

# Business of Medicine: A Guide to Closing Your Medical Practice

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Introduction **P 2**

Practice Closure  
Timeline **P 3**

Closure  
notification  
checklist **P 4**

Other  
Considerations  
**P 6**

Appendix  
**P 8**

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## Need a helping hand?

Doctors Nova Scotia's physician advisors are ready to help you navigate the closure of your practice.

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### HAVE A QUESTION ABOUT YOUR EMR?

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## Introduction

Choosing to close your medical practice is a big decision, and it comes with a to-do list that can be just as daunting. Whether you're retiring, relocating or changing careers, there are lots of details to take care of to ensure your patients and their personal health information are taken care of appropriately. Follow this guide to make the transition as smooth as possible.

The College of Physicians and Surgeons of Nova Scotia (CPSNS) requires physicians to take certain actions when closing a practice. The information included in

this document assumes the closure is voluntary and provides an overview of those [CPSNS guide-lines and policies](#). Inside, you'll find a timeline to help you plan the closure, as well as information on who to contact, what information to share and when. You'll also learn about securely storing health information, trans-

ferring care and disposing of materials such as prescription pads. Use the provided checklist to easily track your progress.

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## Top actions

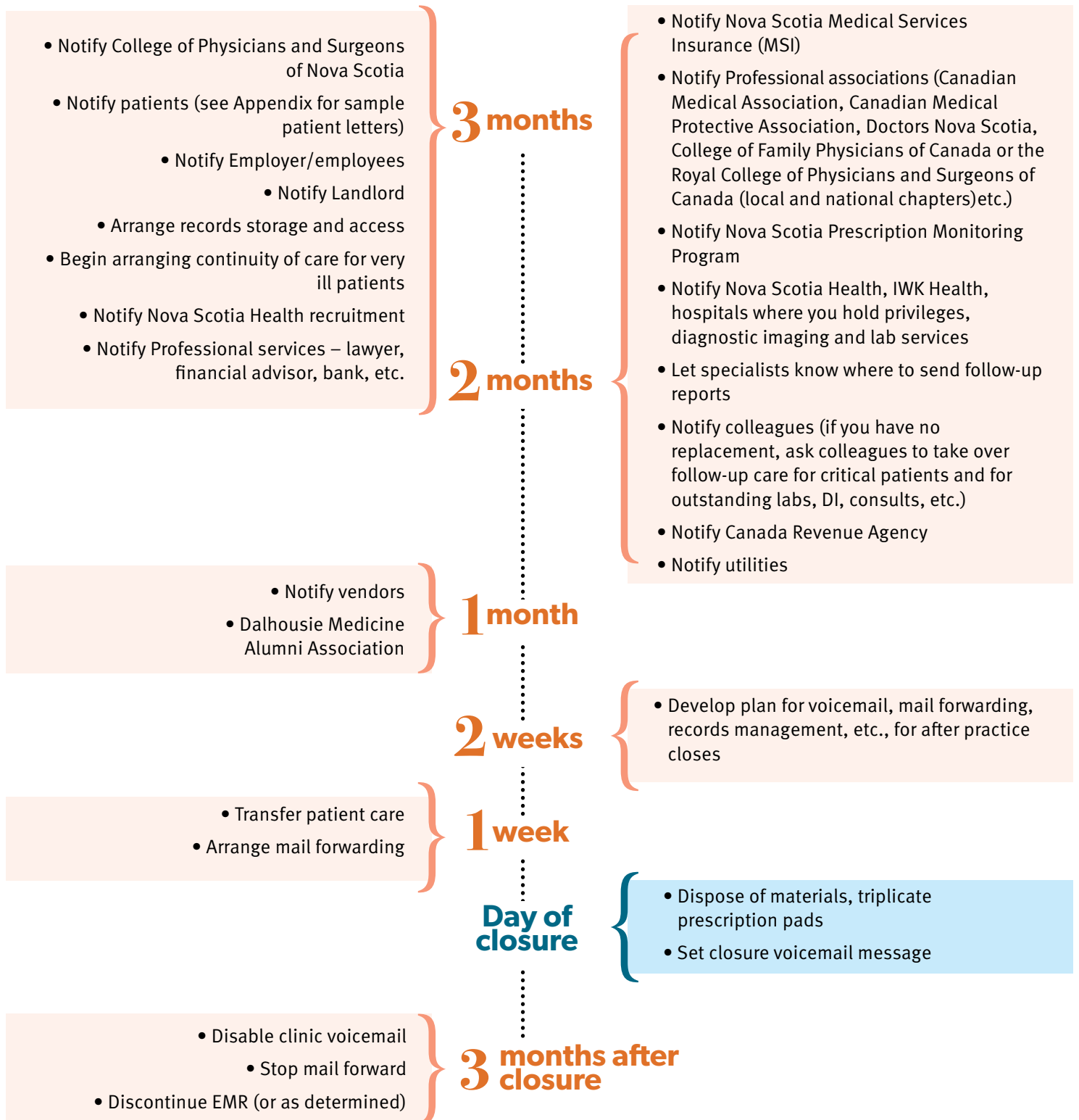
- Notify the CPSNS
- Notify your patients, employers, colleagues and others
- Secure, maintain and provide access to medical records
- Transfer patient care
- Make arrangements for continuity of care
- Dispose of materials
- Establish and follow plan for after practice closes

