



Guidelines for Protecting Medical Records When Leaving a Practice

This section will:

- describe best practices regarding medical records when leaving a practice
- identify key considerations and elements of contracts with a service provider to provide storage, retrieval, or destruction of medical records

When a medical practice is closed, replaced, or relocated outside of BC, physicians have a professional and legal duty to use reasonable efforts to do the following with medical records:

- Arrange secure transfer to another physician who agrees to accept responsibility for the patient.
- Arrange for secure storage and retrieval for the remaining retention periods.
- Securely dispose of medical records where the retention period has expired.

Custodians must understand where medical records are being stored, who has access to them, what security provisions are in place and from what locations they may be accessed (e.g., if there is remote access for support). Additional guidelines related to ensuring continuity of care for patients who require it and the preservation of medical records are available on the College of Physicians and Surgeons website under Standards and Guidelines: [Leaving Practice](#).

Best practices for protecting medical records when leaving a practice include ensuring:

- patient notification includes information on the:
 - departure date
 - how patients can obtain a copy of their records or request transfer of a copy of them to a new physician
 - how patients may access their records if they are to be stored by a service provider
 - reasonable fee that may be charged for providing this service
- patient authorization is obtained
- transfer of medical records occurs in accordance with section 3-7 of the College Bylaws
- the original record is retained under college retention guidelines for the purposes of future complaints or legal action (medical records must be retained for at least sixteen years from the date of last entry or, in the case of minors, sixteen years from the time they would have reached the age of majority. in a group practice, it is possible the group will undertake custody of the records, especially if patients continue to attend the practice)
- all medical record documentation is accurate and completed before they are archived



- there is a process in place to support any outstanding patient work that may be in progress (e.g., pending lab tests that may require follow-up)
- if the records are no longer required, secure records disposition procedures are followed (see [Guidelines for Secure Destruction of Personal Information](#))

If a service provider is engaged to provide storage and retrieval services for medical records for the remaining retention period, ensure this is done under a service contract that places the following kinds of obligations on the service provider:

- Maintain the confidentiality of all medical records stored, providing access to information only to authorized representatives of the physician or with written authorization from a patient or legal representative.
- Upon request of the physician, promptly return all confidential medical records without retaining copies.
- Prohibit the use of medical records for any purpose other than what was mutually agreed upon (this includes selling, sharing, discussing or transferring any medical records to unauthorized business entities, organizations, or individuals).
- Use reasonable administrative, physical and technical safeguards to protect against theft, loss, damage, and unauthorized access of medical records.
- When specified by the physician, securely destroy medical records at the end of the retention period (see [Guidelines for Confidentiality Agreements Service Contracts and Information Sharing Agreements](#)).

While PIPA does not prohibit storage and access to personal information from outside Canada, it is recommended that physicians avoid disclosing personal information outside of Canada without express patient consent. If any aspect of a service provider's operations occurs out-of-country, it is recommended that the physician ensure the legal agreement binds the service provider to comply with BC's privacy laws, in order to avoid situations where the service provider's jurisdictions does not have privacy laws or such laws are not adequate by BC standards.