



Physician's Guide: Closing Your Medical Practice



Take comfort in knowing that
DOCUdavit Solutions is here to ensure
your *Peace of Mind!*

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Introduction

Closing your medical practice can be burdensome if you don't have the right tools and resources at your disposal. Fortunately, **DOCUdavit Solutions** has put together this convenient information booklet to give you peace of mind during your transition.

WHO WE ARE

DOCUdavit Solutions Inc. was founded in Toronto, Ontario in 2003 as a full-service scanning and storage company. It is owned and operated by a group of business leaders with a successful track record of growing and managing businesses in Canada.

Over the years, it has grown to become an established, high-volume provider of hard copy processing services, with an extensive network of clients and deep project experience across the entire country. DOCUdavit Solutions works with over 600 medical practices, 200 law firms, 10 government departments, and multiple corporations across Canada.

We are the premier choice for secure, compliant, outsourced document imaging, EMR conversion, coding, indexing, document/data management, litigation support and storage solutions. Our services are thoroughly compliant with each industry's specific regulations, and our quality document-imaging services can be adapted to work with virtually any software. DOCUdavit Solutions prides itself on promoting and upholding a culturally inclusive environment, built on mutual respect.



QUALITY ASSURANCE

Our strict dedication to quality control and compliance with all federal and provincial policies and legislations ensure that all projects, regardless of size, satisfy regulatory requirements.

Automated and manual quality assurance procedures have been put in place to ensure that all documents scanned are a true facsimile of the original, are indexed correctly, and are all successfully uploaded. These procedures significantly reduce the risk of these digitized documents being inaccurate, incomplete and/or illegible.

DOCUdavit follows the International Standard Organization's ISO 9000 series on quality management which provides guidelines on establishing its quality assurance policies and procedures. Quality control procedures are also an integral part of compliance with the Canadian standard CAN/CGSB 72.11-93: Microfilm and Electronic Images as Documentary Evidence and CAN/CGSB -72.34-2005: Electronic Records as Documentary Evidence.

Your Obligations:

- Patients
- Legal
- Business
- Financial
- Professional



Privacy, Legislation & Retention Period

The fundamental cornerstone of our customer relationship is privacy, confidentiality and trust. DOCUdavit Solutions is in the business of the **scanning, storage and management** of confidential documents and as such assumes a tremendous amount of responsibility and risk.

To manage this responsibility, we comply with the regulations and conditions set forth by the Personal Health Information Protection Act (PHIPA) for business within the province of Ontario; as well as the Personal Information Protection and Electronic Documents Act (PIPEDA) for business across Canada; and follows the regulations set forth by the College of Physicians and Surgeons (CPS) of each province. The company has mandated throughout every level of every division a fundamental understanding of privacy issues so that they can be built into all initiatives and processes. Our secure building is monitored and climate-controlled 24/7. All employees are full-time, and have undergone security and background checks.

We also partner with the Association for Information and Image Management (AIIM), the American Records Management Association (ARMA); and currently hold the following certifications:

- **ISO 9001: 2008** and **ISO 190011:2011**: Quality Management Systems
- **ISO 27001:2014**: Quality Information Systems Management
- **ISO 19005 -1**: Creation and use of PDF/A-1
- **CAN/CGSB 72.11-93**: Microfilm and Electronic Images as Documentary Evidence
- **CAN/CGSB -72.34-2005**: Electronic Records as Documentary Evidence



CERTIFIED QUALITY SYSTEM - ISO 9001:2008
CERTIFIED INFORMATION SECURITY MANAGEMENT
SYSTEM - ISO 27001:2013



LEGISLATION & RETENTION PERIOD

While there are no provincial or federal privacy laws indicating the specific timeline with respect to retention of patient medical records, and the Canadian Medical Protective Association (CMPA) guidelines are not directly enforceable in law, they do provide physicians with a framework in the event of future litigation. Please consult your provincial College of Physicians and Surgeons for further guidelines.

Physicians should **safeguard** and **protect** health records in the following manner:

- The Federal Personal Information Protection and Electronic Documents Act (PIPEDA) states that organizations must develop minimum and maximum retention periods.
- Both federal and provincial legislation generally state that personal information must be destroyed when retention is no longer necessary for legal or business purposes.
- The CMPA recommends the retention of medical records in most provinces for 10 years for adults, and 10 years from the time a minor reaches the age of majority. Please see [Table 1](#) for details.



College of
Physicians
& Surgeons

Medical Records, whether paper or electronic, must be maintained in a safe and secure environment for physical integrity and patient confidentiality. **DOCudivit Solutions** will securely store, manage and maintain your patient's medical records for their full retention periods, while still providing you and your patients with access to the information. Once the records expire, we will notify you of the destruction of your paper and/or electronic files. Paper files are shredded and bleached, and electronic medical records are permanently deleted off hard drives and back-ups during the destruction process.

