



Information about the Release and Transfer of Records for Dentists

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Information about the Release and Transfer of Records for Dentists

Are patients entitled to copies of their dental records?

Yes. Patients have the right of access to copies of any or all of their dental records. If a patient and/or authorized representative requests a copy of the patient's complete file (chart records, radiographs, referral slips, study models, photographs, correspondence etc.), this information must be provided. The request for dental records does not have to originate from another dental office, and dentists can provide copies of dental records to their patients directly if requested. The requests made by patients and the release of dental records should be documented in the patients' records.

Practice Advisory on Release and Transfer of Patient Records ▶

(Aug 2007)

Can I provide copies of dental records to my patient's new dentist?

Yes, if the patient has consented to the release of the records. In most cases the patient's new dentist will have provided a request for records that the patient has signed. If there is any doubt about what the patient has consented for you to release, you should contact the patient or the new dentist for clarification. If you are referring a patient to another dentist, it is easy to obtain the patient's consent in advance for the release of records and the disclosure of personal health information, such as may be required in a referral form or report.

Can the patient pick up copies of their dental records or have them sent to their home?

Yes, the patient can pick up copies of their dental records from your office or request that they be forwarded by registered mail or courier to their home. If the patient picks up the records, most dentists will have the patient sign in the patient's record that they have received them. If someone else arrives to pick up the patient's records from your office, you should ensure that you have the patient's consent to release them to this person. The patient can indicate this in advance with their signed consent.

Release and Transfer of Records ▶

(Dispatch article February/March 2011. Pg. 28)

Can I give my patients their original dental radiographs or study models?

Dentists are required by law to keep records. Patients are entitled to diagnostic quality duplicate radiographs on film, photographic paper or appropriate digital formats. Patients are also entitled to duplicate study models or equivalent diagnostic quality digital images of them. Digital images can be provided on removable media or by secure e-mail with strong encryption.

Can I charge the patient for the release of dental records?

While many dentists will provide copies of dental records at no charge as a courtesy to their patients, a dentist can charge a patient a fee that is consistent with the direct costs incurred in duplicating and releasing them. This may include out-of-pocket expenses such as mailing costs, charges from a dental laboratory or radiograph duplicating facility, and materials costs. It is not considered appropriate to charge an administrative fee for the dental staff's time.

Can a patient request copies of the dental records for his/her spouse and/or children?

In most cases, a parent can request and obtain copies of the dental records for children who are under the age of 16 years. While a patient may request copies of the dental records for a spouse or a child aged 16 years and over, the dentist will require the consent of these individuals to release their records to someone other than themselves.

What would be considered a reasonable time frame for the release of dental records?

In general, it is the College's view that the release and transfer of dental records should be accomplished within one to two weeks of receipt of the request from the patient. Whether this is possible may depend on the number and type of dental records that have been requested and whether the services of an outside duplication facility (for dental radiographs and study models) are required.

Practice Advisory on Release and Transfer of Patient Records ▶

(Aug 2007)

Can I withhold the release of dental records because a patient did not settle his/her account?

No. It is unacceptable to withhold the transfer of records because of an outstanding account balance. This is a separate business issue that can be addressed according to the office's collection policies and protocols. College regulations must be followed, regardless of a financial dispute between a patient and a dentist.

My associate is leaving the practice and some of my patients are asking for their dental records to be released to the associate at his/her new practice location. Do I have to release them?

Disputes between practitioners and changes in business arrangements should not hinder patients' access to the personal health information in the dental records that is needed for their ongoing dental care. In most cases (unless otherwise agreed to in writing), principal dentists retain the patients' original dental records and must provide copies of the records to former associates as requested and consented to by the patients.

I have just received a request for copies of dental records from a dentist/independent dental hygienist. Do I have to provide them?

Yes, if the patient has consented to the release of the records. Patients are entitled to seek care with other dental health care providers and dentists must provide copies of the dental records as requested by the patients.

Are there any circumstances where original dental records can be released?

If original dental records are required for a coroner's investigation, they can be released. The College advises asking for a document entitled "Coroner's Authority to Seize During an Investigation"; if one cannot be provided, then the dentist should document the request and the official to whom the dental records have been provided and retain copies of the dental records.

If dental records are required for urgently needed dental treatment at another dental practice and it is not possible to make duplicates in time for the appointment, a dentist may lend original dental records to another dentist at the patient's request. In such cases, the original dental records should be sent directly from dentist to dentist by courier and, after consultation and treatment, the original dental records should be returned to the dentist who has lent them. The dentist who has lent the original dental records should document the patient's consent for this, as well as their subsequent return.

Duty to share original records, during coroner's investigations ▶
(Dispatch May/June 2012. Pg. 10)

What happens if the request for patient records comes from a family member of a deceased patient?

The dentist needs to determine who is legally authorized to consent to the release of the patient's personal health information. Under Ontario's Personal Health Information Protection Act, the authorized person is the deceased's estate trustee or the person who has assumed responsibility for the administration of the deceased's estate. It may be helpful for dentists to retain a copy of documentation attesting to that person's signed consent to the release of information to the patient's family in the patient's record.

Release of Dental Records for Deceased or Missing Patients ▶

(Dispatch Article May/June 2015. Pg. 14)

What happens if the request for patient records comes from the police?

During the course of a missing person or criminal investigation, the Ontario Provincial Police may legally require a dentist to surrender dental records to them by producing a search warrant issued by a judge or a justice of the peace. Health information custodians may also disclose personal health information to police without a warrant in limited circumstances outlined in PHIPA.

Release of Dental Records for Deceased or Missing Patients ▶

(Dispatch Article May/June 2015. Pg. 14)
