

Closing a practice: When the unexpected happens

Ontario Medical Association (OMA)

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Introduction

This booklet will help families or estate executors close a medical practice when a physician dies or stops practicing medicine suddenly due to illness. It can be used for all types of practices but focuses on solo practitioners.

The guide outlines four areas to address when closing a physician's practice:

1. Legal and financial considerations
2. Patient and medical issues (notifications, records, disposal of drugs)
3. Business concerns
4. Medical association notification

If the practice is being closed due to the death or illness of a loved one, this will be an emotionally distressing time. The OMA's [Physician Health Program](#) offers assistance to physicians and their families, including support around critical illness and connections to grief counselling in preferred communities. For more information, call 1-800-851-6606 or [email the PHP](#).

For more information, [email the OMA](#), call 1-800-268-7215 or visit [OMA.org](#).

Visit the [College of Physicians and Surgeons of Ontario's website](#), call 1-800-268-7096, ext. 673, or [email the CPSO](#).

Legal disclaimer

The information in this booklet has been made available for informational and educational purposes only and does not replace independent legal advice. These resources contain the views and opinions of the Ontario Medical Association regarding the interpretation of the College of Physician and Surgeons policies and Ministry of Health regulations.

Members are advised that the ultimate authority in matters of interpretation are within the purview of the CPSO and the MOH. The OMA assumes no responsibility for any discrepancies or differences of interpretation, any applicable law, or regulation with the government of Ontario or other organizations including, but not limited to, the MOH and the CPSO.

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Step 1: Legal and financial considerations

Who should I contact first?

Lawyer of the deceased/ill physician

For sudden illness: Discuss whether the physician has appointed a continuing power of attorney covering his or her property. If one has not been appointed, it may be necessary to go to court and ask that one be appointed to formally manage the physician's property.

See [Appendix A](#) for items to discuss with a lawyer.

The physician's accountant/financial adviser

Discuss the paperwork to dissolve the medical practice corporation, including tax matters.

Business colleagues

- The physician's employers (health-care institution, clinic or other facility)
- Hospitals where they had privileges
- Colleagues who also provide care to the physician's patients (referring/referred physicians)
- Laboratories and pharmacies (provide a replacement physician's name to send reports to, when known)
- Physician colleagues, who may be able to assist with patient-care concerns

Employees

The legal obligations toward staff will depend on their employment arrangement with the physician. These include:

- With a contract: check it for information on notice requirements and ensure that they align with the [Employment Standards Act](#)
- Without a contract: Case law will determine the obligations to employees, which may exceed those requirements outlined in the act. If there is no formal agreement, it is advisable to contact a lawyer before proceeding

For more information on termination pay and employment standards, contact the [Ontario Ministry of Labour](#) at 1-800-531-5551.

Step 2: Patient and medical issues

Find a temporary physician replacement

Some ways of finding a temporary replacement include:

- Hiring a locum: A locum is a physician who assumes another doctor's clinical duties temporarily. For information on finding locums, contact [HealthForceOntario](#) at 1-800-596-4046, or access the [OMA's locum resources](#)
- Reaching out to the physician's colleagues: Ask if they can assist during the transition period
- Contacting local hospitals: Ask if there are physicians who could temporarily assume the practice and related duties

Notify patients

Informing patients that their physician has died or is closing the practice due to illness can be difficult.

The CPSO states that the “physician or his or her representative must make a reasonable effort to give notice to patients.”

Acceptable methods of notification include:

- Calls to active patients
- Letters to active patients, which emphasize the importance of continuing care, while providing information about finding another physician
- Notice on display in the office (even when the office is closed)
- Newspaper advertisement
- Recorded message on the office voicemail (it should stay active for at least three months after closure)
- Posting on the practice website

See [Appendix B](#) for patient notification templates.

Continuity of patient care

Patient care is of paramount concern with a physician's sudden departure. Ask staff, if possible, to determine which patients require more than a notification of the doctor's absence.

These patients include those who:

- Require urgent referrals
- Are awaiting lab/test results
- Have chronic pain
- Take medications that require frequent, ongoing monitoring
- Need obstetrical care (ideally, refer them to a physician at the delivery site)
- Need ongoing care (in hospital, personal-care homes or other care facilities) or post-operative follow-up

Lab tests in progress

According to CPSO policy, arrangements must be made for another physician to review outstanding lab results and advise patients of any necessary follow-up.

