



ADVISORY NO. SAP - 2

[Please file in your ACO Practitioner Manual in the “Advisories” Section. Replaces Advisory SAP-1]

Date: January 1, 2008

Subject: SEVERING AN ASSOCIATESHIP OR PARTNERSHIP AND MAINTENANCE OF PATIENT RECORDS

When an associateship or partnership of optometrists is severed, a conflict or dispute may arise over the ownership of patient records or the proper method of informing patients of the change in practice. It can be quite complex when several different optometrists in the same practice have previously examined the same patient and recommended treatment.

It is the opinion of the ACO that the choice of optometrist ultimately rests with the patient. If a patient chooses to attend the optometrist who has relocated, there is an ethical obligation respecting the optometrist(s) and staff still at the original location to:

- [a] Not attempt to unduly influence the patient’s decision of their choice of provider; and,
- [b] Disclose to a patient who enquires, the location (address and phone number) of the optometrist who has left the original practice (remembering it is the duty of the moving optometrist to notify the original office and the Alberta College of Optometrists and the Alberta and Canadian Associations of Optometrists of his/her new practice location).

It is considered inappropriate behavior for an optometrist or their staff to fail to disclose to a patient or other health care provider information of the whereabouts of another practitioner (who may have previously practiced at that location) in an attempt to restrict access to that practitioner.

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In all associateships or partnerships a written agreement delineating the ownership of the patient records, as well as delineating the rights and responsibilities of each party in the event of a practice break-up should be prepared. When an optometrist works for another optometrist and there is no written agreement, it is the opinion of the Alberta College of Optometrists that the optometrist who owns the practice also owns the physical patient records.

The responsibility for costs of transferring patient records is a matter for agreement between the parties involved. Where no agreement can be reached, it is assumed that the requesting optometrist would be responsible for the costs associated with the transfer of files. It is the opinion of the Alberta College of Optometrists that all patients have a right to access information contained in their patient records as per the individual office privacy policy as regulated by the Health Professions Act (HPA), the Health Information Act (HIA), the Personal Information Protection Act (PIPA) and the Personal Information Protection and Electronic Documents Act (PIPEDA).

Please refer to the ACO Advisory PFOMT-3 for protocols regarding patient file ownership, maintenance and transfer.