

POLICY ON RECORDS AND RECORD KEEPING

The College of Midwives of BC's (CMBC) role regarding records retention is to ensure that registrants are aware of, and compliant with, laws and legal matters that affect them as a regulated health professional.

1. Midwives will keep standardised records of care provided for each client as prescribed by CMBC. The midwife will utilise the following Provincial Perinatal Forms¹ for this purpose:
 - Antenatal Record 1 & 2 (PSBC 1582)
 - Labour Admission and Partogram (PSBC 1583) or an alternate partogram used by the hospital where the midwife has privileges
 - Birth Summary Record (PSBC 1588)
 - Newborn Record 1 & 2 (PSBC 1583A)

In addition to the above forms, the midwife will keep all records of postpartum care and any other records such as encounter notes and checklists that pertain to client care that may be required by law or by CMBC.

2. Records will be maintained in a confidential and secure manner for the period of time required by the *Health Professions Act*, the *Personal Information Protection Act* and the *Bylaws for the College of Midwives*. As required by the *Limitations Act* and stated in bylaw 80(1), all records of midwifery care shall be retained for a period of twenty-one (21) years.
3. In the interests of promoting and maintaining informed choice, the midwife must make the midwifery care records available to the client on request.
4. Midwives are required to provide a copy of the complete midwifery record within thirty (30) days to the client upon request.
5. Midwives are required to transfer a copy of the complete midwifery record to another registrant or health care practitioner upon request by the client.
6. Midwives may, for the purpose of providing or assisting in the provision of health care to a client that becomes high risk or in an emergency, permit a health professional to examine the client health record or give a health professional any information contained in the record without the consent of the client.
7. With client consent, midwives are required to submit copies of the Provincial Perinatal Forms listed in point 1 above for the purposes of perinatal data collection and analysis to the BC Perinatal Data Registry or alternate agency designated by CMBC, and to comply with other data collection requirements set by CMBC.

¹ These forms may be obtained from the Perinatal Services BC or from your local hospital.

8. Midwives are required to make records of care available to an inspector or a quality assurance assessor for CMBC under sections 26.1, 27, 28, 29, and 30 of the *Health Professions Act*.
9. Records should be legible and filed in a suitable systematic manner in either paper or electronic format².
10. If client records containing personal information are stolen or lost, the midwife must notify CMBC and the midwifery practice's privacy officer immediately, as well as file a police report and notify the Office of the Information and Privacy Commissioner (OIPC). The midwife should also notify the individual(s) whose personal information has been stolen or lost, telling them the kind of information that has been compromised and steps that are being taken to recover it. (See *Personal Information Protection Act Requirements*). The Midwives Protection Program also requests that they be notified.
11. When a midwife resigns or ceases to practice in British Columbia, the midwife must ensure that all original retained records of clinical care are: a) transferred to another registered member who is practicing midwifery in British Columbia, ideally in the same community; b) stored electronically or in paper format in a secure and accessible location as per the time period outlined above. CMBC must be notified as to the secure location of those records. This includes midwives who move to another province or territory to practice. Refer to the *Guide for Record Keeping, Storage and Retention* for how records should be transferred or stored.
12. Original records are considered the best evidence in the case of a complaint or a lawsuit; midwives may want to consider retaining original client records for any case where an incident report has been filed or a complaint has been made. Likewise, if the image quality compromises the legibility of the client record, then an original paper copy of the record should be kept.

The *Health Professions Act* gives authority to CMBC to investigate and take action against both current and former registrants. Therefore non-practising and former registrants are obligated to comply with this legislation during active practice and after.

13. When transferring original retained records to another registrant the receiving registrant must confirm acceptance of custody of those records in writing. The registrant transferring the records must ensure the transfer of records is secure and must retain documentation of this transfer. The registrant receiving the records has responsibility for the secure storage and retention of those records, and legal access to those records, as required by the *Health Professions Act*, the *Personal Information Protection Act* and the *Bylaws for the College of Midwives*.
14. Midwives have a responsibility to ensure that records are properly disposed of **only after** retaining those records for the required period of twenty-one (21) years. For information on the manner in which to dispose records³, see Bylaw 81.

² Records may be retained in electronic form as long as the electronic record is complete, permanent and unalterable.

³ Current information for disposing of electronic records stored on a laptop, CD-ROM, memory stick can be obtained from the Office of the Information and Privacy Commissioner (OIPC).

15. Registrants who fail to retain, secure or make arrangements to appropriately transfer records and provide proper storage risk being found in breach of professional standards.

Record storage can be expensive and registrants should be factoring the cost of storage and destruction of medical records into business and retirement planning.