



## College Statement

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Title	<b>Guidelines for patient record management on the discontinuation of practice</b>
Statement No.	<b>WPI-8</b>
Date of this document	<b>March 2007</b>
First endorsed by Council	<b>July 2001</b>
Next review due:	<b>March 2009</b>

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### Statement

Note: The following guidelines should be read in conjunction with the relevant privacy legislation (see references/links below).

#### 1. **GUIDELINES FOR THE MANAGEMENT OF PATIENT RECORDS ON THE SALE, TRANSFER OR CLOSURE OF A PRACTICE, AND ON THE RETIREMENT OR DEATH OF A FELLOW**

These guidelines apply 'to the management of records, in all formats or media, created or received by any public or private organisation in the conduct of its activities, or any individual with a duty to create and maintain records' [Reference: Australian Standard AS ISO 15489.1 - 2002 Information and documentation-Records management-Part 1: General.] (see also <http://www.standards.com.au>)

The following are general principles of good record management -

- Records should be kept securely and guarded against loss, unauthorised access or other misuse.
- A register of the location of patient records should be kept by the Fellow responsible for making the record.
- Where a copy of the medical record is provided to the patient, the Fellow should retain the original.

##### 1.1 **On the sale, transfer or closure of a practice**

When a Fellow either sells, transfers or closes his/her practice it is recommended that:

- (a) the records be transferred to the medical practitioner taking over the practice, who shall be responsible for the management of the records and
- (b) a notice be published in a newspaper, which covers the area in which the practice is located, advising that the practice is being transferred and that

records will be transferred to the Fellow taking over the practice unless other arrangements are made

or

- (c) Where the practice is not transferred, the Fellow should arrange for the records to be kept in a safe but accessible location. Where another medical practitioner takes over the records, it is essential that the Fellow transferring the records negotiates the inclusion of future ongoing access to the records, in the contract of sale of the practice. The contract should include access to the records by an executor or guardian, if appropriate.

## 1.2 On retirement of a Fellow

When a Fellow retires from practice, it is recommended that:

- (a) the Fellow contact his/her Medical Defence Organisation and ask if the Medical Defence Organisation (or relevant state or territory government) has any specific requirements. If there are none, then points b) to d) apply;
  - (b) the records be transferred to another Fellow or a nominated person (or data storage facility), who shall be responsible for the management of the records;
  - (c) the Fellow transferring the records negotiates continuing access to the records (a written agreement may be necessary) and
  - (d) a notice be published in a newspaper, which covers the area in which the practice is located, advising that the Fellow is retiring and that records will be transferred unless other arrangements are made
- or
- (e) where the practice is not transferred, the Fellow should arrange for the records to be kept in a safe but accessible location
  - (f) the Fellow advises the College of the arrangements made for the management and location of the medical records, (see Appendix A for form).

## 1.3 On the death of a Fellow

On the death of a Fellow, it is understood that the records form part of the deceased Fellow's estate. The executor must ensure that the records are kept securely for future access, for at least 12 months or until the estate is wound up (preferably within 12 months). It is recommended that the executor contact the Fellow's Medical Defence Organisation and ask if the Medical Defence Organisation (or relevant state or territory government) has any specific requirements. If there are none, then points below apply:

### 1.3.1 *Retired Fellows*

On the death of a retired Fellow, the executor should:

- (a) publish a notice in a local newspaper, which covers the area in which the Fellow last practised, advising that the Fellow has died and all records will be destroyed unless they are collected by individual patients by a nominated date. Where the practice was located in an urban area, consideration should be given to advertising in a daily newspaper.

### 1.3.2 *Practising Fellows*

When a practising Fellow dies, it is advisable that the executor of the estate notifies all patients undergoing a current course of treatment of the death of the Fellow. The executor should:

- (a) arrange for the records to be transferred to another medical practitioner (who may be taking over the practice, or practises in the same area), or a nominated person who shall be responsible for the management of the records. In the case of patients undergoing a current course of treatment agreement should be sought prior to the transfer of the records,
- (b) allow individual patients the opportunity to collect their own record. Future access to this record should be negotiated at the time of transfer.

## 2. GUIDELINES FOR THE DISPOSAL OF PATIENTS RECORDS

It is recommended that when records are destroyed that it is done in a manner so as to preserve the confidentiality of the records. The Fellow should be personally responsible for overseeing the disposal of the records, by one of the following means:

- (a) by shredding, or
- (b) incineration, or
- (c) by use of an authorised security disposal firm.

### References/Links

#### *Commonwealth of Australia*

The Office of the Federal Privacy Commissioner website provides information relating to privacy in Australia. This page consolidates the legislation, regulations, codes, determinations and guidelines, which affect private sector business, health service providers and Commonwealth and ACT government agencies <http://www.privacy.gov.au.html>.

#### *Australian States and Territories*

For information about the current laws relating to privacy in each state and territory, the following website has links to each state or territory <http://www.privacy.gov.au/links/index.html>.

#### *New Zealand*

Information relating to privacy laws in New Zealand can be found on the website of the Privacy Commissioner of New Zealand. It includes information relating to privacy, and has sections on *Privacy for the People* and *Health Information* <http://www.privacy.org.nz.html>.

#### *Australian Medical Association (AMA)*

AMA members have been provided with a copy of the AMA's Privacy Kit in the 19th November 2001 edition of Australian Medicine. Contained in the kit are proforma patient privacy information pamphlets and a waiting room privacy notice to assist practitioners with immediate privacy compliance, until they are in a position to develop their own privacy policy and documentation. Further supplementary material is available to members at the AMA website <http://www.ama.com.au.html>.

### Disclaimer

This college statement is intended to provide general advice to Practitioners. The statement should never be relied on as a substitute for proper assessment with respect to the particular circumstances of each case and the needs of each patient.

The statement has been prepared having regard to general circumstances. It is the responsibility of each Practitioner to have regard to the particular circumstances of each case, and the application of this statement in each case. In particular, clinical management must always be responsive to the needs of the individual patient and the particular circumstances of each case.

This College statement has been prepared having regard to the information available at the time of its preparation, and each Practitioner must have regard to relevant information, research or material which may have been published or become available subsequently.

Whilst the College endeavours to ensure that College statements are accurate and current at the time of their preparation, it takes no responsibility for matters arising from changed circumstances or information or material that may have become available after the date of the statements.

**ADVICE RE: ARRANGEMENTS MADE FOR  
MEDICAL RECORDS FOLLOWING RETIREMENT**

*(Form to accompany College Statement WPI-8: Guidelines for patient  
record management on the discontinuation of practice)*

<b>Details of Fellow retiring</b>	
<b>Fullname</b>	
<b>Address</b>	
<b>DOB</b>	
<b>Date of Retirement</b>	

<b>Contact details to access medical records</b>	
<b>Name of nominated person</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email</b>	

<b>Data storage facility location</b>

<b>Other arrangements (if any)</b>

Signed .....

Date .....