

Avant factsheet:

Preparing for retirement

For doctors, retiring involves considering many elements of a business built up over many years in practice. These are some of the factors to contemplate when planning for a smooth transition to retirement.

Notifying patients

Notify patients in writing of your impending retirement and the date this will occur. Consider placing a message on your answering machine and a notice in the patient waiting room and/or window of the surgery.

If your practice has a website, you should remove it or amend it to let patients know you have retired.

The Medical Board of Australia's *Good Medical Practice: A Code of Conduct for Doctors in Australia* requires you to give advance notice to patients where possible and facilitate the continuing medical care of your patients, including the transfer of patient records.

Write a letter of transfer for patients with an up-to-date medication list and investigation results attached.

Advise patients how to access their medical records following your retirement.

Consider ceasing new bookings before your actual retirement to ensure that you are in a position to provide appropriate follow-up care. The length of time will depend on the nature of your practice and the needs of your particular patients. It will also depend on whether the practice is closing altogether or whether it will be taken over by another practitioner.

Notifying other professionals

Informing other practitioners and hospitals that you are retiring is important, as is introducing your successor before you leave if you are not closing the practice altogether.

Let any referring doctors know when you will retire and how patient records may be accessed after that date. Advise relevant parties where they should send information and patient reports.

Identifying patients who require follow-up

Advise patients in writing of the time, type and nature of follow-up that they will require.

If your practice is continuing, complete a list of high risk patients to pass on to your successor. This will include patients undergoing treatment or who have recently undergone investigations at the time you cease practice.

Retaining, transferring or disposing of medical records

Organise the safe and secure storage of your original records in a manner to preserve their confidentiality and prevent them from being damaged, lost, or stolen. The records must be accessible should patients seek to obtain health information from you.

Some states and territories have legislation mandating that records be kept for minimum periods. Such periods vary between jurisdictions. At a minimum, it is recommended that records in relation to health information are kept, in the case of a child, until they are 25 years, and for adults, at least seven years after the last consultation.

It may be necessary to keep the records beyond the statutory retention periods where there are legal proceedings, where there has been an adverse outcome, or where there is a threat of legal action or a complaint. If you have any doubt about this, seek advice.

You may wish to scan patient records into computer software in a form where they are able to be printed rather than keeping paper records. You should ensure, however, that there are appropriate back up and security measures in place. There have been circumstances where a practitioner has not been able to print records which had been stored electronically.

If closing the practice, ask patients to collect a copy of their records or advise you in writing of which practitioner they want a summary or a copy of their records to be sent to.

Ensure you have patients' written authority to transfer records.

When records are collected or transferred, you should keep a record of:

- the name and date of birth of the patient to whom the records relate and the time period covered by the records
- any letters sent to the patients advising them of the closure
- the date and mode of transfer or collection of the file when a copy of the original file is transferred and retained
- the name and address of the new treating doctor or organisation.

Patients who do not wish to nominate a new doctor should be asked to sign a document acknowledging that they should arrange to see a new doctor for ongoing medical care.

If another practitioner is buying or taking over your practice, you may wish to leave the medical records with the practice.

You should obtain each patient's consent before you give their medical records to the practitioner successor. The usual mode of transfer of original records to a practitioner successor is via a clause in the sale of business contract. Your private solicitor will be able to advise you regarding a sale of business contract. You should include a clause giving you the ability to access or obtain copies of the medical records of your past patients if needed in the future.

Destruction of records should only occur in accordance with relevant law. Refer to the privacy or health records legislation in your state or territory (if applicable). If you destroy a record then a register must be kept of the name of the patient, the period covered by the record, and the date of destruction. You should ensure that records are destroyed securely.

It may be an offence under the relevant state or territory law to destroy a document where you know the document is, or is reasonably likely to be, required in evidence in a legal proceeding.

Your practice as a business that is closing

Consider what steps you need to take to finalise any business leases, loans, payment of staff entitlements, superannuation, workers' compensation and public liability insurance. Any outstanding Medicare payments owed to other practitioners in the practice will need to be paid. If you are in partnership, there may be issues involving the partnership agreement that need to be resolved on retirement. Obtain advice from your accountant and solicitor as part of your retirement planning.

Consider where correspondence will be sent after your practice closes (for example, you may wish to redirect mail to a post office box or your home address)

Prescription pads, certificates and excess S4 and S8 drugs

Destroy prescription pads, letterhead and WorkCover certificates with the practice's address on them. Arrange to dispose of any S4 or S8 drugs in accordance with the legislation in your state or territory.

You should notify:

- Medicare Australia so that provider numbers at a particular location are closed.
- AHPRA
- if you work in the ACT, ACT Health
- any insurer covering the practice and its employees, including the building and contents insurer, and any public liability insurer.

Indemnity insurance

Contact Avant's member services team on **1800 128 268** to discuss run-off cover. This provides indemnity for claims arising from incidents yet to be reported that occur between the commencement of your period of insurance with Avant and your retirement date.

You may be eligible for cover under the Australian Government's Run-Off Cover Scheme (ROCS) or you may need to purchase a separate run-off cover policy until you do become eligible for ROCS. For further information about this, contact Avant's member services team.

Factsheet published February 2016

IMPORTANT: Professional indemnity insurance products available from Avant Mutual Group Limited ABN 58 123 154 898 are issued by Avant Insurance Limited, ABN 82 003 707 471, AFSL 238 765. The information provided here is general advice only. You should consider the appropriateness of the advice having regard to your own objectives, financial situation and needs before deciding to purchase or continuing to hold a policy with us. For full details including the terms, conditions, and exclusions that apply, please read and consider the policy wording and PDS, which is available at avant.org.au or by contacting us on 1800 128 268. While we endeavour to ensure that documents are as current as possible at the time of preparation, we take no responsibility for matters arising from changed circumstances or information or material which may have become available subsequently. Avant Mutual Group Limited and its subsidiaries will not be liable for any loss or damage, however caused (including through negligence), that may be directly or indirectly suffered by you or anyone else in connection with the use of information provided in this presentation.

3629 01/19 (0983)

For more information or immediate advice, call our **Medico-legal Advisory Service (MLAS)** on **1800 128 268**, 24/7 in emergencies.