

### **Nurse Practitioners (NPs) Closing or Leaving Practice- Temporarily or Permanently**

NPs have a professional obligation to provide safe, competent, and ethical care for clients and to establish therapeutic nurse client relationships (TNCRs) that are culturally safe and equitable. TNCRs are foundational to the practice of an NP; however, circumstances may arise (e.g., planned or unplanned) that may lead to the discontinuation of the NP-client relationship. These circumstances require careful consideration and reflection.

An NP may close their practice or leave their current position/practice setting either temporarily or permanently (e.g., maternity leave, retirement, relocation, extended absences, closing their self-employed practice, etc.). Regardless of the circumstances surrounding the NP's need to leave practice, the NP must take reasonable measures to reduce the impact of a planned closure or leave from practice by facilitating continuity of care and minimizing interruptions to care. The NP must employ their professional judgment and clinical reasoning to determine what is reasonable and expected in their practice setting. The NP must:

- comply with all relevant employer policies and processes (if applicable) to assist in the transfer of client care and client information. In the absence of employer policies, advocate for employer policies that enable the facilitation of a seamless transition of care in the interest of the client
- review and comply with one's employment contract if the NP has signed one
- inform the client, employer, referring health care providers, and colleagues at the earliest opportunity to allow reasonable notice and subsequent arrangements to be made accordingly
  - the NP tailors each notice period after careful consideration of matters such as the availability of alternative health care providers in the client's community and the client's immediate health care needs
  - literature indicates that there are varying timeframes for providing notice to the client(s) that the NP is leaving or closing their practice. A minimum of three months is generally considered reasonable time to allow clients to make alternative arrangements. If the NP is in an employment situation, the NP should notify the employer as soon as possible, or according to employer policy, to provide sufficient time for the employer to find a replacement and make arrangements for the transfer of the client roster/panel to another practitioner
  - The College of Physicians and Surgeons (CPSNL) currently requires physicians to give clients a minimum of 90 days of a planned closure of practice or leave from practice. CRNNL would consider this a reasonable timeframe, but the NP must use their clinical judgment to determine if this timeframe is appropriate in their context
- communicate directly to the client the date of the planned closure or leave from practice.
  - direct communication can be supplemented through one or more channels (e.g., letter-mail, email, telephone, outgoing voicemail message, virtual including social media accounts, or in-person scheduled appointment, etc.).
  - document notification or communication with the client in the client's health record

- determine if they are the custodian of the client's health record. If so, the NP must be knowledgeable of and adhere to Personal Health Information Act (PHIA) legislation<sup>1</sup>
- make necessary arrangements to store and/or transfer client records to the appropriate health care provider(s), as appropriate; and as per employer policy and legislation. Advise the client how they may access copies of their health records.
  - provincial legislation will specify the time period that the NP, if custodian of the clients' health records, is required to retain clinical records
  - the NP may need the records in the future to assist if there are legal proceedings against the NP or their estate
  - the NP must provide clients with the information necessary to access a copy of their health record in advance of and following the closure of practice if they transferred client records to another NP or physician or to a medical records storage provider
- when possible, provide a hand-over report to the most appropriate health care provider(s) to ensure continuity of care
- implement a process to manage all outstanding reports, investigations, and/or tests to be reviewed and acted upon by the most appropriate care provider
  - when possible, the NP must make arrangements with another qualified healthcare provider to communicate the results of laboratory tests, diagnostic imaging reports, etc. which are received following a closure or leave from practice. In circumstances where it is not possible to make such an arrangement, the NP must advise their clients that they will need to follow-up with another healthcare provider to obtain consultation reports, laboratory results and/or diagnostic imaging reports completed after the NP's closure of or leave from practice or how to access care, including for example emergent or urgent care, a walk-in clinic, virtual platforms, urgent care centres, 811 NL Healthline, etc.
  - the NP cannot access client records, including diagnostic and/or laboratory investigations and consultations, when they are no longer employed in that position. For those NPs working with an employer (e.g., NL Health Services), the NP must collaborate with the employer to ensure continuity of care within the team or organization, but **the employer is responsible** for ensuring another most responsible provider (MRP) continues with the client's care/client roster/panel once the NP has left their employment. The NP is no longer within the circle of care unless the NP is retained in some other manner, e.g., temporary employment agreement/contract to continue for a period of time until a replacement is secured
  - NPs must also connect with Digital Health (NL HS) if registered with this platform to notify they are no longer within the circle of care and should no longer have access to the client in the HealthNL viewer, including being mailed test results after leaving practice
- use clinical judgement to determine whether any prescriptions should be issued beyond the closure of their practice and document accordingly
  - ensure the client has appropriate medication coverage for such situations as retirement or primary health care provider change

