

Veterinary Medical Record Laws in California

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Medical record issues are commonly encountered by the Veterinary Medical Board (VMB) during inspections and investigations, and the consequences of not complying with medical record laws can be significant. Understanding California's laws regarding medical record content, keeping, and transfer is essential.

What has to be in a veterinary medical record?

California Code of Regulations, title 16, section 2032.3(a) requires that the veterinarian prepare a legible written or computer-generated record concerning the animal patient(s) that contains 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

What must be provided to a client who requests their animal's medical record?

According to California Code of Regulations, title 16, section 2032.3(b), veterinarians must provide clients with a summary of their animal's record upon request. However, no new information is written or generated in a summary. Section 2032.3(b) requires that the summary contain specific excerpted parts of the complete medical record noted above. They are:

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 VMB has determined that a copy of the medical record is also acceptable, as long as it contains all of the components above. However, you are not legally required to transmit the record itself; the above-described summary is sufficient.

How long do I have to provide a summary of the patient medical record to a client?

California Code of Regulations, title 16, section 2032.3(b) states that the record must be provided five days or sooner following the client's request, depending if the animal patient is in critical condition.

Can I charge a fee for a medical 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.

If a client requests a copy of their animal's medical record, can it be withheld for any reason?

No.

How long do medical records have to be kept?

Records must be maintained for a minimum of three years after the date of the animal patient's last visit, regardless of whether the patient is deceased.

Can records be released to another veterinary practice if that practice requests them?

A record may not be released to another veterinary practice without 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 client or patient information be released without client consent?

California Business and Professions Code section 4857 prohibits veterinarians from sharing any record information with a third party without client consent,

except in specified legal situations such as responding to a valid subpoena or court order.

Are radiographs and other digital images part of the medical record?

Yes. 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. ■

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