

PRESS RELEASE



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DENTISTS MOVING PRACTICES NEED CONSENT FOR RECORD TRANSFERS

Dentists moving to another practice are being urged to ensure they gain the necessary consent before taking any patient notes.

The UK-wide dental defence organisation MDDUS has issued the reminder to ensure members don't fall foul of the restrictions imposed by the Data Protection Act.

Clearly it is a difficult process when a practitioner decides to leave a practice but matters such as completion of treatment plans, payment of monies due and timing can usually be settled through amicable negotiation.

However, if the departing dentist decides to take copies of patients' notes and radiographs to his next practice, certain provisions in the Data Protection Act must be adhered to and this can possibly impede the disengagement process and lead to dento-legal problems.

While it is inevitable that the desire to retain copies of notes will, on occasion, be motivated by an intention to solicit former patients - which may, in turn, breach the terms of any restraint of trade clause to which that dentist is party - the reason will often be entirely innocuous.

As an example, a dentist may decide that access to previously created notes will assist in ongoing patient care or ensure protection against future complaints.

Doug Hamilton, dental advisor at MDDUS cautions: "Dentists must remember that transferring patients' notes to another practice may be unlawful, regardless of the rationale for doing so.

"The fact is that this process would be in breach of the Data Protection Act in respect of any patients who had not given express consent to that transaction."

MDDUS recommends that - in cases where continued treatment of original patients is not restricted contractually - dentists should secure patients' written consent before moving records to other premises.

This could be achieved by simply attaching a 'tear off and return' slip to a pro forma letter which informs patients of the intended relocation. The notes of the acquiescing patients could then be printed off individually so that they can be uploaded or stored at the new surgery. As an alternative, the departing patients can write to their original practice requiring copies of their notes under the terms of the Act, and bring them to their dentist's new practice, though this may incur a charge.

Hamilton adds: "While simply taking the records for loyal patients to your next practice might seem both logical and expedient, obtaining their express consent first is always advisable."

Ends

For further information contact Colin Calder on 0141 616 2677 or 07850 510881.

Note to editors

MDDUS (Medical and Dental Defence Union of Scotland) is a medical and dental defence organisation providing access to professional indemnity and expert medico- and dento-legal advice for doctors, dentists and other healthcare professionals throughout the UK.

For further information on MDDUS go to www.mddus.com.