



When the Doctor Dies.....

The loss of a physician through serious illness or death is challenging. The Medical Society recognizes that the changes accompanying the loss of a physician can feel overwhelming. We have created this summary to help you get support at a difficult time and to move ahead with necessary tasks. Please call 716-852-1810 x101 with any questions or concerns.

NOTIFICATIONS/OFFICE CONTENTS

1. Contact your practice attorney, accountant, billing and payroll companies and follow their specific advice.
2. DEA (Drug Enforcement Agency) - Regional office is listed on certificate. You must return the ORIGINAL certificate with a letter stating that the physician is deceased.
3. Other pharmaceuticals/including samples may only be possessed by a physician or licensed pharmacist. Destroy in accordance with recommendations of medical liability Risk Management Department.
4. NYS Education Department, Records, Archives, Division of Professional Licensing Services, 89 Washington Avenue, Albany, NY 12234 (518-474-5889). Send a copy of the death certificate to this address. You may be entitled to a refund of the unused portion of the registration fee.
5. Contact your Malpractice Insurer—by phone and follow their specific advice. Be aware that they will probably require a copy of the death certificate. Determine if the “tail” coverage will be provided, if not consider such coverage to protect against future claims. Inquire as to whether there is any refund for unused premiums.
 - a. Medical Liability Mutual Insurance Company (MLMIC): 800-356-4056
 - b. Physicians’ Reciprocal Insurers (PRI) 800-632-6040
 - c. The Academic Group 800-416-1143
6. Notify all insurers (local, state, federal) to determine if there are any specific contract requirements which need to be fulfilled.
7. Notify the Medical Staff office at each hospital where the decedent practiced of the physician’s death. Obtain the name of the excess insurance carrier and notify that carrier of the physician’s death.
8. Notify all vendors, suppliers, utilities, building owner of the decedent’s death. Review all lease/rental contracts for specific contract requirements or obligations that need to be fulfilled.
9. Controlled substances: Must surrender or destroy in accordance with 10 N.Y.C.R.R. §80.51.
10. Hazardous waste (red bags/sharps containers etc.) – Verify if there is a contract in place. If so, follow the instructions. If there is no contract covering the medical waste generated in the office, contact the hospital where the decedent practice for instructions on disposal or contact Steri-Cycle: 866-783-9816.
11. Shred all unused official prescription pads and notify the State Bureau of Narcotics enforcement of the physicians demise:
<http://www.health.state.ny.us/professionals/narcotic/>

CONTINUING PATIENT CARE

1. The office should remain open for a minimum of one month after notifications to the patients have been completed to assist in patient inquiries. Staff is to be advised not to render any medical advice or renew prescriptions.
2. Locate another physician who would be willing to provide urgent/emergency coverage.
3. Each active patient should receive written notification of the death of the physician via US Mail. Patients should be advised that they may visit the Medical Society of the County of Erie's website: www.eriemds.org, as well as their health insurer to determine which physicians are accepting new patients.
4. Place an advertisement in the local newspaper or BEE publication announcing the death of the physician and advising patients to call regarding transfer of, or access to, their medical records.
5. Upon receipt of written HIPAA complaint patient request, copies of medical record may be transferred to physician designated by the patient.
6. Upon closure of the medical office, notify the Medical Society of the County of Erie where remaining records are located and what process should be followed for patients requesting access to medical records.
7. When there is a custodial agreement, patient records continue to remain the property of the estate and patient information remains confidential. ***The custodial physician may not use the records until s/he has received patient consent.***
8. A written custodial agreement, should include the following terms:
 - a. Records remain the property of the estate and the custodial physician holds the records for safekeeping only.
 - b. The Estate is entitled to access the records at any time if necessary.
 - c. The custodial physician should not commingle the records with her/his own, and that all records should be stored in a fire/water/hazard proof area.
 - d. Because of patient confidentiality, the custodial physician should not access the patient's record without specific patient consent.
 - e. The records must be maintained for the period of time required by law.
 - f. The custodial physician will make copies of the record available either to the patient or another physician upon written request in accordance with legal requirements.
 - g. An indemnification provision if the above requirements are not met.
9. In the event that a custodial agreement has not been reached, you must ensure that the records are kept in a safe place, with access restricted to the estate representative, or designated agent. You must also maintain the entire/unaltered medical record for ALL patients (not just active ones) for the statutory time period.
10. All requests for medical records must be processed within 10 business days.
11. Deceased patients—An authorization for the release of the medical records of a deceased patient must be signed by the administrator/executor of the estate. Please note that both health care proxies and Power of Attorneys expire on the patient's death. Maintain the written request as part of the patient's chart and make a note of the date that the records were sent.

This publication is a product of the Medical Society of the County of Erie. For more information, please contact our office at 716-852-1810.

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Better Health Through Advocacy™