

Retiring from a Practice

When an osteopathic physician is retiring from practice, and no longer available to his/her patients, what must the physician do?

Comply with Florida Law:

1. **Florida Statute - Section 456.057**, sets forth the requirements that must be followed when a physician retires, closes his office or relocates his practice. The statute adopts the concept of a “records owner.” A “records owner” may or may not be a physician. A “records owner” means any health care practitioner who generates a medical record after making a physical or mental examination of, or administering treatment or dispensing legend drugs to, any person; any health care practitioner to whom records are transferred by a previous records owner; or any health care practitioner's employer, including, but not limited to, group practices and staff-model health maintenance organizations, provided the employment contract or agreement between the employer and the health care practitioner designates the employer as the records owner. Section 456.057(2), Florida Statutes. The statute requires the “records owner” to notify patients of the retirement, closing or relocation of a physician. When the records owner retires, terminates a practice, or is no longer available to patients, Section 456.057(12)and(13), Florida Statutes, requires the records owner to notify the patients of the termination, relocation or unavailability in the following manner:
 2. **459.0122 Patient records; termination of osteopathic physician’s practice.**—The board shall provide by rule for the handling of the medical records of an osteopathic physician licensed under this chapter which pertain to the osteopathic physician’s patients and which are in existence at the time an osteopathic physician sells or otherwise terminates a practice. The rules shall provide for notification of the patient and for an opportunity for the patient to request the transfer to the patient or another physician of the patient’s records upon payment of actual costs for such transfer.

Comply with the Administrative Code:

3. 64B15-15.002 Handling of Patient Records Upon Termination of Practice.

(1) When an osteopathic physician sells or otherwise voluntarily terminates practice, the physician shall notify patients of such termination by causing to be published, in the newspaper of greatest general circulation in the county of practice, a notice which shall contain the date of termination and an address at which the records may be obtained.

(2) When a physician’s practice is involuntarily terminated by suspension, emergency or otherwise, the physician shall immediately notify patients of such termination by causing to be published, in the newspaper of greatest general circulation in the county of practice, a notice which shall contain the date of termination and an address at which the records may be obtained. A copy of the notice shall be mailed to the board office within ten days of publication.

(3) In addition to the requirements of subsections (1) and (2) above, the physician shall place in a conspicuous location in or on the facade of the office a sign, announcing the termination of the practice. The sign shall be placed 30 days prior to the termination, when such termination is voluntary, and shall remain until the termination date. When the

termination of practice is involuntary, the physician shall immediately cause the sign to be placed and shall remain in place for 30 days.

(4) For purposes of this rule, voluntary termination shall include retirement or relocation of the physician's practice. Involuntary termination shall include suspension, revocation, relinquishment, or expiration of the physician's license to practice osteopathic medicine.

(5) Both the notice and sign shall advise the physician's patients of their opportunity to transfer or receive their records.

(6) For purposes of this rule, an osteopathic physician may ask the Board to be exempt from this rule when relocation occurs in the general area of the practice.

(7) The osteopathic physician shall provide for the retention of medical records in existence concerning any patient of the osteopathic physician for at least a period of two (2) years from the date his practice is sold or otherwise terminated. In the event that the osteopathic physician does not personally retain the medical records, then he shall publish a notice in the newspaper of greatest general circulation in the county in which he practiced immediately preceding termination of his practice, which shall provide the address at which the records shall be retained for the two (2) year period.

4. Inform the Board of Osteopathic Medicine, of the retirement, and where the patients can receive their records.

While the physician is retiring, the Laws and Rules require the advertisement to be placed in a newspaper of greatest circulation once a week for 4 weeks. Inform the patients through a sign announcing the retirement 30 days prior to retirement. Inform the BOOM. However, all of this is placed on the responsibility of the records owner. The records owner here would be the employer. If they refuse to comply, the good doctor should do so on his own behalf to avoid any potential violation(s).