

INDEX NO: **Practice Direction
16.16**

SUBJECT: **Health Records - Storage
Requirements for Planned
and Unplanned Closure of
Practice**

APPROVAL BY COUNCIL: **June 1, 2016**
UPDATED:

Background

Registered Dietitians are responsible for ensuring that their clients have ongoing access to their health records. For dietitians working within a facility or health authority, access is available through the organization rather than the individual dietitian, therefore client access is not a concern. However, dietitians in private practice, must have an arrangement in place to ensure that their clients records are not abandoned or at risk of being abandoned. That is, in the event that the dietitian is unable to provide access, records must be made available to clients through a custodian, who is also a regulated health professional. Arrangements must be in place for both planned and unplanned closure of a practice.

Definitions

Abandoned - patient/client records are considered to be abandoned if:

- a) the member dies, disappears, is imprisoned or leaves Manitoba
- b) the member's registration is suspended or cancelled
- c) the member is improperly absent from or neglects his or her practice of the profession
- d) in the opinion of the Registrar, the regulated member has ceased to practice the regulated health profession
- e) a creditor has taken possession or threatened to take possession of the records or the equipment on which the information is stored
- f) in the opinion of the College, the member is too ill to provide professional services or is incapacitated and unable to provide health care

Authorized Person - Designated by the custodian of the health records

Practice Direction

Unplanned Closure of Practice

- Dietitians must have an arrangement in place to ensure that their clients records are not abandoned or at risk of being abandoned.
- Dietitians in private practice, that maintain client records, must have an arrangement in place for a custodian of their health records, in the event that they are no longer able to provide access.
- The custodian must be a regulated health professional, bound by the requirements of the *Personal Health Information Act*.

INDEX NO: **Practice Direction
16.16**

SUBJECT: **Health Records - Storage
Requirements for Planned
and Unplanned Closure of
Practice**

APPROVAL BY COUNCIL: **June 1, 2016**
UPDATED:

- The College must be provided with the name and contact information of this custodian.
- Where health records are held in electronic records systems, Dietitians must provide the current username and passwords to the custodian so that they may access any health records retained in electronic format.
- The responsibilities of the custodian are described in Practice Direction 16.7 'Responsibilities of the Custodian of Health Records'.
- In the event that the custodian must take possession of an RDs client records, the College must be informed and will post on its website, a notice of the custodian of the health records, and information respecting how patients/clients may request a copy of or the transfer of their personal health information to another regulated health professional.
- The custodian is responsible for the health records until they are transferred to another care provider or have met CDM requirements for records retention, outlined below.

Planned Closure of Practice

If a dietitian closes a practice, there are several options for dealing with client records

- Transfer to another dietitian with the condition that the member is able to access the records should questions arise.
- Held in secure storage. The dietitian is responsible for ensuring that the guidelines of the *Personal Health Information Act* (PHIA) and Regulations are met with respect to records storage and are advised to refer to this Act and/or contact the PHIA office for specific guidelines and further information.
- Records should be retained for a minimum of 10 years from the date of the last entry. Records for pediatric clients should be retained for a minimum of 10 years and 2 years past the date the client becomes 18 years old.
- PHIA provides direction regarding destruction of health records. RDs are responsible to understand their obligations under PHIA and are advised to refer to this Act and/or contact the PHIA office for specific guidelines and further information.
- Clients with active files (i.e. still meeting with the dietitian for ongoing nutritional care) should be notified that the dietitian is closing practice. The client should be given the option of choosing another dietitian to continue their care or advised that their records are being transferred to another specified dietitian.
- The College of Dietitians of Manitoba must also be notified of the name, address and phone number of the custodian of the clients' records.

INDEX NO: **Practice Direction
16.16**

SUBJECT: **Health Records - Storage
Requirements for Planned
and Unplanned Closure of
Practice**

APPROVAL BY COUNCIL: **June 1, 2016**
UPDATED:

REFERENCES:

College of Physicians and Surgeons of Manitoba. *The Physician Medical Record.*

www.cpsm.mb.ca/guidelines_and_statements/117/html

Province of Manitoba. *Personal Health Information Act and Regulations.*

www.web2.gov.mb.ca/laws/statues/ccsm/p033-5e.php Winnipeg:1997.

Manitoba Health. Abandoned Records - Discussion paper. Winnipeg:2015