



College of
TRADITIONAL
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PRACTITIONERS +
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Practice Guidance: Leaving a Practice Setting

The College often receives enquiries about what registrants should do when leaving a practice setting. Most often, these enquiries are related to:

- a change of practice location
- temporary hiatus from practice (change of registration to non-practicing),
- retirement and/or death of a registrant and,
- contractual obligations

While the College does not have jurisdiction over business agreements from a public interest perspective (i.e. contractual obligations), it does have required steps that registrants must follow when planning to leave or transition from a practice, related to the scenarios above.

What is required?

There are a number of required steps that registrants must take when planning to leave or transition from a practice. Page 45 of the [Jurisprudence handbook](#) addresses what's required for the maintenance or transference of patient records upon leaving or retiring from practice, and the College bylaws describe the notification responsibilities of registrants to the College related to change of address and/or registration status.

In terms of records management, registrants must follow the requirements as outlined in section 4. Closing Practice/Leaving/Resignation under the Management of Records portion of the College's [Practice Standard on Clinical Record Keeping](#).

Step 1: Review the Employment Contract (if applicable)

Although the College does not have jurisdiction over business agreements (i.e. contractual obligations), registrants are expected to engage in ethical and responsible business practices for the safe delivery of TCM/A services. Contracts often include specific conditions and procedures upon leaving a practice around custodianship of records, non-solicitation, and/or non-competition agreements, etc. Knowing and understanding the contractual obligations in advance of a registrant's departure from practice can make for a smoother transition for all.

Practice Note: At the onset of practice at a new location where a registrant is not the sole operator (i.e. will be providing services as part of a group setting/practice), they should address questions about contracts to the practice owner and/or in consultation with a lawyer to ensure the contract contains acceptable business practices, and that their professional College and contractual obligations do not conflict.



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Helpful points to consider when formalising a contract are:

- what the registrant can tell the patient about where they are going when they move to another place of employment?
- where will the clinical records be kept and who the custodian will be?
- how will patients be informed if records will become the property of the registrant when they leave?
- if the clinical records will remain at the clinic, what agreement is in place with the clinic owner to ensure enduring access to those records for both the registrant and the patient for the duration of the retention period?

Step 2: Patient Notification

When a registrant is the custodian of the patient record, they have additional notification obligations and must notify *all* patients if they intend to transfer custody of the patient record.⁹ In cases where the patient is incapable, the registrant must notify the patient's substitute decision-maker.

As stated in the College's [Practice Standard on Clinical Record Keeping](#):

Registrants who intend to close their practice, resign, or leave an existing practice must provide his/her patients with notification of practice closure or restrictions as soon as possible after it becomes apparent that they will be leaving or restricting practice, in order to allow patients an opportunity to find another practitioner. They must also assist with the transfer of patient care to another provider.

Acceptable methods of notification are:

- 1) In person, at a scheduled appointment;
- 2) Letter to the patient; and/or
- 3) Telephone call to the patient.

The registrant may also wish to use include the following supplementary methods of notification:

- Printed notice, posted in the office in a place that is accessible even when the office is closed;
- Newspaper advertisement; and/or
- Recorded message on the office answering machine

It is recommended, when possible, that registrants provide at least three months notice to patients, or as early as possible, to ensure that patients have ample time to make alternate arrangements.



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When notifying patients of leaving practice, registrant must include:

- a. The date of the departure;
- b. Whether a successor is taking over part or all of the practice, and options for patients if no successor is available or they do not choose to continue with the planned successor and;
- c. Information about how to access or request transfer of their patient record including whether or not records are being transferred to another person or entity.

Practice Note: When an employment contract to which a registrant is bound includes a non-solicitation clause (i.e. they are not allowed to let patients know where they are moving to), and a patient declines the option to see a new practitioner requesting instead to know the new location of where the registrant will be moving, the patient can be provided with the College's contact information. The patient then can either call the College or use the [online directory](#) to find the registrant's new workplace details. It is therefore imperative that registrants keep their contact information up to date in the College database.

Step 3: Clinical Records Maintenance

According to the College bylaws, patient files must be kept for at least 10 years following the last interaction with the patient. If the patient is a minor, then the patient file must be kept for 10 years following the patient's nineteenth birthday.

The College's [Practice Standard on Clinical Record Keeping](#), states that if a registrant intends to close their practice, they must take reasonable steps to give appropriate notice of the intended closure to each patient for whom the registrant has primary responsibility to:

- i. ensure that each patient's records are transferred to the registrant's successor or to another registrant, if the patient so requests; or
- ii. ensure that each patient's records are retained or disposed in a secure manner

Practice Note: When managing and/or transferring clinical records, registrants **must** follow the stipulations set out in the [Personal Information Protection Act](#) as well as in the College bylaws. If the original records are to be transferred to another registrant, the registrant must provide notice to the College and a written summary of the steps taken to transfer the records.

