



Nursing Patient Abandonment: Realities, Risks, and Recommendations

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Disclosure Statement

- I have no financial relationships with, or financial interests in, any commercial organizations pertaining to this educational activity with the extent of their participation in the activity.

Learner Objectives

- Review definition of patient abandonment: RN and APRN
- Discuss the ANA Code of Ethics pertaining to 'Responsibility' and 'Duty' of nursing care
- Top 10 most common examples of patient abandonment
- Outline some examples of patient abandonment by state
- Review NCBI recommendations for termination of patient care



What Constitutes Patient Abandonment

- A client-provider *relationship* has been established
- When a healthcare provider refuses to treat a patient or is negligent in not being available when a patient needs care
- Patient seeks care from that provider and the provider refuses or is unavailable or negligent in providing timely care
- The patient needs ongoing treatment which the provider refuses or fails to provide

Source: <https://www.forbes.com/advisor/legal/medical-malpractice/patient-abandonment/>



State Boards of Nursing *general* Position on Abandonment

For a situation to constitute patient abandonment, two things must have happened:

- 1) the nurse must have accepted the assignment, which establishes a nurse-patient relationship, **and**
- 2) severed the relationship **without notice** to an appropriate person (supervisor, manager, etc.) so that another nurse can continue to provide care to the patient(s).

Source: <https://nurseguidance.com/abandonment-what-it-is-and-is-not/>



ANA Code of Ethics for Nurses [*Key Provisions*]

P 1.2 *Relationship* with patients

P 3.4 Professional responsibility in promoting a culture of safety

P 4.3 Responsibility for nursing judgements, decisions, and actions

P 6.2 Ethical obligations



Abandonment of Patients [Calif DCA]

Board of Registered Nurses:

Generally, for patient abandonment to occur, the nurse must:

1. Have first *accepted* the patient assignment, thus *establishing a nurse-patient relationship*,
2. *Severed* that nurse-patient relationship without giving reasonable notice to the appropriate person [e.g., supervisor, patient] so that arrangements can be made for continuation of nursing care by others

Source: State of California Dept of Consumer Affairs –Board of Registered Nurses, Rev. 2011



Patient Abandonment: Position Statement – Georgia

“Leaving an assigned patient(s) assignment, for which you have *accepted responsibility*, prior to the end of an agreed upon work period without appropriately notifying supervisory personnel”.

GaBoN January 2015 <https://sos.ga.gov>

Key Considerations Patient Abandonment [NYSED*]

- Whether the nurse accepted the patient assignment, which established a *nurse-patient relationship*
- Whether the nurse provided reasonable notice when severing the *nurse-patient relationship*
- Whether reasonable arrangements have been made for the continuation of nursing care by others when proper notification is given

**New York State Education Department [NYSED]–Office of the professions*



NCBI Recommendations for Terminating Patient-Provider Relationship

- Sending a termination letter to the patient by certified mail with a return receipt requested. Keep a copy of the termination letter and all communication documentation about the termination.
- Providing the patient with an explanation for termination, however, providing a reason is not required and up to the provider's discretion, depending on what the reason may be. **The AMA advises not to disclose the reason for dismissal.**
- Agreeing to continue to provide treatment and medication refills for a reasonable period, such as thirty days since being notified, until the patient can secure care from another provider.
- Providing resources and recommendations to the patient about other physicians who may accept the patient and the patient's insurance
- Offering to transfer and promptly transferring records to the new provider upon signed patient authorization and being available to discuss the case to avoid patient care lapses

Source: <https://www.ncbi.nlm.nih.gov/books/NBK563285/>

What IS and is NOT Patient Abandonment [Y/N]??

