



ADVISORY NO. PFOMT - 3

[Please file in your ACO Practitioner Manual in the “Advisories” Section - Replaces Advisory No. PFOMT-2]

Date: January 1, 2008

Subject: **PATIENT FILE OWNERSHIP,
MAINTENANCE AND TRANSFER**

A. File Ownership

In a solo practice, the office records (patient files, accounting records, correspondence from other practitioners, etc.) are considered to be property of the optometrist who owns the practice. In a partnership, associateship or other such practice arrangement of more than one practitioner, the Alberta College of Optometrists (ACO) recommends that the issue of ownership of office records be agreed to in writing in advance of starting practice by all regulated members in the group, partnership or associateship.

In the event that no written agreement is in place, it is the opinion of the ACO that ownership of the office records is as follows:

- [a] Associateship - office records belong to the owner of the practice.
- [b] Regular Partnership - office records belong to the regulated member who produced the chart/file.
- [c] Group practice - office records belong to the group.
- [d] Group Professional Corporation - office records belong to the group PC.
- [e] Limited Liability Partnership - office records belong to the LLP.

B. File Maintenance

The ACO requires that all regulated members adhere to the Standards of Practice and accompanying Guidelines to ensure that sufficient information is recorded in the patient files so that another practitioner is able to assume the patient's care at any point in the course of diagnosis or treatment without loss of patient care or continuity. Failure to keep adequate records may be cause for levying a charge of unbecoming conduct.

From time-to-time it may be necessary to alter an office record due to an error being made at the time of entry. When such an error is recognized within a paper chart, the old information should be crossed out with a single neat line and the new correct information must be written immediately above or below the crossed out information with a corresponding new date of entry and initials or signature of the optometrist amending the information.

With respect to computerized records, once again, do not delete the old information, but rather enter the new information immediately beside the old information and include the new date of entry as well as the initials or name of the optometrist amending the information.

The goal of file alteration is not to obliterate, remove or destroy the old information, but instead to show both entries along with the reason(s) for the change.

According to the privacy legislation, patients have the right to demand correction of erroneous records where the issue is about a factual matter that can be proven. That right does not extend to professional opinions with which the patient may disagree. Should a patient demand a change to a professional opinion that you do not feel is warranted or correct, it is the opinion of the ACO that the optometrist obtain the patient's request in writing. After receipt of this written request, a written response letter, informing the patient that you will not change your professional opinion should be sent. Include your reasons for not altering your professional opinion and keep a copy of both letters in the patient's file.

Patient records must be kept for a minimum of ten (10) years after the patient's last examination or two (2) years after the death of a patient.

All optometric offices should respect and adhere to the privacy legislation applicable to an individual patient with respect to collection, use, transfer and disposal of personal information.

C. File Transfer

Although office records are the property of the regulated member(s), the information contained in these records is the property of the individual patient or the individual patient's legal representative. It is the opinion of the ACO that patients (or their legal representatives) should have reasonable access to their personal records. Patients (or their legal representatives) who request access to their office record may be charged a reasonable fee for the retrieval, preparation, reproduction and delivery of such information as per the rules and processes of the appropriate privacy legislation.

Should a separate third party request a copy of the information contained in a patient record, please refer to the "Preparation of Medical-Legal Reports" Advisory.

Whenever patient information is sent by mail, fax or by electronic means, the regulated member should take great care to ensure the following steps are taken:

- [1] Proper selection of the requested information be made.
- [2] Verify accuracy of the number dialed or address if written.
- [3] Attachment of a cover sheet which specifies the individual (rather than an organization) to which the information is being sent.
- [4] Attachment of a clear privacy statement about the information's confidential nature.

To ensure that patient files are not lost in transit (if using Canada Post or courier), it is recommended that the optometrist sending the file keep the original file and send a photocopy.

The original patient file may be destroyed once confirmation is received that the patient file (be it faxed, electronically sent or mailed/couriered photocopy) has safely reached its destination. It is recommended that the confirmation message be kept as per file maintenance time periods.

Should a regulated member leave a practice, the rules surrounding ownership of patient records are detailed in the "Severing an Associateship or Partnership" Advisory.