

RISK MANAGEMENT & MEDICAL RECORDS



1. How long do I keep my medical records?

In Western Australia the requirement is as follows:

- For an adult: 10 years from the date of the last consultation.
- For a child: until the child reaches the age of 30 years.

Since the Limitation Act 2005 came into effect on 15 November 2005, in WA, the general periods above are appropriate. However, there are circumstances where an application can be made for an extension of time within which to commence legal proceedings. You should note different times apply for persons with a mental disability. If you have patients with a mental disability and you are considering destroying their medical records, you are advised to contact your MDO, but indefinite retention is recommended. Some doctors, who have the capacity, choose to keep their records indefinitely. Clearly this can be an administrative and financial burden.

The logical solution is to systematically cull the records of patients within a risk management framework, retaining those, which from your perspective, may potentially be medico legally problematical. Such records may include patients at risk of long term recurrence, such as breast cancer, motor vehicle accident, work place injury etc.

2. Managing record destruction or transfer

In transferring or destroying a patient record you should maintain a register which includes:

- The name of the person to whom the record relates
- The period of time covered by the record
- The date it was destroyed, or
- The entity to which it was transferred and date
- Place a notice in the public notice of the West, ideally in the Saturday edition advising that:
 - (a) you are reviewing records of patients last seen on a particular date with a view to destroying the notes.
 - (b) Patients wishing to have their notes transferred or to retain the record should contact the practice in writing providing their full contact details and stipulating their preference.
 - (c) Give patients six months from the publication date of the notice to respond stating that the records will then be destroyed.

You may then proceed to destroy the records which you are not ethically/legally obliged to retain. You should try to obtain a certificate of destruction as a further protection and keep the certificate and the public notices advertisement as proof and part of your risk management audit trail.

You may wish to consider MobileShred for your confidential document destruction. There are others of course, but the beauty of this service is they come to you with an industrial shredder that will shred your records and charge by the bail, which is very cost effective. They can be contacted on 9248 4600.