IRREVOCABLE BREAKDOWN IN THE DOCTOR-PATIENT RELATIONSHIP

NHS Regulations and GMS Contract

You are permitted to seek removal of a patient from your list if you believe that there is an irretrievable breakdown in the doctor-patient relationship.

The GMS contract states that a reason for removal from the list at the request of the contractor might be that;

“There has been an irrevocable breakdown in the relationship between the patient and the contractor”

However, generally within a period of 12 months prior to the date of a request for removal, the practice should have warned the patient that he or she is at risk of removal and explained the reasons for this.

Royal College of General Practitioners (RCGP)

In 2004 the Royal College of General Practitioners (RCGP) issued guidance on Removal of Patients from GPs’ Lists.

This document cites the following situations that do not normally justify removal from a GP practice list:

Critical questioning and/or complaints: For example, where a patient:

- occasionally or persistently questions clinical techniques, safety measures or other practice matters
- makes an informal or formal complaint.

However, it is recognised that, in some cases, complaints and litigation can lead to a breakdown in the doctor patient relationship and the patient may be advised to change their practice.

Other Circumstances

- the patient has an exacting or highly dependant condition or disability
- the patient exhibits high levels of anxiety or demand about perceived serious symptoms

The document contains specific guidance on how to manage such situations. Practices would be well advised to follow this guidance to ensure that their request for removal may be justified if necessary.
GPC Guidance

The General Practitioners Committee (GPC) also provides guidance, updated in 2006. This contains the following extracts;

“The removal of patients from practice lists should continue to be an exceptional and rare event, and a last resort in an impaired patient-practice relationship. When trust has irretrievably broken down, it is in the patient’s interest, just as much as that of the practice, that they should find a new practice.”

“The GPC believes, however, that complaints that take the form of a scurrilous personal attack on members of the practice or contain allegations which are clearly unfounded usually indicate a serious breakdown in the patient-doctor relationship.”

“It is a breakdown of the relationship rather than a complaint per se which must form the basis of any decision to remove a patient from the list; it may then be in the patient’s best interest to seek care at another practice.”

GMC Guidance on Good Medical Practice

The GMC guidance on Good Medical Practice – Ending your professional relationship with a patient (2013) states that:

“In rare circumstances, the trust between you and a patient may break down, and you may find it necessary to end the professional relationship.”

“You should not end a relationship with a patient solely because of a complaint the patient has made about you or your team, or because of the resource implications of the patient’s care or treatment.”

Complaints

You must always ensure that you follow the correct NHS complaints procedures. Further information is available in the document The Local Authority Social Services and National Health Services Complaints (England) Regulation 2009

The aim of these procedures is always to resolve matters to the complainant’s satisfaction and to learn any necessary lessons for the future from the complaint.

It may be worth referring the patient to the Independent Complaints Advocacy Services (ICAS) if the matter is difficult to resolve as they may be able to assist with the process. It is also worth considering the use of a conciliator to try to resolve matters adequately.
If it proves impossible to resolve matters fully then the patient may refer the complaint to the Health Service Ombudsman.

The complaint must not be used as the sole basis for removal from the practice list. The Health Ombudsman takes a very dim view of practices expelling patients from their list as a result of their complaints. It is therefore critical that you can demonstrate that you have followed up any complaints in the approved manner and that the doctor-patient relationship has indeed broken down irrevocably.

**Breakdown in Doctor Patient Relationship**

The patient should be informed that there is a problem and should be invited to discuss the issues in the hope of resolving the problem. If it is not possible to restore good relations fully then, provided it is acceptable to the patient, and would help to resolve matters, another member of the GP team may be able to see the patient for future consultations. If this proves to be unacceptable or impossible to arrange then the patient should be warned that if the breakdown in the doctor-patient relationship remains unresolved removal from the practice list is a distinct possibility.

If such a warning has been given in the preceding 12 months and the practice truly believes there is an irreparable breakdown in the doctor-patient relationship, the practice may ask the CCG to remove the patient from their list. The CCG is most likely to fulfil this request if they are confident that problems have been handled honestly and openly in a totally professional and non-discriminatory manner.