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*Note: This guide is not intended as legal or professional advice or opinion. It is recommended that physicians and staff members seek legal or professional advice should concerns arise.*

# Practice closure timeline

**A**llow yourself plenty of time to notify all interested parties that your practice is closing. You must notify your patients at least three months before your practice closes. For details and contact information, see page 4.



# Closure notification checklist

*completed*

*date of completion*

## **College of Physicians and Surgeons of Nova Scotia:** [Notify in writing](#)

Be sure to provide a forwarding address, the location of your patients' health records and how patients may access copies. Call 902-422-5823 or 1-877-282-7767, fax 902-422-5035 or [email](#)

**Patients:** Notify patients as soon as possible and at least three months before the practice closure date. Provide instructions on how patients may obtain their medical records.

- i. Patients seen within the previous year – Notify during scheduled appointment and/or by letter, telephone call or email. See sample letter in appendix.
- ii. Patients not seen in the previous year – Post a notice on clinic door, in local newspaper, online and record a message on the office answering machine.

**Employees:** [The Labour Standards Code of Nova Scotia](#) provides minimum notice and pay in lieu of notice (PIL) requirements. With some exceptions, the following applies:

- i. Minimum three months but less than two years: One week written notice or PIL
- ii. Two years but less than five years: Two weeks written notice or PIL
- iii. Five years but less than ten years: Four weeks written notice or PIL
- iv. Ten years or more: Eight weeks written notice or PIL

Consider notifying your employees before you notify your patients; notify all employees at once as news will travel fast. If in doubt, consult an experienced employment lawyer for advice.

**Nova Scotia Health zone [recruitment consultant](#) or IWK Health department head**

**Landlord or municipal tax office** (if a residence is used for the practice)

**Employee benefit plan provider**

**Lawyer, tax accountant, financial advisor, banker, insurance agent,** etc. CRA requires that all financial information (tax returns, accounting records and HST remittance) be kept for 7 years

**EMR vendor:**

[Telus Med Access](#): 1-844-EMR-4YOU

[QHR Accuro](#) :1-866-729-8889

# Closure notification checklist continued

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**Medical Services Insurance of Nova Scotia (MSI):** Notify by [email](#) for a paper trail or call 902-468-9700 or 1-866-553-0585

**Doctors Nova Scotia** and **Canadian Medical Association** :  
Call 902-486-1866

**Canadian Medical Protective Association (CMPA)**  
1-800-267-6522

**College of Family Physicians of Canada:** 1-800-387-6197 ext. 250,  
**Nova Scotia chapter:** 902-499-0303, ccarroll@nscfp.ca

