



ALBERTA college
of OPTOMETRISTS

ADVISORY NO . PMLP-2

[Please file in your ACO Practitioner Manual in the “Advisories” Section. Replaces Advisory No. PMLP-1.]

Date: January 1, 2008

**Subject: PREPARATION OF MEDICAL -
LEGAL REPORTS**

From time-to-time, optometrists may be required to complete medical-legal or other expert reports summarizing the examination, diagnosis, and treatment of a particular patient. The Alberta College of Optometrists recommends that regulated members adhere to the following points when a request for such a report is made.

- [a] All requests should be provided in writing and be accompanied by a consent form signed by the patient.
- [b] You should only provide a copy of the report to the individual or organization who requested it. Should any other third party request a copy of the same report, appropriate written request and written patient consent is also required before releasing this information.
- [c] You should answer only the questions set out in the written request as completely and unambiguously as possible. It is recommended that the optometrist use plain language whenever possible and avoid making references that would be difficult to support. (Ensure that all statements can be backed up by clinical observations and scientific evidence.) If you are asked to provide an opinion, state “in my opinion” or “in my experience”.
- [d] It is not recommended to provide an opinion about any matter outside the scope of practice of optometry.

Medical-Legal Reports.....page 2

- [e] It is recommended that you use caution when expressing an opinion about prognosis.
- [f] You are entitled to be paid a reasonable fee for writing a medical-legal or other report. That fee may vary depending on the nature, complexity, and length of time required to prepare the report and this fee is to be determined by the individual optometrist. This fee must be agreed to in advance of provision of the report and confirmed in writing before you begin the preparation of the report.
- [g] If the person requesting the report is the patient's legal counsel you should determine whether the lawyer has any intention of involving you as a witness at the pre-trial or trial stage. If so determined, you should agree in advance and confirm in writing the fee to be paid to you for preparing to testify and for the actual time spent testifying. Per diem, weekly rates or one all-inclusive fee are all considered acceptable methods of payment.

Although the aforementioned points are considered adequate advisories for normal and customary requests for reports, the ACO recommends that members seek independent legal advice should they have any concerns or are unsure of their legal obligations about a report they have been requested to provide.