clear that you are not functioning as the person's physician, but only as a friend, and cannot make treatment decisions. It is also important to know that, as far as the law is concerned, prescribing or dispensing medication to a person establishes the physician-patient relationship.

#### **Initial Visit or Consultation**

In private practice, you may see a patient one time and decide, for whatever reason, that you do not want to provide treatment for this individual. This shouldn't create a problem as long as you, or the member of your staff who sets up the appointment, makes it clear that the first meeting is just an opportunity for you and the patient to meet each other and see if you want to establish a treatment relationship. If you do not do this, you will be obligated to help the patient find a new doctor and remain available until she does, just as you would with a long-time patient. If you're working in managed care you may be contractually obligated to agree to take any patient who is referred to you, so this first-visit exception would not apply.

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### **Limited Purpose Examinations or Consultations**

If you are asked to examine a patient for a specific purpose (i.e., to meet a requirement of an employer, insurer, or government agency) you should be sure to explain the limited purpose of the examination at the outset to make it clear that no physician-patient relationship is being established. Although you are clearly not liable for continuation of care in such a situation, you are still liable for any negligence in carrying out the examination. So remember to examine people you see under these circumstances with the same care you'd use with your regular patients.

### **Informational or Educational Activities**

If you participate in any of the community outreach programs we mention in Chapter 10, you'll want to be sure to make it clear that by addressing a group about psychiatric issues and answering questions from the audience, no matter how specific those questions may be, you are just providing general information and are not establishing a physician-patient relationship

### **EMERGENCIES**

Once a physician provides care for a patient in an emergency situation, she takes on an obligation to continue treating the patient until other assistance arrives. Beyond that, she has no duty to continue to provide care for the patient, and, in fact, in most jurisdictions physicians are not even required to offer assistance in emergency situations at all (there are exceptions to this rule, so you should check your state's laws).

### **TERMINATING TREATMENT**

For whatever reasons—a patient's failure to follow treatment instructions or failure to pay; a psychiatrist's belief that another therapist would provide better treatment; a determination that therapy is no longer needed; a psychiatrist's retirement—it is sometimes necessary to terminate a relationship with a patient.

To do this without risking liability for abandonment, a psychiatrist must:

- Give the patient reasonable notice and time to find a new therapist;
- Assist the patient in the process of finding a new therapist; and
- Provide records and information as requested by the new therapist.

Appendix V is a sample letter that could be used to inform a patient that you are terminating treatment.

Although thirty days notice is generally considered appropriate, in a rural or other underserved area it may be necessary to provide longer notice. When terminating a relationship with a patient it is also necessary to give proper

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instructions concerning any medication the patient is taking (e.g., if stopping medication abruptly could cause injury).

If one of your patients chooses to terminate the relationship, or simply fails to show up, it is also appropriate to acknowledge in writing that the relationship has been terminated and recommend further treatment if you feel it's needed.

It is never appropriate to sever a treatment relationship when a patient is in a crisis situation unless the patient agrees to see another clinician or is hospitalized.