

The Rules of Records by Grant Miller, DVM, CVMA Director of Regulatory Affairs

Answers to the most commonly asked questions regarding California laws and regulations pertaining to medical record content, keeping, and transfer.

What has to be in a record? The law requires that the following be recorded in the patient medical record: (a) Every veterinarian performing any act requiring a license pursuant to the provisions of Chapter 11, Division 2, of the code, upon any animal or group of animals shall prepare a legible, written, or computer-generated record concerning the animal or animals which shall contain the following information:

1. Name or initials of the person responsible for entries.
2. Name, address, and phone number of the client.
3. Name or identity of the animal, herd, or flock.
4. Age, sex, breed, species, and color of the animal (except for herds or flocks).
5. Dates (beginning and ending) of custody of the animal, if applicable.
6. A history or pertinent information as it pertains to each animal, herd, or flock's medical status.
7. Data, including that obtained by instrumentation, from the physical examination.
8. Treatment and intended treatment plan including medications, dosages, route of administration, and frequency of use.
9. Records for surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agents used, their route of administration, and their strength, if available in more than one strength.
10. Diagnosis or assessment prior to performing a treatment or procedure.
11. If relevant, a prognosis of the animal's condition.
12. All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.
13. Daily progress, if relevant, and disposition of the case.

If a client asks for a copy of their medical record, what are my legal obligations? According to the California Code of Regulations, veterinarians must provide clients with a summary of their animal's record upon request. The record summary must include:

1. The name and address of the client and animal.
2. The age, sex, breed, species, and color of the animal.
3. A history or pertinent information as it pertains to each animal's medical status.

4. Data, including that obtained by instrumentation, from the physical examination.
5. Treatment and intended treatment plan, including medications, dosage, and frequency of use.
6. All medications and treatments prescribed and dispensed, including strength, dosage, route of administration, quantity, and frequency of use.
7. Daily progress, if relevant, and disposition of the case.

The Veterinary Medical Board has determined that a copy of the medical record is also acceptable, as long as it contains all of the components above. Practices must comply with client medical record requests within five days or sooner, depending on the condition of the animal.

Can I charge for the record summary? The Veterinary Medical Board has determined that practices may charge a reasonable fee for record summary preparation, including staff time, reproduction costs, and postage.

Can I withhold a medical record if the client owes me money? No.

How long do I have to keep records? Records must be maintained for a minimum of three years after the animal's last visit.

Can I release a record to another veterinary practice that calls and asks for it? Medical records may be released either directly to the client, or to a third party upon client consent. The CVMA recommends that practices either obtain written or witnessed verbal authorization from the client prior to releasing records to a third party. Witnessed verbal authorization means that two staff members witness the authorization and sign and date the record with a statement documenting client consent.

Can I ever give out information about a patient or client without the client's consent? The California Business and Professions code prohibits veterinarians from sharing any record information with a third party without client consent, except in specified legal situations.

What about radiographs and digital images, do the same rules apply? Radiographs and digital images are the property of the veterinary facility that originally produced or ordered them. They may be released to another veterinary practice upon client consent. Radiographs and digital images originating at an emergency hospital shall become the property of the next attending veterinary facility that receives them.