College of Veterinarians of British Columbia

February 14, 2025

Important Information Regarding Possible Bylaw Infractions

There has been an increase in the number of questions and complaints received by the CVBC regarding registrant requirements around medical record transfers and advertising activities.

Registrants are reminded that:

1. **Maintenance of complete patient medical records** and **timely transfer** of the records are mandated in the bylaws and Professional Practice Standards.

   Key facts to keep in mind:

   - Up-to-date medical records are critical for ensuring continuity of care of patients within your practice facility and also when the patient's care is transferred to another facility.
   - Timely responses to medical record transfer requests should be a priority.
   - Continuity of patient care should **not** be compromised because of a practice policy that requires your staff to get registrant permission for records releases, causing undue delay in their transfer.
   - Where a patient's information is required immediately by another registrant and where an immediate records transfer is not possible, the registrant is expected to make themselves available to discuss the patient's relevant medical history with the newly-involved registrant.

2. **Advertising** is addressed in Part 4 of the bylaws and in a Professional Practice Standard as explained in more detail below, but in brief summary:
   - All forms of public communication that a practice or facility engages in are subject to these bylaws and standards, including websites and social media postings.
   - The most commonly identified breaches of the bylaws and standard are:
     i. posting of client testimonials on websites/social media; and
     ii. use of language claiming or implying superiority.
   - Registrants are required to ensure any advertising and marketing activities that they engage in are in compliance with the advertising bylaws and Professional Practice Standard.

The following additional information and resources will assist you and your team in your compliance with the requirements of the CVBC bylaws and Professional Practice Standards.

Medical Records

The responsibilities of registrants regarding security of client and patient information, authorization for disclosure, and timely transfers of information are established in Part 4 of the CVBC Bylaws (Division 4.5) and also in the *Professional Practice Standard: Medical Record Keeping* and the *Guide* to the medical record standards.

For a full appreciation of the responsibilities regarding medical record security and disclosure, registrants should review all of the above materials, but here are some key points from the bylaws:

- The current client has sole authority to authorize disclosure of the patient's medical information, except in extenuating circumstances identified in section 249(4) *[Bylaws Part 4, s. 248(1)]*
- A client's authorization for disclosure can be conveyed directly by them either verbally or in writing, or they may have an agent convey their authorization for disclosure *[Bylaws, s. 248(2)]*
- Once a disclosure request is received, the registrant has an obligation to fulfill the request without undue delay *[Bylaws, s. 248(3)]*

In light of these requirements, registrants are recommended to keep the following in mind:

- When a request for a medical record transfer is received, the registrant should satisfy themselves that the request has been authorized by the client-of-record

  For example, by confirming the full name of the requesting client with whomever is conveying the request (ie. "Ms. Jane Smith has made an appointment for her dog, Rocky, and has authorized us to request a transfer of Rocky's medical record from your clinic" vs. "Rocky Smith has an appointment booked with us – could you please transfer his record?" – *in the second example, note that no client information has been provided)*)

- Quite often the "agent" conveying a client's authorization is another registrant/ practice facility
  - The 'Assumption of Care' bylaws (Part 4, section 218) provide further guidance to registrants in these scenarios by identifying the respective responsibilities and duties of both the '**previously-involved**' and the '**newly-involved**' registrants with regard to exchange of patient information for the purposes of achieving continuity of care and best possible outcome for the patient. Of note, this section establishes that:
    - the onus is on the 'newly-involved registrant' to acquire consent from the client to request medical records from the previously-involved registrant, and that the previously-involved registrant must provide the patient medical records when the newly-involved registrant requests them (i.e. the previously-involved registrant can reasonably accept that if the newly-involved registrant has requested the records, they are doing so with the proper authority of their mutual client); and
    - there is an expectation for exchange of relevant patient information (through dialogue between the newly-involved and the previously-involved registrants) which is an entirely separate obligation from that in respect of transfers of medical records.
  - If you are not satisfied that the person relaying the disclosure request is acting with the proper authority of your client, it is <u>your</u> responsibility to take appropriate steps (<u>without undue delay that could compromise the well-being of the patient</u>) to verify the request with your client, to ensure that the request (if legitimate) can be fulfilled in a timely manner.
- Registrants are not permitted to withhold information critical to patient care because of an outstanding bill.

In summary:

- Every registrant is responsible for creating and maintaining current medical records for each patient, and ensuring that the medical information included in those records is accurate, complete, comprehensible and appropriately detailed.
- Every registrant is also responsible for ensuring that requests for medical record transfers are responded to without undue delay, to facilitate that continuity of care
- Timely responses to medical record transfer requests must be prioritized.
    - Continuity of patient care must not be compromised because of an internal policy that causes any undue delay to their transfer such as one that requires your staff to get registrant permission for records releases, nor because of any other systemic internal issue that results in medical records not being ready for timely transfer upon request. It is the Designated Registrant's responsibility to establish clinic protocols and provide appropriate training to staff to ensure that transfer requests can be fulfilled promptly without compromising responsibilities regarding medical record security.
- Training of staff for responding to a request for a medical record transfer should focus on:
    1. what steps staff should take to confirm that the transfer request has been authorized by your client (the owner of the information in the medical record) – i.e. what information should they be requesting to be able to confirm that the person who has authorized the other facility to request the records *is* the owner of the records that are on file at your facility?
    2. What are the appropriate steps to fulfill the request without any undue delay that could compromise the well-being of the patient.

Advertising

The requirements regarding veterinarian and practice facility advertising and marketing activities are established in the CVBC bylaws (Part 4, Division 4.4) and elaborated upon within the *Professional Practice Standard: Advertising* and the accompanying *Guide* to the Standard. An article was also posted on the CVBC's blog "Regulatory FAQ" in December 2022 ("Advertising Do's and Don'ts"). Every registrant is responsible for ensuring their familiarity and compliance with the CVBC's regulations.

The Professional Practice Standard: Advertising includes the following definitions:

- **Marketing:** In very general terms, marketing is the activity of promoting one's services to members of the general public or any segment of the public.
  Examples of marketing include (but are not limited to) advertising (see below), making public appearances, issuing press releases, participating in directory listings, and distributing brochures and business cards.
- **Advertising:** Advertising is a mode of marketing that might be defined as any message communicated in any public medium (print, internet, television, radio, etc.) that is used for the purpose of promoting a registrant's professional services, goods, practice, or image.

Registrants must always conduct themselves and carry out their professional activities, including advertising and marketing activities, in compliance with the *Veterinarians Act*, and the CVBC's bylaws and standards. This applies equally to Designated Registrants regarding their practice/ practice facility's advertising and marketing, and to individual registrants engaging in activities that fall within the sphere of advertising and marketing.

As a first-line response when the CVBC becomes aware of issues of non-compliance with the advertising requirements, CVBC staff will reach out to the responsible registrant with direction for corrections to be made. Should a registrant fail to make necessary corrections to their advertising, the matter may be referred to the Investigation Committee.