**Royal College of Physicians and Surgeons of Canada:**  
1-800-461-9598, membership@royalcollege.ca

**Dalhousie Medical Alumni Association:** medical.alumni@dal.ca  
or 902-494-8800

**Nova Scotia Prescription Monitoring Program:** 902-496-7123 or  
toll free: 1-877-476-7767 to arrange for the proper disposal of any  
unused triplicate prescription pads

**Nova Scotia Health, IWK Health:** Notify the relevant department  
chief, laboratories, DI, hospital where privileges are held. Advise  
where reports should be directed.

**Colleagues:** On-call group, referring and consulting physicians/  
surgeons and/or business partners; pharmacies; nursing homes

**Canada Revenue Agency:** employee payroll and your HST account,  
if applicable

**Telephone, utility and internet service providers; janitorial  
service, credit and debit card companies**

**Medical and office supply vendors, drug reps**

**Canada Post** (change of address or mail forwarding service)

# Other considerations

## Medical records management

It's not enough to transfer patient records to file boxes and truck them to a storage facility. Here are some things to consider.

### Privacy requirements and medical records retention (paper and electronic)

You must maintain a written policy outlining the retention and destruction of the health records. Remember: CRA requires that all financial information (tax returns, accounting records and HST remittance) be kept for 7 years.

- Set [minimum and maximum retention periods](#) for personal information and personal health information.
  - Personal information must be destroyed when retention is no longer necessary.
  - Retention for a longer period than needed must be justifiable.
- Personal health information: The [CMPA](#) recommends medical records be retained for 10 years after date of last entry/death or 10 years after the patient reaches the age of majority.
- Refer to EMR license agreements to understand contractual obligations.
  - Both Med Access and Accuro can export patient records into PDF files, which should be stored on an encrypted USB hard drive.

### Transfer and access to medical records

You must respect a patient's request to transfer records. The CMPA recommends you keep the original records in case of a future liability issue.

- Patient records must be transferred in a timely manner once requested.
- Physicians may charge a [reasonable fee for copies](#), however, patient's inability to pay should not prevent the transfer.
- If a patient does not request their records to be transferred, or if the physician has been unable to contact the patient to advise of the closure, physicians must first attempt to transfer a copy of the records to another physician at the same office and phone number. If this is not possible, the physician can arrange to have the records transferred to a storage company (see below).
- Records must not be sold to another physician.
- Special concerns may exist with regards to the transfer of medical records held in an electronic format, [consult with the CMPA](#) or the electronic medical record vendor for more information.

## Audits and Records

If you are closing a practice in the middle of an audit, you should retain your records until the audit and any appeals are concluded

### NEED HELP NAVIGATING EMR BEST PRACTICES?

Contact: **Brent Andrews**  
E-health advisor  
902-225-8577 (cell)  
[brent.andrews@doctorsns.com](mailto:brent.andrews@doctorsns.com)

### Storing medical records with storage companies

Both paper and electronic records may be stored in bonded storage facilities, such as:

- [Docudavit](#) 1-888-781-9083
- [Iron Mountain](#) 1-800-899-4766
- [Record Storage & Retrieval Services \(RSRS\)](#) 1-888-563-3732

# Making sure your patients are cared for

**Y**ou might be moving on, but your patients still need access to reliable health care.

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## Transfer of care

You must make reasonable efforts to arrange transfer and follow-up medical care for all of your patients, particularly complex patients.

