



Patient's Access to Medical Records

SUPREME COURT OF CANADA

The Supreme Court of Canada has ruled that patients have access to their medical records held by a physician.

MEDICAL PRACTITIONER'S RESPONSIBILITY FOR PATIENT MEDICAL RECORDS

The regulations established under the authority of the Medical Profession Act require medical practitioners to keep clinical records on every patient including the name and address, the dates seen, an adequate patient's history and particulars of physical examinations, investigations ordered and the results of the investigations, the diagnosis made, if any, and the treatments prescribed.

Physicians are required to retain patient's medical record for 7 years after the date of the last entry in the record.

Records of pediatric patients should be retained until 2 years past the age of majority or 7 years after the date last seen, whichever may be the later date.

Patient medical records are the property of the medical practitioner.

PATIENT ACCESS TO MEDICAL RECORDS

The patient is entitled upon request to examine or to receive a copy of the complete medical record compiled by the physician in administering advice or treatment to the patient, including records prepared by other doctors that the physician may have received.

A physician should not give a patient the original copy of their medical record.

A patient's right of access is not absolute. There are situations where the physician may feel that information contained within the patient's record, if released, may cause a substantial adverse effect on the physical, mental, or emotional health of the patient or harm to another person. A patient may apply to the court for a review of any refusal by a physician to disclose all or part of the medical record.



Physicians are entitled to charge a reasonable fee for expenses incurred in facilitating patient access to records and making photocopies of requested records.

Patients requesting transfer of their medical records to another physician may be required to sign an authorization form for release of their records. A letter from the patient to the physician may serve in lieu of an authorization form.

Patients wishing to view their records should make arrangements with the physician's office. Most viewing is done under either the physician's supervision so as to be able to offer any explanation for anything in the file, or under that of a designated office staff member.