Alternatively, patients should be able to obtain test results from the physician's office or the testing facility (if permissible), with clear instructions for any indicated follow-up.

Storing patient records

Patients must have access to copies of their medical records, even after their physician has died. These records are important and confidential, so must be stored carefully.

The original medical records should not be given to patients, as they are the property of the estate or, in case of illness, the continuing power of attorney for property.

To release copies of the records, patients must provide written authorization that is retained with the original medical records.

See [Appendix C](#) for authorization template to attach to patient letters.

Storing medical records

The executor or continuing power of attorney for property is responsible for:

- Arranging secure storage and accessibility of these records within the CPSO-required time period
- Informing the CPSO of the medical record storage location and how patients can access the records. Some facilities will include patient notification in their services, for an additional cost. [Contact the OMA](#) for a list of medical storage companies

CPSO's required time periods for storing records

Adult patients: 10 years from the date of the last entry in the record

Patients who are children: 10 years after the day the patient reached or would have reached 18 years

The CPSO says it's prudent to maintain records for a minimum of 15 years in case of any legal claims against the physician.

If another physician is taking over the practice, the contract should include the transfer, access and retention of the medical records.

A lawyer can assist with storage agreements.

For more information, contact:

- CPSO's Physician Advisory Service at 1-800-268-7096, ext. 606, or visit the [medical records management web page](#)
- Canadian Medical Protective Association at 1-800-267-6522 or visit the [how to manage your medical records web page](#)

- Information and Privacy Commissioner of Ontario at 1-800-387-0073, or download the PDF on [avoiding abandoned health records](#)
- OntarioMD at 1-866-744-8668 or [by email](#) for information about electronic medical records

Contact health information technology companies

If the practice has scheduling, billing and/or EMR systems, contact the vendor to:

- Cancel contractual obligations
- Seek guidance on maintaining confidentiality of the medical records stored in these systems

For assistance, [email OntarioMD](#) or call 1-866-744-8668.

Dispose of drugs/disposal waste/prescription pads

Options include:

- Transfer custody of drugs and prescription pads to a physician taking over the practice or return them to the appropriate supplier
- Hire a medical waste company for the disposal of waste
- Safely secure or destroy prescription pads

Resources

- The federal [Controlled Drugs and Substances Act](#) has information on the disposal of drug samples
- The Ontario Ministry of Environment and Energy has [rules and guidelines for managing and disposing of biomedical waste](#)

Step 3: Business concerns

If selling the practice is an option, rather than closing it:

- Hire a broker and/or a lawyer to assist with this process
- Try to sell through word of mouth by reaching out to the physician's colleagues, or advertise in medical journals and/or on [HFOJobs](#)
- Check out resources offered by HealthForceOntario, a marketing and recruitment agency that is part of Ontario Health, including its [guide on transitioning out of practice](#)

Office lease considerations

Discuss lease termination with the landlord. If he or she is unwilling to terminate the lease, the estate may be liable for paying out the remainder of its term.

If it's possible to close the practice at the end of the lease, that will save on penalty fees. If not, try subleasing the property or hire a locum (replacement physician) to carry on the practice until the end of the lease. A lawyer can assist in determining the best options.

Winding down business at the clinic

A lawyer and an accountant can start the legal and financial procedures for closing the practice, identifying what needs to be done and what information will be necessary, such as a death certificate or a copy of the certificate for the continuing power of attorney for property.

With their assistance, notify creditors of the practice closure in writing and request a final bill. Close all outstanding practice accounts with vendors, including:

- Medical equipment vendor (if leasing)
- Janitorial services
- Medical/office supply vendors (business cards, letterhead, prescription pads)
- Utility companies (telephone, internet, hydro, etc.)
- Linen service
- Landscaping/plant service
- Subscriptions (magazines and journals)
- Website administrator

Arrange for Canada Post to redirect mail.

See [Appendix D](#) for a service/product providers notification template.

The Medicine Professional Corporation (if applicable)

When a physician ceases to practice, the MPC is no longer eligible to remain as is. If it is desired for the MPC to remain in some form financial purposes, changes must be made to the corporation's name and scope of activities. However, it is necessary to speak with an accountant as to how to proceed in this instance.

