



Health Care Law Update

February 2013

Ohio Health Care Employers Required to Notify Patients of Termination of Physician's Employment

The Ohio General Assembly recently enacted new Ohio Revised Code § 4731.228, effective March 22, 2013, which requires health care entities that employ physicians to send a notice of termination of a physician's employment to each patient who received services from the physician during the two-year period immediately preceding the date of termination, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.

The new law allows a health care entity to require the terminated physician to send the notice if the health care entity provides the physician a list of patients treated and their contact information.

The notice must be provided by the later of the date of termination or 30 days after the health care entity has actual knowledge of termination or resignation of the physician.

The notice must be provided in accordance with rules adopted by the state medical board and must include the following information:

- A notice to the patient that the physician will no longer be practicing medicine as an employee of the health care entity.
- The physician's name and, if known by the health care entity, information provided by the physician that the patient may use to contact the physician (unless the health care entity has a good faith concern that the physician's conduct or the

medical care provided by the physician would jeopardize the health and safety of patients).

- The date on which the physician ceased or will cease to practice as an employee of the health care entity.
- Contact information for an alternative physician or physicians employed by the health care entity or contact information for a group practice that can provide care to the patient.
- Contact information that enables the patient to obtain information on his or her medical records.

The notice requirement does not apply to any of the following:

- A physician rendering services to a patient on an episodic basis or in an emergency department or urgent care center, when it should not be reasonably expected that the physician will render related medical services to the patient in the future.
- A medical director of a hospice care program licensed by the state of Ohio.
- Medical residents, interns or fellows who work in hospitals, health systems, federally qualified health centers or federally qualified center look-alikes as part of their medical education and training.
- A physician providing services to a patient through a certified community mental health agency or an alcohol and drug addiction program certified by the department of alcohol and drug addiction services.
- A physician providing services to a patient through a federally qualified health center or a federally qualified health center look-alike.

Health care employers should review and update their physician employment agreements to establish whether the employer or the physician will provide the notice upon termination. Employers may want to consider retaining the flexibility to determine at the time of termination who will give the notice.

FOR MORE INFORMATION

For more information, please contact:

John L. Green

937.443.6864

John.Green@ThompsonHine.com

Cori R. Haper

937.443.6856

Cori.Haper@ThompsonHine.com

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