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<sup>1</sup> The Office of Information and Privacy Commissioner has released a PHIA Toolkit for Small Custodians which will outline responsibilities as the custodian of PHI.

- consider the appropriateness of intentionally writing prescriptions for a period that extends beyond the NP's leave/retirement
  - adhere to NL Pharmacy Board (NLPB) Standards related to prescriptions<sup>2</sup>
- determine whether they need to seek legal advice. The NP may want to consult with CNPS or their own legal counsel to ensure they are fulfilling their legal requirements regarding client care, employment contracts, non-complete agreements, etc.
  - privacy legislation may provide clients with the right to restrict information passed between providers. As such, the NP should seek legal and risk management advice on how to proceed. In addition, the NP must obtain the appropriate authorization from the client before transferring copies of health records
- plan for safe disposal of any medications, laboratory specimens, equipment, and supplies, if applicable. The NP may want to contact a local pharmacy for information on safe disposal of medication

If another NP or physician takes over the NP's practice when the NP leaves (or shortly thereafter), the NP does not need to provide direct notice to their clients. The NP should, however, communicate with their clients about their intended departure and the arrangements made with their successor NP or physician.

**Please Note:** when the nature of the NP's practice or the care provided (e.g., emergency room visit) holds no expectation of an ongoing NP-client relationship, there is no requirement to notify the client of an intended closure or leave from practice.

### **Additional Requirements for NPs who are Self-Employed**

Additional requirements for an NP in self-employed practice include but are not limited to:

- proactively plan for an unexpected closure of their practice. This could include, for example, identifying a designate (e.g., office administrator, colleague) who can provide notification of the practice closure to the client and arrange for the storage of client records
  - in situations where the NP is unexpectedly absent due to circumstances beyond their control (e.g., sudden illness), the NP should, to the best of their ability, and, as soon as possible, take steps to notify clients and arrange for the storage of client records
- need to develop written policies to address ending the NP-client relationship
  - consider policies that address planned and unplanned leaves from practice and ending the NP-client relationship for unexpected situations and/or for professional relationships that are no longer therapeutic
- need to document client's consent for services and/or the professional contract

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<sup>2</sup> In NL, a legal prescription is valid for one year. The pharmacist will determine a number of factors when deciding to fill or refill a prescription if the NP is no longer practising or relocated, etc. The prescription will be assessed on a case-by-case basis. The pharmacist will exercise their professional judgment when faced with a prescription from an NP whose licence is no longer valid at the time of the writing of the prescription.

- note, the contract should stipulate the anticipation of how and when the contractual relationship might end
- need to notify clients including specific information as to when the NP services are no longer available, and where and how to access their health record and/or alternative health care services
- once the NP determines they are closing, leaving, or relocating to another town, city or province, etc., it would be inappropriate to accept new clients for whom the expected services would not be concluded by the time of the NP's departure
- if the NP is the custodian of the client's PHI, client records must be appropriately transferred to another custodian or stored in a bonded commercial storage upon closure or leaving a practice. Upon request, the NP must provide clients with copies of their health record

**Summary**

Closing or leaving a practice requires careful consideration and adherence to legal, regulatory, employer (if applicable), and ethical requirements. By carefully considering the client's interests and providing advanced notice, offering assistance in transitioning care, and facilitating continuity of care, the NP can enable a smooth transition for their clients.

If an NP is uncertain of their responsibilities for closing or leaving their practice, for whatever reason, they are encouraged to contact their employer (if applicable), the College, and seek legal advice.

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