Closing business accounts

If the practice is shutting down immediately, notify these organizations that the accounts are being closed:

- Financial institutions (bank/credit card/wealth management), including [MD Management](#) if the physician used their services
- Insurance providers, including [OMA Insurance](#) (contact 1-800-268-7215, ext. 2971)
- Canada Revenue Agency (1-800-959-5525)
- Municipal tax offices

Keep an account open for at least 90 days for any outstanding OHIP claims submissions. OHIP payments will be deposited electronically to the physician's account until the executor provides a death certificate or proof of death. After that, the account can be closed. Only the executor/estate trustee or the continuing power of attorney for property have access to the account.

Keep a record of all correspondence with all organizations.

Office equipment and furniture

If another physician takes over the practice, these supplies can become part of the practice sale.

If not, start by tracking the equipment and furniture inventory. Here are a few options for finding a new home for the equipment and furniture:

- Contact the medical equipment supplier to review all contracts and outstanding orders, and ask the supplier if they want to purchase the equipment
- Advertise equipment/furniture for sale in medical publications (the OMA's Ontario Medical Review, local newspapers or hospital notice boards)
- Ask the physician's colleagues if they are interested in the equipment or know other physicians who might be interested
- Donate to non-profit organizations that accept medical equipment

Computer hardware

If selling or discarding computer hardware, ensure that patient information is removed first. Simply deleting files does not remove confidential data from a computer.

Consider hiring an information technology company to ensure that no protected health information remains on the computer when it's sold or discarded.

Records to retain

Tax documents: The Ontario Ministry of Finance's Tax Office states that you must keep a business's financial records for at least seven years. Consult an accountant or call the Ministry of Finance at 1-866-668-8297.

Employee records: Under the Employment Standards Act, you must retain employee records for a minimum of three years after the individual ceases to be employed. Records with the number of hours the employee worked each day and each week must also be retained for three years after the information was provided to the employee.

Consult a lawyer regarding your legal obligations or contact the [Ontario Ministry of Labour](#) at 1-800-531-5551.

Step 4: Medical association notifications

Physicians typically belong to several professional associations and organizations that will need to be notified to update their records and/or refund a portion of the doctor's fees. If possible, have the physician's account or membership number available for reference when you contact them.

The medical/professional bodies to notify are listed below.

[Ministry of Health \(OHIP billings\)](#)

- Phone: 1-800-262-6524
- Visit the [OHIP claims office](#)

[College of Physicians and Surgeons of Ontario](#)

- Phone: 1-800-268-7096, ext. 673, or 416-967-2673
- [Email CPSO membership](#) or [email CPSO corporations](#)
- Read the CPSO's article, [Resignation from membership](#)
- Notify the CPSO about how patients may obtain their medical records

[Canadian Medical Protective Association](#)

- Phone: 1-800-267-6522
- Read the CMPA article, [Interrupt or end your membership](#)
- Note that CMPA occurrence-based protection continues after the physician's death. The estate is eligible for CMPA assistance with medical and legal difficulties arising from medical services performed while the physician was a CMPA member. Notify the CMPA of any contact information changes, so they can reach you with medical or legal concerns

[Ontario Medical Association](#)

- Phone: 1-800-268-7215
- [Email OMA membership](#)

[Royal College of Physicians and Surgeons of Canada](#) (specialists)

- Phone: 1-800-461-9598
- [Email the Royal College](#)

[Ontario College of Family Physicians](#) (family physicians)

- Phone: 416-867-9646 or 1-800-670-6237

[College of Family Physicians of Canada](#) (family physicians)

- Phone: 1-800-387-6197, ext. 250
- [Email CFPC membership](#)

[Canadian Medical Association](#)

- Phone: 1-800-267-9703

See [Appendix D](#) for the association notification template.

The page features a minimalist design with decorative elements in the corners. In the top-left corner, there are three overlapping squares: a large cyan square, a medium blue square, and a small dark blue square. In the bottom-right corner, there are two overlapping squares: a medium blue square and a dark blue square. The word "Appendix" is centered on the page in a dark blue, sans-serif font.

