



The College of Naturopaths of Ontario

Regulatory Guidance

Retention and Transfer of Patient Records

The rules governing the retention and transfer of patient records are set out in the [Standard of Practice for Record Keeping](#). All registrants are urged to take some time to review that standard and to ensure that their practice procedures are aligned with that Standard. Registrants who are seeking more guidance may want to consider registering for the recorded [Regulatory Education Program session on Record Keeping](#).

In general terms, registrants must retain a patient record for a minimum of 10 years after the date of the last entry into the record. If the patient was a minor, the retention period is 10 years after the date the patient turns 18 years old.

Registrants must retain the original patient record unless it is requested by the College for a regulatory purpose or it is required for legal purposes, in which case the registrant is to retain a copy. A legal purpose is one set out in statute or where a properly executed contract is in place.

Transfer of a record, or disclosure of patient information may only be done with the consent of the patient unless

- the transfer is required by law, including releasing the record to the College for regulatory purposes,
- there's a risk of harm to the patient or others and the transfer or disclosure is necessary to prevent that harm, or
- when another health professional is within the patient's circle of care as previously identified and authorized by the patient.

Common Questions and Answers

The following are some of the most common questions received by the College on the retention and transfer of records and the answers to those questions.

1. I am an associate at a clinic and am leaving to start my own practice. Can I take the original patient files?

If there's a written agreement between the associate and the clinic owner stating that the associate is the health information custodian of the specified patient records, then yes you can take those patient records with you. If a written agreement states that the clinic is the health information custodian of original patient records, you can't take those files. (Please note that the College doesn't provide legal advice; consult a lawyer before entering or executing any contracts or agreements.)

Keep in mind that as the naturopathic doctor who created the patient records, you must ensure that they are maintained according to the *Standard of Practice for Record Keeping* and are transferred in a manner that ensures continued access by patients and the College.

2. What if there is no agreement with the clinic owner on who is keeping the files? Who is entitled to them?

Either party can become the health information custodian of patient records. It's the responsibility of all parties to act professionally, and to come to an agreement to ensure records are transferred and retained according to the [Standard of Practice for Record Keeping](#). It's prudent to ensure the agreement is in writing and deals specifically with the rights and obligations of each party upon termination of the practice arrangement. When a practice arrangement between two or more health care practitioners ends, each practitioner is responsible for ensuring that disputes between them do not affect patient care.

Therefore, the contract should not

- include any terms that would in any way prejudice the future treatment of patients,
- limit the access of the patient to their naturopathic health record, or
- restrict patients' right to choose - while the original patient record remains in one location, the patient can choose who they want their naturopathic doctor to be.

3. What are my obligations when the original files remain at the practice I am leaving?

You're required to send a notification to patients letting them know you are leaving the clinic, where their file is located and how they can access it. You can send the notification yourself or the clinic can do it on your behalf. Registrants must also update their practice location with the College within 14 days of the change of address.

4. If I am taking the original patient files with me can the previous clinic keep a copy?

Only if the patient consents.

5. What happens if an insurance company requests information about a patient?

A registrant must obtain express consent from the patient, or their authorized representative, to provide patient information to an insurance provider.

Be aware that the insurance company will likely accompany their request with documentation of the patient's consent. If the insurance company does not include this documentation, you should remind the insurance company that it is required. This will ensure that you are disclosing patient information with the requisite authority, i.e. consent from the patient.

6. In relation to a complaint, the College has requested the original file of a patient. My previous location has retained the original. What do I do?

It's your obligation to have the current address and contact information of your previous practice location, and to obtain the original copy for the College. The original will be returned to the custodian of the file once the College has completed the complaint process.

7. How long do the original files need to be retained?

Adult patient files must be maintained for a period of at least 10 years after the date of the

last entry. For patients who are younger than 18 years of age, the record must be maintained for at least 10 years following the patient's 18th birthday, regardless of the date of the last entry.

8. What do I do with the files after 10 years?

Either continue to store them or destroy them. If destroying the records, do so by shredding (using a crosshatch method), burning, using overwriting software, or some other method that renders them illegible and irretrievable.

For the records that you dispose of you will need to keep a record of:

- the dates of disposal, and
- the patient's names.

Updated: September 2024