



MDs still confused about patient access to medical records

A 1992 Supreme Court has had a dramatic impact on medical practice. Or has it? Today, more than 5 years after the ruling, it is obvious that many physicians remain confused, ill informed or even unaware of its relevance to their practices.

In *McInerney v. MacDonald* the court stated that “in the absence of legislation, a patient is entitled, upon request, to examine and copy all information in her medical records which the physician considered in administering advice or treatment, including records prepared by other doctors that the physician may have received. . . . The patient is not entitled to the records themselves. The physical medical records belong to the doctor.”

The precedent-setting implications disturbed many physicians, and in December 1992 the CMA responded with a policy statement, The medical record: confidentiality, access and disclosure (CMAJ 1992;147:1860A).

But have things really changed? In Nova Scotia, some consultants still send reports stamped with a warning that they cannot be released to a pa-

tient or third party without permission. In fact, if the report resulted from a referral made by an FP, this kind of warning is inappropriate. Some FPs continue to believe that they cannot release copies of consultation reports and that the same rule applies to x-ray film and other re-

“physicians cannot ignore the request”

ports from within hospitals. Both stances ignore the 1992 ruling, which decreed that, except in cases where there is potential for harm to the patient or third parties, patients have a right to their *complete* medical record. (A reasonable copying fee may be charged.)

Some physicians also refuse to forward information to a lawyer or health professional after a patient requests this. In both cases physicians cannot ignore the request if they have received proper authorization. Even if physicians have reservations about releasing information to another professional, such as an optometrist or chi-

ropractor, the Canadian Medical Protective Association (CMPA) says they should fulfil the request. In Nova Scotia, some doctors have responded by sending the information directly to the patient.

The legal and ethical issues surrounding medical records have created new challenges. Requests for copies have jumped dramatically and this has increased the demands on office staff, especially when a physician leaves a group practice or moves to a new location.

Physicians must be careful: some give patients their original charts rather than copies, even though the CMPA warns that original records should be retained for at least 10 years after an adult patient moves to another practice. (A different rule applies to children.)

McInerney v. MacDonald has indeed changed the way physicians deal with their records, but the ruling is still causing considerable confusion. The only solution appears to be better education. — © *Dorothy Grant*, coordinator of patient Affairs, Medical Society of Nova Scotia

Cool site

www.rad.washington.edu/

Although several radiology archives are available on the Internet, the University of Washington Radiology Webserver is unique because of its clarity and the CME credits it provides. Originally designed for radiologists, this site's contents have been expanded so that anyone with an interest in radiology will find it useful. Its films are weighted toward musculoskeletal radiology, and

trauma and sports medicine. It also contains a growing number of pulmonary cases. The opening page links to the main teaching file, which has cases listed by anatomic area and pathologic diagnosis. There are also pediatric ER cases and neonatology cases, and as in any good radiology department a Case of the Week is often posted. Images include plain film and ultrasound, and results of CT and MRI scans. Cases are presented in question-and-answer format, and users can examine the initial film, formulate a differential diagnosis and then see

further studies. The Anatomy Teaching Modules are a collection of normal films with a twist — you can click on any part of the radiograph to identify the structure. There is also an Online Muscle Atlas containing quality illustrations of the muscles and bones of the lower limbs. This site will be of particular interest to radiologists, radiology residents, surgeons and anyone else who would like to gain a better understanding of radiology. Visit the site for details on CME credits. — Dr. *Robert Patterson*, robpaterson@msn.com