

# Practice closure: not as simple as you think

**Liam Heffernan** provides a guide to the many practical issues involved in closing down a practice



**THE REASONS FOR** closing a general practice are many and varied. If you are considering closing your practice, there are many important legal, regulatory, and insurance issues that you need to bear in mind.

## Planned closures

If a practice closure is planned, preparation should start as soon as reasonably possible. The practice should develop an exit strategy and consider enlisting the services of an accountant or personal solicitor to assist with financial and/or legal affairs such as partnership, tenancy agreements, and any employment law matters that may arise.

## Communication of closure or retirement

### Patients

Medical practitioners have a legal and ethical duty to provide continuity of care to their patients. Paragraph 36.2 of the Medical Council Guide states:

"If you are unable to continue to care for a patient or group of patients either as an individual practitioner or as part of a team or group, you should tell the patient(s) and make arrangements for another doctor or service to take over their care. Until care has been taken over by another doctor or service, you are responsible for your patients. This means that you must provide emergency services and any care or treatment that your patients may need. When alternative medical care is in place, you should facilitate the transfer of the patients' medical records without delay."<sup>1</sup>

This responsibility must be considered when closing a practice. Informing patients of a pending practice closure is the first step towards maintaining continuity of care, as it allows for a timely clinical handover to another practice of the patient's choice.

### Private patients

With private patients, the GP should notify them of their impending retirement or relocation and on receipt of appropriate explicit consent from the patient, arrange for the secure transfer of their records to their new nominated GP.

Consideration should be given to the following when writing a patient notification letter:

- Patients should be informed why the practice is closing unless the reason is of a sensitive or private nature
- Include a medical records consent form that enables the patient to provide consent to have their records transferred to their new nominated GP
- Patients should be reminded that their medical records are confidential and that copies of their records will be directed to their nominated GP or to the successor of the practice of the patient's choosing or to the successor of the practice, but only with the patient's explicit consent
- The letter should inform patients that if the form is not completed and signed before the stated deadline, their records will not be transferred to a new GP but will be retained in accordance with the usual recommended retention periods, as set out by the HSE. Patients should be reminded that for continuity of care purposes, it is best to have their records transferred to their new GPs without delay.

Time for this notification to patients and the transfer period of records should be factored into any proposed retirement or closure plans.

If a GP in a group practice is retiring rather than the whole practice closing, a simplified approach to the above correspondence could be used. For example, patients could be notified about the retirement and seek confirmation as to whether the patients wish to move to another doctor at the practice.

### GMS patients

The GMS contract stipulates that the GP gives three months' notice in writing of the intention to retire from practice. It is essential to inform the manager of your local primary care unit of the proposed date of retirement. If the HSE has undertaken to appoint a GP successor to the retiring GP's GMS list, or disperse the GMS list, the HSE will inform GMS patients directly. Once the GMS list of the retir-

ing GP has been reallocated, the retiring GP should arrange for the transfer of GMS patient records without delay. The incoming GP has a contract with the GMS and is entitled to the records of all patients on the GMS lists.

#### Additional strategies

Below are some additional practical strategies to inform patients about the impending practice closure:

- Place notices in the practice waiting room, entrance and exit doors, and reception to inform patients of the impending closure. Staff can reinforce this message when patients call and attend for appointments
- Consider placing an announcement in the local newspaper, and on the practice website and social media sites
- Following the closure, it is important to have messages on the outgoing voicemail of the practice telephone numbers and 'out-of-office' responses on the practice email addresses ensuring that it is clear to anyone trying to contact the practice that it is no longer open, who they should contact in an emergency and who they can contact if they are seeking access to medical records.

#### Staff members

Employment issues are beyond the scope of this article. However, it is important that GPs take separate specific legal advice on any potential employment issues that can impact staff. Staff members should receive adequate notice about the intended practice closure.

#### Professional organisations and regulatory bodies

In addition to notifying staff and patients about the closure, the practice should also notify professional and regulatory bodies and healthcare organisations. The following is a non-exhaustive example of professional bodies and organisations GPs may wish to consider:

- CervicalCheck
- Mother and Infant Scheme
- Social Welfare Department
- Healthmail
- Healthlink
- Local area immunisations office
- Private health insurance companies
- Irish Medical Council
- Irish College of General Practitioners
- Local out-of-hours organisation
- Local pharmacist
- Local public health nurse department.

Local hospitals, private consultants, laboratory and radiology services where the GP practice has routinely referred patients should be formally notified of the impending closure. Such notifications are key to ensuring future patient communications are directed to the patient's new GP.

#### Communicating urgent and non-urgent test results and discharge summaries

To ensure nothing gets missed, the GP should ensure that there is an arrangement in place for the appropriate management of all laboratory results, investigations, and patient discharge summaries which may arrive after the GP's departure.

A crucial aspect of maintaining continuity of care is the communication of both urgent and non-urgent test results to patients in a timely manner. Practices need to have robust arrangements in place that allow clinically significant test

results to be conveyed to patients or their new GP before or after the closure of the practice.

#### Medical supplies and medication

Medical supplies and medication also require careful consideration. The practice should check with their local suppliers about returning unused, unopened, and unexpired items. Unused medications should be returned to a local pharmacist or disposed of in line with local best practice guidelines. Any blank private or GMS prescription pads should be securely destroyed.

#### Ownership and transfer of medical records

It is important to liaise closely with the software provider regarding arrangements for safely and securely retaining access to medical records for the required retention periods.

#### Professional medical indemnity insurance

You should notify your indemnifier of any changes to your agreed number of sessions at any stage in your career, and in particular when retiring or closing a practice.


#### Unplanned closures

If a practice has to close; for example due to illness, death, or unforeseen circumstances, patients should be notified as soon as possible of the alternative arrangements. Neighbouring GPs may be in a position to assist with seeing patients on an interim basis.

Where the GP passes away, their responsibilities and obligations fall to their legal personal representative, eg, executor of their estate. Regardless of the stage in your career, it is crucial for single-handed GPs to have robust succession planning in place.

The following is a list of suggestions to assist you in the event of an unexpected closure of your practice:

- Notify patients of the unexpected closure. This could be achieved via a notice on your door, a message on your answering machine, and a notification on your practice website and social media account
- Contact your local GP/ Primary Care Unit to inform them of your emergency closure
- It may also be helpful to contact the ICGP for any assistance that could be provided
- Liaise with locum agencies
- Contact the local pharmacists. They may be able to supply patients with an emergency supply of medication in your absence
- Consider collaborating with other GP practices in your local area, who may be able to assist you and see patients who need an emergency appointment. If this is not feasible, consider directing your patients to the local ED or out-of-hours service as appropriate.

The considerations for closing a practice are as important as the considerations for opening a new practice. For any GP who decides to embark on this journey, it can be a stressful time. Having processes in place for managing the various activities associated with the closure may reduce potential risks and help ensure a smooth and orderly closure process while maintaining continuity of care. 

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#### Reference

1. Medical Council Guide to Professional Conduct and Ethics for Registered Medical Practitioners. [www.medicalcouncil.ie](http://www.medicalcouncil.ie)