



Ohio Revised Code

Section 4731.228 Termination of physician's employment with a health care entity; notice to patients.

Effective: March 22, 2013

Legislation: House Bill 417 - 129th General Assembly

(A) As used in this section:

- (1) "Federally qualified health center" has the same meaning as in section 3701.047 of the Revised Code.
- (2) "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code.
- (3) "Health care entity" means any of the following that employs a physician to provide physician services:
 - (a) A hospital registered with the department of health under section 3701.07 of the Revised Code;
 - (b) A corporation formed under division (B) of section 1701.03 of the Revised Code;
 - (c) A corporation formed under Chapter 1702. of the Revised Code;
 - (d) A limited liability company formed under Chapter 1705. of the Revised Code;
 - (e) A health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code;
 - (f) A partnership;
 - (g) A professional association formed under Chapter 1785. of the Revised Code.
- (4) "Physician" means an individual authorized under this chapter to practice medicine and surgery,



osteopathic medicine and surgery, or podiatric medicine and surgery.

(5) "Physician services" means direct patient care services provided by a physician pursuant to a certificate issued to the physician by the state medical board.

(6) "Termination" means the end of a physician's employment with a health care entity for any reason.

(B) This section applies when a physician's employment with a health care entity to provide physician services is terminated for any reason, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.

(C)(1) Except as provided in division (C)(2) of this section, a health care entity shall send notice of the termination of a physician's employment to each patient who received physician services from the physician in the two-year period immediately preceding the date of employment termination. Only patients of the health care entity who received services from the physician are to receive the notice.

(2) If the health care entity provides to the physician a list of patients treated and patient contact information, the health care entity may require the physician to send the notice required by this section.

(D) The notice provided under division (C) of this section shall be provided not later than the date of termination or thirty days after the health care entity has actual knowledge of termination or resignation of the physician, whichever is later. The notice shall be provided in accordance with rules adopted by the state medical board under section 4731.05 of the Revised Code. The notice shall include at least all of the following:

(1) A notice to the patient that the physician will no longer be practicing medicine as an employee of the health care entity;

(2) Except in situations in which 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 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;

(3) The date on which the physician ceased or will cease to practice as an employee of the health care entity;

(4) 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 for the patient;

(5) Contact information that enables the patient to obtain information on the patient's medical records.

(E) The requirements of this section do not apply to any of the following:

(1) 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 related medical services will be rendered by the physician to the patient in the future;

(2) A medical director or other physician providing services in a similar capacity to a medical director to patients through a hospice care program licensed pursuant to section 3712.04 of the Revised Code.

(3) Medical residents, interns, and fellows who work in hospitals, health systems, federally qualified health centers, and federally qualified health center look-alikes as part of their medical education and training.

(4) A physician providing services to a patient through a community mental health agency certified by the director of mental health under section 5119.611 of the Revised Code or an alcohol and drug addiction program certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code.

(5) A physician providing services to a patient through a federally qualified health center or a federally qualified health center look-alike.