

Practice Closures – planned and unplanned

The reasons for closing a general practice are many and varied. However, it is usually the result of one or more GPs being unable to continue working at the practice due to relocation, retirement, illness, or death.

If you are considering closing your practice, there are many important legal, regulatory, and insurance issues that you need to bear in mind.

Regardless of the precipitating factor, a process for orderly closure with sufficient notice may help:-

- provide continuity of patient care and appropriate management of patients' medical records
- protect the GP from a potential claim or complaint
- assist staff in transitioning to new employment.

The purpose of this Factsheet is to provide some practical risk management strategies and considerations for both planned and unplanned practice closures. We hope this factsheet serves as a useful guide, however, it is not an exhaustive list and particular circumstances or considerations may pertain in your own practice.

Practice closures

The Medical Council's *Guide to Professional Conduct and Ethics for Registered Medical Practitioners*, 9th Edition, 2024, states that you should have plans in place to deal with foreseen and unforeseen cessation of practice. 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

Patients

General practitioners have a legal and ethical duty to provide continuity of care to their patients. Paragraph 40 of the Medical Council's Guide states:

40.1 Patient care can be impacted where doctors are no longer able to provide care and where continuity of care arrangements are not in place. You should have plans in place to deal with foreseen and unforeseen cessation of practice.

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.

Patient well-being should be a key concern when a practice is closing, and ample written and verbal notice of the scheduled closure should be provided within a reasonable timeframe.

Paragraph 40.2 of the Medical Council's Guide states:

40.2 If you are planning to reduce your patient list or cease practice, you should make arrangements for continuity of patient care and facilitate the transfer of your patients to another doctor or service. You should let your patients know before these arrangements take effect. With the patient's consent, all relevant medical records should be sent to the doctor taking over the care of the patient.

Private Patients

Where private patients are concerned, 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.

Consider 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.
- The letter should include a medical records consent form that enables the patient to provide consent to have their records transferred to their new nominated GP. The form should explain the purpose and specify a timeframe for completing and returning it.
- 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.
- Details should be given as to who patients should contact in the future to obtain copies of, or to have their records transferred to, a new GP.
- The letter should also thank patients for their loyalty and should emphasise the importance of continued healthcare for appropriate management of known illnesses, and overall well-being.

Time for this notification to patients and the transfer period of records should be factored into any proposed retirement 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 retiring 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 your 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. Messages attached to billing notifications, and footnotes of prescriptions can also help to reinforce the message.
- Consider placing an announcement in the local newspaper, and on the practice website and social media sites.
- Following the closure of the practice, keep a message on the practice voicemail system for a reasonable timeframe, informing callers of the date when the practice closed and how patients can request copies of their medical records.
- 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. Notices on the building can also help and if new occupants are in the building, it is important to ensure they have the relevant contact details for any patient inquiries regarding records etc.

Staff members

Medisec does not provide advice in respect of matters of employment, and it is important that GPs take specific legal advice on any potential employment issues that can impact staff. Staff members should receive adequate notice about the intended practice closure. They should be informed why the practice is closing to allow them adequate time to seek alternative employment arrangements. Additionally, the GP should develop planned responses that staff can use to communicate with patients about the 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 an example of professional bodies and organisations you may wish to consider:

- Cervical Check
- 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

**Please note this is not an exhaustive list*

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. Failure to communicate a patient's medical information appropriately to the correct GP may subsequently result in patient harm.

Communicating urgent and non-urgent test results and discharge summaries

The GP should ensure that there is an arrangement in place to ensure that any laboratory results, investigations, and patient discharge summaries which may arrive after the GPs departure are appropriately managed.

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. This allows patients, and their new GP, to make informed treatment decisions and avert potential adverse patient outcomes.

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.

Following the closure of the practice, any blank private or GMS prescription pads should be securely destroyed.

Ownership and transfer of medical records

Please see our Factsheet on “*Ownership and Transfer of Patient Records*” which is available on the Medisec website. 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

In line with the terms and conditions of your professional indemnity you must notify Medisec of any changes to your agreed number of sessions at any stage in your career, and in particular when retiring or closing a practice.

If you are planning to continue to do some sessional or locum work it is imperative that you contact us directly to ensure you have the appropriate level of indemnity in place. For further queries regarding your medical indemnity please contact a member of the Medisec team on 01 6610504.

Unplanned closures

If a practice has to close e.g. due to illness, death, or unforeseen circumstances, patients should be notified as soon as possible of the alternative arrangements. Where the GP of the practice is unable to act (ie, due to death or illness), 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. They may be able to provide you with locum cover for your period of absence.
- Contact your local pharmacists. They may be able to supply your patients with an emergency supply of medication in your absence.
- Consider collaborating with other GP practices in your local area they 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 A&E department or Out-of-Hours service as appropriate.

Conclusion

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.

Please do not hesitate to contact Medisec if you have any queries regarding this factsheet.

The contents of this publication are indicative of current developments and contain guidance on general medico-legal queries. It does not constitute and should not be relied upon as definitive legal clinical or other advice and if you have any specific queries, please contact Medisec for advice.