



Physicians Committed
to Quality

monthly memo mvma ipa

An important announcement from Richard B. Toll, M.D., MVMA President

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PCP Auto-Assignment and the Physician-Patient Relationship

You will see an announcement of the process – called “auto-assignment” – of assigning to a PCP those MVP members who have failed to select one when they enrolled or changed their coverage. MVP has already begun this process, and we have received a few phone calls from physicians asking whether or not the act of assigning a patient creates a physician-patient relationship, making the physician professionally responsible for, and thus potentially liable to, the patient.

Our legal counsel has researched this for us. Generally speaking, when a new patient contacts a physician’s office to make an appointment to see a physician, no such relationship is created until the patient actually comes in and is seen by the physician. However, it is possible to create a relationship without being physically seen by the physician (for example, by telephone call) if the patient or the patient’s representative speaks directly with the physician or an agent of the physician and has a reasonable basis to believe that such a relationship has begun.

MVP’s action of simply assigning a patient to a PCP for insurance purposes will not create a physician-patient relationship. Likewise, if a patient calls to set up their initial appointment, that typically would not create the relationship. The exceptional circumstance would be a case where there is further communication between the patient and the physician (or physician’s agent) regarding a specific condition and direction from the physician or agent that might be construed as a treatment decision.

It is important to note that *under the “auto-assignment” scenario, the MVP member has the responsibility to contact the PCP for an initial evaluation or to contact MVP to change their PCP.* MVP imposes no obligation on PCPs to initiate contact with members who are assigned to them. If the physician or physician’s staff actively solicits assigned patients to schedule an appointment, this could create a circumstance where the physician-patient relationship may be found to begin at the time the physician’s office first contacted the patient.

This article has been written for general information and educational purposes and is not intended to provide legal advice. You are urged to consult with your own attorney if you have any questions or concerns regarding this subject.