

True or False: Debunking the Legislation

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.