

Private Practice RDs

Do You Have Plans in Place To Manage Client Health Records?

In almost every instance, Private practice RDs are the Health Information Custodians (HICs) responsible for the privacy, confidentiality and appropriate retention of client health records. As such, they must have plans in place in the event of their sudden incapacity or death. RDs are encouraged to have a business plan and/or indicate in their will the designated individual who will be responsible for their client health records and how the records should be managed.

WHO SHOULD BE DESIGNATED?

The person designated for managing the records does not necessarily need to be an RD. They can be a spouse, another family member, friend, or colleague. As the designated person will have the legal responsibility to manage the records according to Ontario laws and College guidelines, it is important to make sure that they understand that they are prepared to assume their responsibilities as the new HIC.

INSTRUCTIONS

While record retention obligations may be apparent to the RD, it may not be so for the designated HIC. The business plan or will should clearly explain that the records must be kept private, confidential, secure and retained for the appropriate retention period. Most importantly, the records need to be accessible should clients wish to access them, or if the College or police need access during an investigation.

The instructions should direct the designated HIC to:

1. Notify the College in writing of the RD's incapacity or death. In the letter to the College, indicate the location of the records and how clients may access their chart.

This ensures the College has the information to assist clients to access their records should the need arise.

2. Contact each client to inform them of the RD's sudden incapacity or death. Specify the retention period and where the records will be kept if clients should ever need to access this information.
3. Provide resources to help clients find follow-up dietetic services (e.g., direct clients to the "Find a Dietitian" section of the Dietitians of Canada website or to EatRight Ontario).

All of the above information can be outlined in a form letter (refer to the example on the College website at www.cdo.on.ca > Resources > Practice Standards & Resources > Record Keeping and Privacy) that is provided to the designated HIC which would then be sent to clients. Alternatively, a telephone script may be developed so that the designated HIC may call each client to inform them of the appropriate information.

For more information on the professional responsibilities for RDs acting as a Health Information Custodian, refer to the following resources:

- Richard Steinecke & CDO, *Jurisprudence Handbook for Dietitians in Ontario* (Online Version), Chapter 5: Privacy Obligations: <http://www.cdo.on.ca/en/pdf/Publications/Books/Jurisprudence%20Handbook.pdf>
- *Personal Health Information Protection Act*. (2004). http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm#BK4
- RDs are also welcome to contact the College with questions.

Form Letter Example

<Date>

<Client Name>

<Address>

<City, Postal Code>

Dear <Client's Name>,

I regret to inform you that your RD <Name> has <been in an unforeseen accident or passed away suddenly>. The purpose of this letter is to inform you that your client health record will be kept at <insert location address>. If you would like a copy of your records you may do so by contacting <insert contact details>. Copies of client health records will incur a fee of <insert amount>.

Records will be kept private and confidential according to the record retention requirements for health professionals in Ontario:

1. **For Adults:** 10 years after the date of the client's last visit.
2. **For Children:** 10 years after the date that the client turns 18 years of age.

If you would like to seek further private practice dietetic services, you can do so by going to the "Find a Dietitian" section of the Dietitians of Canada website, where you can search for Dietitians in your local area according to postal code: <http://www.dietitians.ca/Find-A-Dietitian/Search-FAD.aspx>

For general questions regarding healthy eating and nutrition issues, please feel free to contact EatRightOntario, a free dietitian telephone and email/website service. You can contact EatRightOntario by calling 1-877-510-5102 or visit their website at: www.Ontario.ca/Eatright

The College of Dietitians of Ontario has a record of where <RD's Name> records will be kept. If you need assistance accessing your chart you may contact the College at: www.cdo.on.ca

If you have any further questions or concerns, please don't hesitate to contact me.

Kind regards,

<insert name of the designated person responsible for the client health records>
<insert contact information for further questions>