

**The College of  
Veterinarians of Ontario**

**Position Statement**  
**Release of Medical Information**

## **Position Statement**

### **Release of Medical Information**

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**College Contact:** Complaints Coordinator

**Reference Materials:**

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## Purpose

The purpose of this position statement is to advise veterinarians on their obligations related to the release of medical record information to another veterinary practitioner or a client.

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their animals and practice of the profession. College publications are developed in consultation with professional practice leaders and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

## Scope

This position statement applies to all veterinary practitioners.

## Relevant Legislation

The *Veterinarians Act* is the profession specific Act which governs the practice of veterinary medicine in Ontario. Ontario Regulation 1093 is the relevant statute under that Act.

Subsection 22. (5) (c) of Ontario Regulation 1093 states that records *“required under this section shall be retained for a period of at least five years after the date of the last entry in the record or until two years after the member ceases to practice veterinary medicine, whichever occurs first.”*

Subsection 17. (1) 5 specifies that professional misconduct includes *“failing to provide within a reasonable time and without cause any certificate or report requested by a client or his or her agent in respect to an examination or treatment performed by the member.”*

Also, subsection 17. (1) 40 specifies that professional misconduct includes *“treating an animal receiving veterinary services from another member without notifying the other member and obtaining the relevant historical information as soon as practicable except if the treatment is done in accordance with subsection 33. (1.1).”*

## **College Position**

### **Introduction**

Continuity of animal care is a paramount value in the practice of veterinary medicine. To ensure proper diagnosis and the execution of effective treatment plans, the transmission of information between practitioners must be conducted in a timely and efficient manner.

Requests for the release of information from a medical record or for copies of medical records will usually originate from one of two sources: another veterinarian or the client. Therefore, a practitioner needs to take steps to ensure the information is readily available and released appropriately. Failure or unnecessary delays in this process may negatively impact the quality of care, and veterinarians should ensure these do not occur. In addition, failing to respond promptly to such requests is inconsistent with the concept that the information is held in trust by the veterinarian for the benefit of the patient.

### **Copies vs. Originals**

A request may be made for a copy of the entire medical record or for specific parts of the medical record that are relevant to an animal's ongoing care.

Although the medical record hard copy is the property of the practice, the client has a right to access the entire content of their animal's medical record. Simply viewing the record may meet the client's needs or they may require a copy of the record.

Requests may arrive by telephone, facsimile, email, regular mail or other. The requested information may be provided either by duplicating the original record, in the form of a summary of the medical record and copies of data reports, or verbally. Transmission of the relevant information through telephone, facsimile, personal contact, courier or email (with appropriate privacy safeguards) is acceptable.

### **Radiographic Images**

Occasionally clients or other practitioners will request the diagnostic images prepared in respect of the animal. The radiographs form part of the medical record and a practitioner must be able to produce them at a future date if requested to do so. Where appropriate, copies should be provided as per the remainder of the medical record. Although there are facilities that are capable of preparing such copies, this can pose a challenge to others. Where copies are not feasible, the ideal would be to forward the diagnostic images directly to another veterinarian with a request for their subsequent return. If this is not practical then the client can be requested to transfer the images as long as a release is signed stating that they will either be returned, or be permanently transferred directly to their primary care veterinarian (with the name of that facility recorded in the medical record).

## **Charges**

The veterinarian may charge the client for expenses incurred in the preparation of the required copies or summaries, including costs associated with duplication (photocopying paper record or making copies of radiographs), courier and postage fees, and other related items. The expenses charged, however, must be reasonable and should not obstruct the efficient and timely release of information contained in the medical record.

While it is permissible to withhold prepared copies in lieu of payment for their *preparation*, it is *not* permissible to withhold the information *within* those copies.

A request from another veterinarian for a verbal summary of the medical information cannot be refused or charged for.

## **Responsibility to Release**

Only in very rare circumstances (e.g. where an individual's personal safety is realistically threatened) can a veterinarian refuse to provide any relevant information contained within the medical record. Where everyone agrees and it is appropriate, relevant information can be provided verbally or in the form of a written summary rather than by access to or a complete copy of the entire chart.

## **Responsibility to Obtain**

Any veterinarian who treats an animal that is also receiving treatment from another member must notify the other member that they are treating the animal and obtain any relevant historical information. If a practitioner receives a request for information from a patient medical record from another veterinarian, the practitioner is required to comply.

A notation should be made if a client refuses to allow the member to obtain previous medical records.

## **Timing of Release**

When a practitioner receives a request for information from a patient medical record from another veterinarian, the information from the medical record must be provided within a reasonable time, based on the medical status of the patient, but not to exceed two business days.

Members sending patients to other facilities are expected to release relevant information at the time of or shortly after the referral.

Members providing emergency services are expected to obtain relevant medical information if the patient is hospitalized during a time that the primary care veterinarian is available.

Members accepting referrals, providing emergency services or providing second opinions are expected to provide the relevant medical information to the primary care veterinarian as close to when the patient is seen or released as is practical. If the original release of information is verbal, a hard copy must be provided in the not-too-distant future.

### **Client Consent**

Members are not required to obtain express client consent to release medical information for the purpose of coordinating veterinary services. Members are entitled to assume that any other veterinarian making such a request has the implied consent of the client to do so. Privacy laws do not prevent such disclosure.

Only where there are reasonable grounds to believe that the requesting veterinarian has not obtained at least implied consent or the client has withdrawn consent should the responding veterinarian delay the transmission of information.

Responding veterinarians should not raise unfounded consent concerns or hurdles (e.g. routinely requesting a signed consent form). However, if a veterinarian has reason to believe in the circumstances of a particular case that consent from the client was not provided, confirmation can be sought from the client. Even here, the request for confirmation from the client should not amount to an attempt by the responding veterinarian to dissuade the client from exercising his or her right to consult with another veterinarian.