

True or False: Debunking the Legislation – May 2024

It can be challenging to decipher legislation at times, and there are often gray areas where legislation is concerned. If you have questions about the legislation or want advice regarding your practice, please feel free to reach out to the College at info@manitobaphysio.com and we are happy to support you.

Let's look at some common issues and see if you would consider this statement to be True or False:

I can provide Virtual Care/Telerehab to patients in another province with my Manitoba license.

False. As virtual care has become more prevalent in the past few years, the topic of licensing to provide these services has been reviewed by Regulators across Canada. The current Memorandum of Understanding states that a physiotherapist must be registered both in the province where they are practicing from as well as in the province where the patient resides to provide virtual care. It would be the physiotherapist's responsibility to contact the provincial College in the province where the care is to be provided to discuss the licensing requirements. However, if a patient from Manitoba was to leave the province temporarily, a Manitoba physiotherapist could continue to provide ongoing care through virtual means. For example, a patient goes to their cabin in Ontario for three weeks. This exception only applies to care within Canada and must only be related to a time-limited absence.

As a contracted employee at a private clinic, I can take my patient files with me if I chose to leave the clinic and practice elsewhere.

This is not a clear yes or no answer unfortunately. This would depend on the contents of the contract you signed with the clinic owner.

The answer would be **Yes** if the physiotherapist included includes that they are the trustee of the physiotherapy charts for patients in their care in the contract. The expectation is the physiotherapist would take the chart information with them when leaving the clinic. The physiotherapist, as the trustee, would be responsible for safe transportation, storage, retention and disposal of the patient chart information. The physiotherapist would also be responsible for ensuring all patients are aware of the location of their personal health information and how to access the information if required.

The answer would be **No** if the physiotherapist did not clarify in their contract that they are the trustee of the personal health information. The clinic owner would be the trustee and would maintain the physiotherapy charts. The physiotherapist would need to ensure that the owner, if they are not a physiotherapist, is aware of the requirements for retention of patient information for physiotherapy records as outlined in legislation. If the physiotherapist wanted to contact patients to let them know they are leaving the clinic in this situation, they would need to post this information in the clinic, or the trustee (the clinic owner) would need to get consent from the physiotherapist's patients to release contact information to the physiotherapist. Releasing information such as a list of names, emails and phone numbers is considered a release of personal information and would

require the patient's consent. This may be an item to consider when reviewing or discussing a contract with future employers.