



STATE BOARD OF OPTOMETRY
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Closing Your Optometric Practice

The following provides guidance to optometrists regarding the closure of or departure from an optometric practice.

It is the Board's position that due care should be exercised when closing or departing from an optometric practice, whether it is temporary or permanent. Not only does this ensure a smooth transition from the current optometrist to the new optometrist, but it also reduces the liability of "patient abandonment." Therefore, to ensure this occurs with a minimum of disruption in continuity of care, the optometrist terminating the optometrist-patient relationship should notify patients sufficiently in advance.

It is the patient's decision from whom to receive optometric care. Therefore, it is the responsibility of all optometrists and other parties who may be involved to ensure that:

- Patients are notified of changes in the optometric practice. This is best done from a letter to patients by the optometrist explaining the change, including the final date of practice. To inform inactive patients or those who have moved away, the board also recommends placing an advertisement in a local newspaper.
- Patients are advised as to where their medical records will be stored including how they may access them. To facilitate the transfer of medical records to the new optometrist, an authorization form should be included in the letter.
- Patients secure another optometrist. If the practice is being taken over by another optometrist or another can be recommended, the patients can be referred to that optometrist.

A Fictitious Name Permit (FNP) is NOT transferable if an optometric practice is purchased by another optometrist. The former owner should submit a written notice to cancel the FNP, and the new owner must submit a FNP application. Both documents should be mailed together to ensure the name will be available to the new owner.

An optometrist who purchases an optometric practice may use the practice name or names of the former optometrist for up to two years providing:

- (1) The acquisition of the ownership in the practice of the predecessor optometrist or optometrists includes permission to use his/her or their names.
- (2) The acquisition of the ownership includes the active patient records and prescription files of the practice.
- (3) In any signs, professional cards, envelopes, billheads, letterheads, or advertising of any nature, the name or names of the successor optometrist or optometrists shall appear first and be followed by the term "succeeding," "successor to," or "formerly" and then the name or names of the predecessor optometrist or optometrists which shall not appear in letters larger than the letters in the name or names of the successor optometrist or optometrists.

Abrupt Closure Due to Death

In the unfortunate event that an optometrist dies, the Board recommends that the family of the deceased, or their representative, contact other optometrists in the area or the local optometric society to facilitate patient record transfers.

It is recommended that any optometrist receiving records from a deceased optometrist's practice send notification to the patients to ensure continuity of care.

The Optometry Practice Act does not allow unlicensed individuals to perform the services of an optometrist, including owning and operating an optometric practice (BPC Sections 3040 & 3109).