What to tell patients and how to manage clinical records when a PT leaves a clinic

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Start by consulting your employment contract to determine if there is an agreement on what procedure to follow when you leave the practice. If not, it may be helpful to come to an agreement on these details – before the situation arises.

A lawyer may be of assistance in outlining acceptable business practices from a legal perspective.

While the College does not have jurisdiction over business agreements from a public interest perspective, there are a few things to consider if you are leaving a private practice.

In College Bylaws, as part of the Code of Ethics - responsibilities to the client, it states: 
*Physical therapists shall consider the well-being of the client as their primary concern by respecting the client’s legal rights, dignity, needs, wishes and values.*

Presumably, respecting a client’s needs and wishes includes respecting his/her right to choose where they want to receive physical therapy treatment and who they want to provide that treatment.

In keeping with the Code of Ethics, where possible, patients should be advised in advance that his/her physical therapist is leaving the clinic.

Ideally, from a patient perspective, the patient should be given the option to choose whether to continue at the current clinic with a new physical therapist or to seek treatment elsewhere.

One option is to notify the patient that there will be a new physical therapist available to continue treatment, and if the patient declines that option and asks about the departing physical therapist’s new location, to provide the patient with the College contact information. The patient could be advised to call the College, or use the online database, to find the previous physical therapist’s new workplace details. Be sure to update workplace information in the College database if your workplace details change.

Keep in mind the power differential that exists between a physical therapist and the patient. If recommendations are made to follow the physical therapist to a new clinic, the
When a physical therapist departs from a clinic, the patient may feel compelled to do so, even if he/she would rather continue to receive treatment at the current clinic location.

Encouraging patients to move to the physical therapist’s new place of employment, during a patient’s treatment time, could be perceived by the patient as the physical therapist placing his/her financial interests ahead of the patient’s interests. The option of providing College contact information respects the patient’s right to choose, and keeps the focus on providing patient care during the appointment.

When a physical therapist leaves a clinic, there is often a question of whether the clinical records stay at the facility or clinic or whether they move with the physical therapist who compiled the records.

Again, the business contract should be consulted, as it may have information that clarifies the ownership rights to clinical records.

From a public interest perspective, the patient may need to access the clinical record in future, and would likely return to the facility or clinic where it was compiled to request a copy of the record. If the clinical records will be moving with the departing physical therapist, patients, as well as the College, should be advised where the records will be stored.

Keep in mind that privacy legislation in BC prevents using personal information for a purpose other than for the purpose it was originally collected for. This means that patient information, provided for the purpose of receiving physical therapy services at Clinic X, cannot be used for the purpose of soliciting business for Clinic Y, according to the Personal Information Protection Act. In order to make copies of a patient record to take to a new location, written consent from the patient is required.

With regard to clinical records, it’s especially important when a physical therapist works at a clinic owned by a non-physical therapist to ensure the employment contract sets out an agreement for enduring access to clinical records for the physical therapist and the patient, should the need for access arise in the future.

The physical therapist is responsible for retaining clinical records for 16 years from the date of last entry, or to the age of majority plus 16 years; and should be sure an agreement (preferably in writing) has been reached to guarantee enduring access for the physical therapist or patient for the duration of the retention period.

Most physical therapists will change clinics at some point in their career, which makes these important topics to address with employers. Ideally, these details will be addressed at the point of hire when the contract is negotiated, and when it could be reviewed by a lawyer to ensure that professional and contractual obligations don’t
conflict. If you already have a signed employment contract, take a look at the details of
the contract to determine if there is a gap regarding procedures when you leave the
clinic. If so, now might be the time to work towards an agreement on how patients will
be notified, and ensuring enduring access to clinical records for you and your patients.

In the end, the patient deserves the right to choose who they want to see for physical
therapy services, and where they want to access services. Some patients will choose to
stay at the current clinic, while others will prefer to follow the departing physical
therapist to the new location. From the patient’s perspective, both options should be
available.