- A. Failure to work beyond previously agreed upon work time-period [Y/N]
- B. Failure to return to work from a scheduled leave of absence [Y/N]
- C. Leaving workplace without adequately providing a patient handoff to oncoming qualified person [Y/N]
- D. Termination of employer/employee relationship after completion of an assigned patient care time-period [Y/N]
- E. Refusal to work in an unfamiliar, specialized, or high-tech patient care area without orientation [Y/N]
- F. Sleeping while on duty [Y/N]
- G. Leaving and emergency patient care situation that would be considered overly dangerous based on the standard of actions of a similarly qualified and prudent licensed nurse [Y/N]
- H. An NP leaves the job suddenly or without providing notice or compensatory care [Y/N]

Review Questions

adapted from <https://www.statpearls.com/quiz/askquestion/?ResultID=1773250>

When a healthcare provider considers withdrawing from a patient relationship while the patient still needs medical care, the nurse/provider must notify the patient with sufficient time and medical care while transferring care to an appropriate medical provider. Failure to meet these 2 requirements may be legal grounds for establishing abandonment. The care nurse/NP must also do which of the following when terminating the relationship?

Provide the patient a...

- A. Letter notifying the patient of termination of care
- B. Chance to establish care with the same provider at a later date
- C. An explanation for the termination of care
- D. List of potential providers covered by the patient's medical insurance

Review Questions <https://www.statpearls.com/quiz/askquestion/?ResultID=1773250>

A 50 yo patient with a Dx of 4cm abdominal aortic aneurysm presents for routing f/up. The client has been seeing the same NP for the past year for this problem. When arriving and signing in the receptionist advises the patient that the NP cannot see him today, and when he ask why, no real explanation is given. The receptionists calls the patient later that day and informs him that the NP will no longer see him because he has not paid his bills. The patient is extremely concerned by this news as his aneurysm has been a concern and he felt better knowing that his provider has been monitoring it. Over the next several weeks he repeatedly leaves VM for the office asking to be seen and if he could be referred to another provider who would see him. He receives no response from the provider. Four weeks later the patient is seen in the ED with a ruptured AAA. If the patient decides to take legal action against the NP, which of the following is a possible outcome?

- A. The patient would receive no compensation as he has no legal grounds to file a case
- B. The patient would be awarded punitive damages
- C. The NP would be charged with battery
- D. The NP would be charged with a breach of confidentiality

Top 10 Examples of Patient Abandonment by Nurses

1. Failure to perform assigned nursing duties
2. Leaving your unit without having someone to cover your patients
3. Sleeping on duty
4. Delegating care to unqualified staff
5. Failure to report neglect or abuse
6. Providing patient care while impaired
7. Accepting an assignment, then leaving your unit without notifying a ***qualified person***
8. Home health or hospice nurse fails to provide scheduled home visit
9. Not making reasonable arrangements for continuation of care
10. Getting angry at a patient and refusing to continue providing their care



Real World Case Experiences of Health-system VP/CNO

This will include my workplace Georgia Experiences **and hear from other attendees**

- Nurse left hospital to meet friend in parking deck without giving hand off – patient coded while she was gone
- Charge nurse made patient assignment and left off one patient in the ICU for entire shift
- Nurse filmed by colleague sleeping at the desk
- Nurse leaving the premises changing the N:P ration on the unit



Thoughts/Reflections?

References

- Saendy, J & McDowell, R. (2024). Abandonment. Nursing, Allied Health, and Interprofessional Team Interventions <https://www.ncbi.nlm.nih.gov/books/NBK563285/>
- Bieber, C. (2022). What is patient abandonment? (2024 Guide).
<https://www.forbes.com/advisor/legal/medical-malpractice/patient-abandonment/>
- Liberman, K. (2022). Patient abandonment in the nursing profession.
<https://libermanlawfirm.com/patient-abandonment-in-the-nursing-profession/>
- Senderovitch H. (2016). The Ethical and Legal Dilemma in Terminating the Physician-Patient Relationship. *Health Law Can.*;36(4):168-73.
- Strickland, B. (2017). Abandonment: What it is and is not.
<https://nurseguidance.com/abandonment-what-it-is-and-is-not/>