

ATMS GUIDELINE

Leaving Clinical Practice

Preamble

This statement serves as a guide for ATMS members who wish to cease clinical practice, whether by closing their practice, selling it, or transferring ownership. It provides essential guidelines regarding legal and regulatory compliance, communication with clients and healthcare providers, and practical considerations during this transition. The information presented here aims to be informative and actionable, ensuring a smooth and ethically sound exit from clinical practice.

Considering Your Exit

Members are encouraged to reflect on their reasons for leaving clinical practice. Whether it's retirement, pursuing a new endeavour, or other factors, understanding your motivations will help you plan effectively. Evaluate whether selling the business or closing it aligns with your objectives. Consider tax implications, financial implications, and legal requirements associated with each option.

This guide is intended to provide broad guidance on exiting a business and therefore some parts of it may not be relevant to all Members. Members should seek professional advice tailored to their circumstances to ensure a seamless transition.

Compliance with Legal and Regulatory Requirements

By adhering to record-keeping regulations and staying informed about applicable legal requirements, members can navigate the legal and regulatory landscape effectively while exiting clinical practice. Members should tailor the below steps according to individual circumstances and seek professional advice for a seamless transition.

(a) Notify Relevant Authorities: Notify the appropriate regulatory or governing bodies in your modality and jurisdiction about your decision to cease clinical practice. This may include professional associations, the Australian Health Practitioner Regulation Agency (AHPRA) (if registered), and any other relevant regulatory bodies.

(b) Legal and Financial Notifications: Notify legal and financial entities about the cessation or sale of your clinical practice and fulfil any super and tax-related obligations and provide the necessary documentation in compliance with tax laws. This may include contacting the Australian Taxation Office (ATO) to lodge final accounts, tax returns and business activity statements, cancel your ABN and GST registrations and/or update business details; contacting the Australian Securities and Investments Commission (ASIC) to change company details, or to transfer or cancel your business name.

(c) Record-Keeping Compliance: Ensure compliance with record-keeping regulations by retaining essential business and financial records for a minimum of seven years from the last client interaction or treatment. For records of individuals who were under 18 years of age at the time of the last consultation, ensure

these records are kept until the person reaches the age of 25 years to comply with potential legal and ethical requirements. For retention of tax and other business records, follow the applicable laws.

(d) Stay Informed about Specific Regulations: Familiarise yourself with specific legal requirements related to leaving clinical practice in your region or modality, including potential obligations such as those outlined in the Health Records Act 2001 in Victoria, Australia, as well as any other applicable laws. Regularly review legal and regulatory guidelines to ensure compliance with current laws and regulations, as they may change over time.

(e) Legal and Ethical Patient Care: Ensure clients' privacy, confidentiality, and ethical care are maintained throughout the transition process. Adhere to legal requirements regarding client records, informed consent, and data protection.

Continuity of Care and Patient Communication

All members leaving clinical practice have a professional and ethical obligation to ensure continuity of care for their clients. Members should tailor the steps below to align with their modality and the needs of their client and healthcare provider community.

(a) Timely Patient Notification: Notify your clients and healthcare providers to whom you regularly refer clients, or from whom you receive referrals, promptly about your decision to discontinue clinical practice. Use various communication methods such as letters, emails, phone calls, or in-person discussions, considering the preferences and accessibility of the recipients.

(b) Provide Transition Guidance: Offer guidance to clients for transitioning their care to alternative practitioners. Recommend practitioners with similar specialties or approaches, if possible, and provide contact information to facilitate a smooth transition.

(c) Patient Records Transfer: Inform clients about the process of transferring their health records, ensuring they have access to their health information. Follow all applicable privacy laws and guidelines while handling client records during the transition.

(d) Sale to New Owner and Patient Choice: If the practice is being sold to a new owner, inform clients about this change, and provide details about the new owner. Offer clients the choice to continue their care under the new ownership or guide them on transitioning to a healthcare provider of their preference. Respect the choice of clients who decide not to continue their care with the new owner. Assist them in finding suitable alternative healthcare providers and ensure a smooth transfer of their health records, following legal and ethical guidelines.

(e) Follow-Up on Outstanding Investigations: Arrange follow-up on any outstanding investigations, test results, or reports to ensure continuity of care during the transition. Communicate relevant information to the new healthcare provider or facilitate client access to these results for informed decision-making.

Practical Aspects: Closing or Selling the Business

Planning for the practical aspects of closure or transition, whether closing or selling the business, is crucial to ensure a smooth process and mitigate any potential challenges. Tailor your approach based on the unique aspects of your practice and seek guidance from relevant professionals, such as accountants, lawyers, or business advisors, to navigate these practical considerations effectively.

- (a) Closure or Sale Planning: Develop a comprehensive plan for the orderly closure of the practice or transfer of ownership. This plan should encompass financial considerations, inventory management, client record transfer, and staff management (if applicable).
- (b) Business and Financial Obligations: Address outstanding financial matters, including billing, outstanding payments, and debts. Inform clients about any financial implications related to the closure or transfer of the practice. Close business bank accounts if closing the business, ensuring all outstanding financial transactions are settled and account closure is documented.
- (c) Inventory and Asset Management: Determine the disposition of practice assets, such as equipment, supplies, and furniture. Consider options for selling, donating, or responsibly disposing of these assets.
- (d) Contract and Lease Management: Review and manage business contracts and leases. Determine if they need to be transferred, renegotiated, or terminated as part of the closure or sale. Ensure compliance with contract terms and legal requirements.
- (e) Employee Transition: If applicable, plan for the transfer or termination of employees. Ensure compliance with employment laws, including providing necessary notices, entitlements, and support during the transition.
- (f) Communication with Insurance Providers: Notify relevant insurance providers about the closure or change in ownership of the practice. Address any insurance-related matters, including policy cancellations or transfers.

Professional Development and Future Engagement

Planning for future professional engagement allows members to transition to new roles or endeavours while staying connected to the traditional medicine community. Explore opportunities that align with your skills and interests and contribute to the ongoing advancement of the field. Members should tailor these suggestions below to suit individual aspirations and circumstances.

- (a) Explore Future Opportunities: Consider opportunities for continued professional development or involvement in the traditional medicine field, such as teaching, consulting, writing, or research. Explore options that align with your expertise and interests.
- (b) Maintain Professional Connections: Stay connected with the traditional medicine community and engage with peers by attending conferences, workshops, or networking events. ATMS encourages members leaving clinical practice to retain membership with ATMS (and/or other associations they are part of) to stay informed about industry developments to remain part of the broader healthcare ecosystem.
- (c) Mentorship and Knowledge Sharing: Consider offering mentorship or share your knowledge and experience with aspiring practitioners. Consider volunteering or engaging in educational initiatives to contribute to the growth of the traditional medicine community.

Additional further resources:

<https://business.gov.au/exiting>

<https://www.ato.gov.au/business/changing,-selling-or-closing-your-business/>

<https://business.gov.au/people/employees/manage-employees-when-you-sell-or-close-your-business>
