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SENATE BILL NO. 160

Offered January 14, 2004

Prefiled January 12, 2004

A *BILL to amend the Code of Virginia by adding a section numbered 54.1-2962.2, relating to physician-patient relationships; establishment, effect of certain emergency room evaluations, termination.*

Patron—Potts

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2962.2 as follows:

§ 54.1-2962.2. *Establishment and termination of a physician-patient relationship.*

A. A physician-patient relationship shall be created by (i) a patient who has scheduled an appointment with a physician for a specific medical condition presenting at the appointment in such physician's office for evaluation by the physician, a nurse practitioner or physician assistant; (ii) a patient or another health care provider acting on behalf of such patient, communicating with a physician who has agreed to provide call coverage for his partners or other physicians; (iii) a patient being evaluated by a physician who is on call at a health care institution; (iv) a physician interpreting a diagnostic study or test of a patient; (v) a physician ordering a treatment plan for a patient; or (vi) a physician reviewing the health records of or health information on a patient and providing a written report of consultation to the patient's treating physician.

B. Notwithstanding the provisions of subsection A, evaluation of a patient by an on-call physician in the emergency department of a hospital shall not create a continuing physician-patient relationship that extends beyond discharge of the patient from the emergency department or, if the patient has been admitted to the hospital, after completion of any follow-up evaluation that may be conducted by the physician.

C. An established physician-patient relationship may be terminated by a patient or by a physician. In the event a physician terminates an established physician-patient relationship, the physician shall notify the patient in writing of the relationship's termination. The physician shall send the notice to the patient by first-class mail, postage prepaid. The termination notice shall (i) advise the patient that the physician is terminating the relationship; (ii) advise the patient that the termination of the physician-patient relationship will be effective 30 days from the date of the letter or on such other date that shall not be less than 30 days from the date of the letter; and (iii) provide the patient with referral sources or the names of other physicians who the patient may contact for assuming his care.

Upon termination of a physician-patient relationship pursuant to subsection B, the relationship shall only be reinstated pursuant to subsection A.

D. This section shall not be construed to alter the requirements for a practitioner-patient-pharmacist relationship as required by § 54.1-3303 for the purposes of prescribing and dispensing of controlled substances.

INTRODUCED

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