Appendix

Checklist

Step 1: Legal and financial considerations

- Contact lawyer
- Contact financial adviser/accountant
- Contact business colleagues
- Notify staff

Step 2: Patient and medical issues

- Find someone to take over duties temporarily
- Notify patients
- Store medical records
- Contact health information technology company
- Dispose of drugs, waste, prescription pads

Step 3: Business concerns

- Office lease
- Wind down business with vendors:
 - Pharmaceutical companies
 - Medical and office supply vendors
 - Health information technology vendors (discuss patient medical files storage/disposal)
 - Utility companies (keep phone for three months)
 - Canada Post (have mail redirected)
 - Medical equipment vendors
 - Biological waste removal
 - Linen service, janitorial service, landscaping/plant service
 - Subscriptions (magazines, journals)
- Financial bodies (keep one account open for three months for outstanding debts):
 - Notify tax offices (CRA, municipal taxes)
 - Cancel business accounts, including credit cards
 - Contact wealth management companies (for example, MD Management)
- Dispose of medical equipment and furniture (sell or donate)
- Dispose of computer hardware, ensuring patient information is removed

- Retain records:
 - Patient medical records
 - Business documents for taxes
 - Staff employment records

Step 4: Notify business associations

- OHIP
- CPSO
- CMPA
- OMA
- RCPSC (if applicable)
- CFPC (if applicable)
- OCFP (if applicable)
- CMA (if applicable)

List of OMA resources

[Ontario Medical Association](#)

Email the [OMA](#) or call 1-800-268-7215
or 416-599-2580

[OMA Insurance](#)

Email [OMA Insurance](#) or call 1-800-758-
1641

[OMA Legal Affairs](#)

Email [OMA Legal Services](#)

[Physician Health Program](#)

[Converting your MPC into a regular OBCA corporation](#)

Email the [OMA Incorporation Service](#) or
phone 1-800-268-7215

[OntarioMD \(EMR\)](#)

Email [OntarioMD](#) or call 1-866-744-8668

Professional guidelines

- [Closing a medical practice \(CPSO\)](#)
- [Practice management considerations for physicians who cease to practice, take an extended leave of absence or close their practice due to relocation \(CPSO\)](#)
- [Closing or leaving a practice \(CMPA\)](#)

Storing or disposing of medical information:

- The CPSO has a physician advisory service. Call 1-800-268-7096, ext. 606, or visit the [medical records management web page](#).
- Call the CMPA at 1-800-267-6522 or visit the [how to manage your medical records web page](#).

Ministry/legal guidelines/business resources

- Employment Standards Act
- Ontario Ministry of Labour
 - Phone: 1-800-531-5551
- OHIP claims office:
 - Phone: 1-800-262-6524
- Ministry of Finance
 - Phone: 1-866-668-8297
- Ontario Health Support (EMR)
 - Phone: 1-866-250-1554
 - [Email Ontario Health Support](#)
- OTN (to deactivate account)
 - [Email OTN](#)
- Ontario eServices Program:
 - Phone: 519-885-0606
 - [Email Ontario eServices](#)
- [Health Care Connect](#) (for patients to find another physician)
 - Phone: 1-800-445-1822
- [HealthForce Ontario](#) (locums, find physicians to buy practice)

Professional associations contact list

- Ontario Medical Association (OMA)
 - Phone: 1-800-268-7215
 - [Email OMA membership](#)
- College of Physicians and Surgeons of Ontario
 - Phone: 1-800-268-7096, ext. 673
 - [Email CPSO membership](#)
- Canadian Medical Protective Association
 - Phone: 1-800-267-6522
- Royal College of Physicians and Surgeons of Canada
 - Phone: 1-800-461-9598
 - [Email the Royal College](#)
- Ontario College of Family Physicians
 - Phone: 1-800-670-6237 or 416-867-9646
- College of Family Physicians
 - Phone: 1-800-387-6197 x 250
 - [Email the CFPC](#)

Appendix A

Questions for your lawyer

In case of death:

- Did the deceased physician have a will (or wills)? Is it with the lawyer?
- If so, does the will need to go to probate?
- Who is the executor of the estate named in the will?
- What happens if there is no will?
- What happens to the deceased's assets, such as a vehicle or home, in the interim?
- What about insurance or taxes?
- Am I (or are we) eligible for any CPP-related payments?
- How do we claim life insurance policies?
- How do we deal with investments in the deceased's name?

In case of sudden illness:

- Has a continuing power of attorney for property been appointed for the physician?
- Does the physician have an emergency plan?
- How do we claim disability insurance money, if applicable?