Step 4: College Notification

Registrants must immediately notify the College of any change of address, or changes in any other registration information previously provided to the Registrar. If a registrant wishes to have their status or title changed (e.g., from a practicing to a non-practicing registrant) must submit a separate



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application in respect to the status or title of registration applying for with all the required documents and fees.¹

In the event of practice closure, the registrant must notify the College of the location of patient records and how patients may access these records.

Step 5: Notifying Others of Practice Closures

Registrants should use their professional judgement to determine whether other healthcare providers involved in the patient's care should receive written notification of their practice closure to ensure proper continuity of care.

Practical Applications and Scenarios: Clinical Records

A. Ownership: Who is responsible for the clinical record?

Scenario 1: When a registrant leaves a practice setting

When a registrant leaves a clinic/practice setting or group practice, there are often questions of whether the clinical records stay at the clinic/practice setting or whether they move with the registrant who compiled the records. Ideally, the employment contract should include information that clarifies the ownership rights to clinical records. From a public interest perspective, a patient may need to access the clinical record in future and would likely return to the clinic where it was compiled to request a copy of the record. If the clinical records will be moving with the departing registrant, patients should be advised where the records will be stored. If the clinical records will be staying with the clinic, the registrant is responsible to ensure that those client records will not be abandoned in the future. An agreement in writing with the clinic would assist the registrant in meeting their obligations in this regard.

When there is no written agreement in place, disputes over clinical record ownership between registrants and owners of a practice/group setting may occur. In the event of disputes, registrants may consider the following approaches:

- request full access to the clinical records after termination/disruption/closing of practice to fulfill their professional obligations. This may include an in person visit to the practice location;
- keep the clinical records and give full access to the previous clinic to fulfil their professional obligations;

¹ Additional information and the "Registration Cancellation Request Form for Full or Non-Practising Registrant Form" can be accessed on the [College's website](http://ctcma.bc.ca).



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- create a copy of the original clinical records, leaving the originals with the clinic. This may involve photocopying or creating electronic copies of the records.

Practice Note: Regardless of who is acting as custodian of patient clinical records, patients must be informed of where their records are located, and how they may access them. Registrants who find themselves in disputes with clinic owners regarding custody of records and/or other business arrangement issues, should seek appropriate legal advice .

Scenario 2: When a registrant closes a practice or leaves the profession/retiring

When a registrant closes a practice, retires, or leaves the profession, they are still responsible for appropriately storing their patients' clinical records for the required number of years (10 years following the last interaction with the patient unless the patient is a minor, then the patient file must be kept for 10 years following the patient's nineteenth birthday). The College [Practice Standard on Clinical Record Keeping](#) describes the options for registrants in this situation, which are:

- ensure that each patient's records are transferred to the registrant's successor or to another registrant, if the patient so requests; or
- ensure that each patient's records are retained or disposed in a secure manner

Reminder: When managing and/or transferring clinical records, registrants **must** follow the stipulations set out in the [Personal Information Protection Act](#) as well as in the College bylaws. If the original records are to be transferred to another registrant, the registrant must provide notice to the College and a written summary of the steps taken to transfer the records.

B. Access: How will access to the clinical records be affected?

Unless a registrant is working alone or is the sole business owner (i.e. is the designated custodian of the clinical records), registrants should ensure that the employment contract sets out an agreement for enduring access to clinical records for both the registrant and the patient. This is especially important when a registrant works at a clinic owned by a non-registrant, as the owner may be unaware of the requirements. An agreement (preferably in writing) must be reached to ensure enduring access for the duration of the retention period . If the clinical records are electronic, registrants may need to involve the service provider to confirm how enduring access will be possible not only when they leave the practice but also if there are changes made to service providers.

If a registrant is closing a practice, retiring, or leaving the profession, there must always be arrangements made for patients to have future access to the records if required, and the College must be made aware of what those arrangements are.



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C. Privacy: How are patient clinical records protected?

Privacy legislation in BC prevents the use of personal information for a purpose other than that for which it was originally collected. This means that patient information provided for the purpose of receiving treatment at Clinic X cannot be used for the purpose of soliciting business for Clinic Y as stated in the [Personal Information Protection Act](#). In order to make copies of a

patient's clinical record to take to a new location, written consent from the patient is required. This applies to a patient's home contact information also.

Useful links and resources:

Adapted from CPTBC Leaving or Closing a Physical Therapy Job or Practice [Leaving or Closing a Physical Therapy Job or Practice – CPTBC – College of Physical Therapists of British Columbia](#)

[Clinical Record Keeping \(ctcma.bc.ca\)](http://ctcma.bc.ca)

[Practice-Standard-on-Ethical-Practice-and-Professional-Accountability.pdf \(ctcma.bc.ca\)](#)

<https://www.ctcma.bc.ca/wp-content/uploads/2023/03/media/1063/jurisprudence-handbook-en-web.pdf>

Closure of Practice (Pg.21-23) [Record-Keeping Guideline \(ctcmpao.on.ca\)](#)