This may include:

- A colleague covering or assuming care of patients
- Asking your employer (clinic director or owner, etc.) or another physician to receive, interpret and act on outstanding lab reports, pathology reports, etc.
- Providing patients with a list of local physicians accepting new patients or walk-in clinics
- Reviewing and acting on all outstanding reports and work in progress

## Continuity of care

If you are unable to review and act on all outstanding reports and work in progress (investigations, tests or consultations) you must arrange one of the following:

- A colleague to cover or assume practice
- A colleague to review results for patients with outstanding tests and to advise patients of the results and required follow-up
- Patients receive test results and with instructions on obtaining follow-up as soon as possible
- Where medically appropriate, help patients access prescriptions for long-term or chronic conditions that are likely to remain stable for the duration of the dispensing period, such as:
  - i. Renewals or repeats to give patients reasonable time to find alternative care
  - ii. Advise patients to see another physician as soon as possible to have their prescription(s) filled.

# Practical considerations

**W**hat to do with all the stuff? In some cases, it might be as easy as leaving it for your replacement. In others, special care is needed.

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## Disposal of materials

Physicians must dispose of or return medications, equipment, supplies and unused triplicate prescription forms in a safe manner. The [Controlled Drugs and Substances Act](#) provides helpful information on disposal.

## After the practice closes

Retain the clinic telephone number with a recorded message for approximately three months, informing callers that the practice is closed.

- Provide instructions for accessing a copy of their medical record
- Consider having clinic mail forwarded to you for three months

Keep your EMR license for a short time so you will be able to adjudicate billings after your clinic has closed. Billing claims must be submitted to MSI within 90 days of service and corrections must be made within 185 days of service date. Please consult your EMR vendor for guidance.

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# Important resources

**F**or more information and practice closure resources, see the following.

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## College of Physicians and Surgeons of Nova Scotia:

- [Temporarily or Permanently Closing a Medical Practice](#)
- [Professional Standards Regarding Medical Records](#)
- [Professional Standards Regarding Advertising and Public Communications by Physicians](#)
- [Retiring Physicians Regarding Licensing and Notifications](#)

## Canadian Medical Protective Association:

- [Closing or leaving a practice: Tips for primary care physicians](#)
- [How to manage your medical records: Retention, access, security, storage, disposal, and transfer](#)
- [Ending the doctor-patient relationship](#)
- [Electronic Records Handbook](#)

## Government of Nova Scotia:

- [Nova Scotia Personal Health Information Act](#)

# APPENDIX: Sample letters to patients

## When transferring a copy of medical records to another physician

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Dear Patient:

It is with regret that I must inform you that I will be closing my medical practice effective [date] due to [retirement, illness, relocation].

I am pleased to advise you that we are all very fortunate to have Dr. [name] continue this practice and your care, if you so choose.

Dr. [name] graduated from medical school at the University of [name] in [year], completed [his/her] residency training in [discipline] in [year], and has been in active practice since [year] in [name of town/city and province].

Dr. [name] will begin seeing patients on [date].

A copy of your medical records will remain in the clinic and in the care of Dr. [name] unless your written authorization, as required by the College of Physicians and Surgeons of Nova Scotia, is received to transfer them to another physician.

Thank you for the opportunity to be a partner in your medical care and best wishes to you.

Sincerely,

Dr. [name]

## When there is no transfer of medical records (no physician replacement)

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Dear Patient:

It is with regret that I must inform you that I will be closing my medical practice effective [date] due to [retirement, illness, relocation]. Unfortunately, there is no physician to replace me at this time. Because I cannot transfer these records to another medical practitioner, I will be storing them at [name of storage company and address] on [date].

If you would like to receive a copy of your medical records before I sign the contract with the storage company, please notify me. I will happily provide this service to you and will provide you with an estimate of the costs of processing your request in advance. After I sign the contract with the storage company they will manage any health record requests.

For requests for copies of medical records after [date], please send your request to the following address:  
[address]

There will be a fee for this service.

The following physicians in this area are willing to accept new patients:

Dr. [name] – [address]

If you are unable to find a doctor to care to you and/or your family, you may call 811 and register with the “Need a Family Physician” registry.

Thank you for the opportunity to be a partner in your medical care and best wishes to you.

Sincerely,

Dr. [name]