General questions:

- How do we wind down the physician's practice?
- How do we deal with the physician's employees? What are our obligations?
- How do we handle the physician's office lease, utility payments and any rented equipment?
- What happens to the physician's medical records? What are our obligations?
- What happens to the physician's medicine professional corporation?
- How do we inform OHIP, the CPSO, the CMPA, the OMA, business suppliers, etc., that the physician is deceased or has ceased to practise?

Informing patients — template letters

Closing a medical practice due to death or sudden illness

Date:

Dear Patient,

With great sadness, we announce the death of Dr. _____. We have lost a wonderful friend, colleague and highly skilled physician.

[or]

Dr. _____ is unable to continue practising medicine at this time and will be closing the medical practice on _____.

It is crucial that you find a new physician to continue to receive quality medical care. Please contact Health Care Connect at 1-800-445-1822 or at ontario.ca/healthcareconnect for information on other physicians in your area.

For your convenience, an authorization form is enclosed to transfer your medical records to a physician of your choice.

After [date], all medical records will be transferred and stored at [company, address]. They can provide a copy of your records for a fee [if there will be a cost to patients, please indicate it here].

Thank you for your consideration and co-operation during this challenging time. Dr. _____ would have/wishes you all the best and a healthy life.

Sincerely,

Physician's representative

Notice of closure

[Print for office/newspaper](#)

Name

Address

Phone:

We regret to announce that Dr. _____ has closed his practice, due to his death on _____.

[or]

We regret to announce that Dr. _____ is unable to continue practising medicine and will be closing the medical practice on _____ .

To obtain a certified copy of your medical record, please contact:

[medical record storage company name, address, phone number and email]

For information on finding another physician in your area:

Please contact Health Care Connect at 1-800-445-1822 or at ontario.ca/healthcareconnect.

Voice message for patients after closure

Hi, we regret to announce that [*Dr. name and clinic*] has closed his/her practice, due to his/her death on _____.

[*or*]

Hi, we regret to announce that [*Dr. name and clinic*] is unable to continue practising medicine at this time and has closed his/her medical practice as of _____.

To obtain a certified copy of your medical record, please contact:

[*medical record storage company name, address, phone number and email*].

Please contact Health Care Connect at 1-800-445-1822 or at ontario.ca/healthcareconnect for information on finding another physician in the area.

Thank you for your consideration and co-operation during this challenging time. Dr. _____ wishes you all the best and a healthy life.

Appendix C

Sample authorization for release of medical records

1. Patient (complete in full):

Name — Last, first, middle

Health card number

Date of birth

Address — City, province, postal code

Home phone

Cellphone

email

2. Records released from:

Name — Last, first, middle

Address — City, province, postal code

Telephone

3. Records released to:

Name — Last, first, middle

Address — City, province, postal code

Telephone _____

I hereby authorize [*name of physician, executor or estate trustee*] to make all of my medical records and reports available to Dr. _____ located at _____.

I understand that this is an uninsured service not covered by my medical insurance plan. I realize there may be a charge for this service and that I am responsible for it. Please contact me concerning the fee before copying my records.

Signature of patient

Date

If not signed by the patient, please indicate relationship: _____

[*Parent or guardian of minor patient, or guardian or conservator of an incompetent patient*]

Name of guardian/representative

Legal relationship

Date

Witness

Informing professional bodies/business contacts/OHIP letter template

Date:

[Letterhead or your name/clinic name/contact information]

To Whom It May Concern:

I wish to notify you of the death of/I wish to notify you of the practice closure due to illness

for: Dr. _____

OHIP #/membership/account # _____

Date of birth: _____

[*Address, phone number, fax number, e-mail*]

[add the below, if applicable]

To ensure patients' continuity of care, please send any outstanding report/letter to [*new physician, address, phone number, fax number and email*]

[*or*]

I have contracted with [*medical records service provider*] to securely store all of Dr. [*name*] to securely store all of Dr. [*name*]'s patient records.

[*or*]

Please cancel his/her membership and update your records accordingly.

I understand that Dr. [*name*] had dealings with your organization. Please amend your records. If you need further information, please contact:

Name: _____

Telephone: _____ Email: _____

Address : _____

Sincerely,
Physician's representative