Table 1: Retention Period Guidelines Per Province

Province	Adults & Children	Age of Majority
NF Newfoundland	Adults - 10 years after last visit Children - Until reaching the age of 21, or 10 years after last visit (Whichever is longer)	19
PEI Prince Edward Island	Adults - 10 years after last visit or 10 years after physician ceases practice Children - 10 years after age of Majority	18
NS Nova Scotia	Adults - 10 years after last visit Children - 10 years after age of Majority	19
NB New Brunswick	Adults - 10 years after last visit Children - Until reaching the age of 21, or 10 years after last visit (Whichever is longer)	19
QC Quebec	Adults & Children - 5 years after last visit 10 years for certain documents	18
ON Ontario	Adults - 10 years after last visit Children - 10 years after age of Majority	18
MB Manitoba	Adults - 10 years after last visit Children - 10 years after age of Majority	18
SK Saskatchewan	Adults - 6 years after last visit Children - 2 years after age of Majority, or 6 years after last visit (Whichever is longer)	18
AB Alberta	Adults - 10 years after last visit Children - 2 years after age of Majority or 10 years after last visit (Whichever is longer)	18
BC British Columbia	Adults - 16 years after last visit Children - 16 years after age of Majority or date of last visit (Whichever is longer)	19
NT Northwest Territories	Adults - 10 years after last visit Children - 2 years after age of Majority or 10 years after last visit (Whichever is longer)	19
NU Nunavut	Adults - 10 years after last visit Children - 2 years after age of Majority or 10 years after last visit (Whichever is longer)	19
YT Yukon Territories	Adults - 6 years after last visit Children - 2 years after age of Majority or 6 years after last visit (Whichever is longer)	19

Taking the First Step

DECIDING ON A CLOSURE DATE

There are number of reasons why you would decide to close your practice, but regardless of those reasons it is very important to give yourself enough time to prepare in order to ensure success throughout your transition. The following pages will outline different aspects to consider when closing your practice, that will play a role in finalizing your closure date.

Please see Pages 17-19 for checklists and suggested time frames to help you set a realistic, stress-free date.

Unfortunately, unforeseen personal or health related emergencies do occur and can lead to the closure of your practice in a short period. It is important to attempt to cover all of the items on the checklist at the end of this booklet as quickly as possible, focusing on your legal obligations first.



CLOSING A GROUP PRACTICE

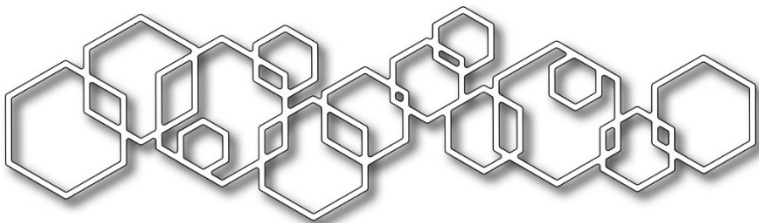
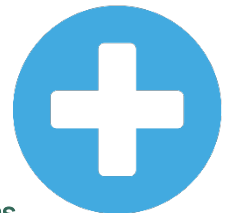
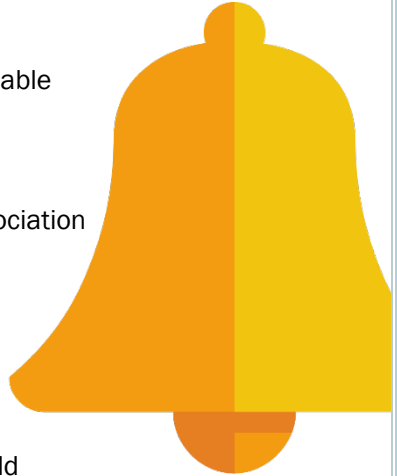
If you are in a group practice and have a formal agreement in place, the length of notice should be stated in the agreement. In the absence of such an agreement or clause, it is ideal to plan the closure of your practice with the expiration of the current lease so that your colleagues can make arrangements to secure new space, downsize the existing premises, or recruit another physician.



Notifications of Closure

Key stakeholders that should be notified by you include:

- Accountant
- Bank
- Billing Software provider, if applicable
- Canada Post
- Canada Revenue Agency
- Canadian Medical Association
- Canadian Medical Protective Association
- Colleagues (and/or partners)
- Credit and Debit card companies
- District Health Authorities
- **Employees**
- EMR Vendor, if applicable
- Financial Advisor
- Hospitals where privileges are held
- Insurance agent
- Janitorial Services
- Laboratories
- Landlord, if applicable
- Lawyer
- Medical and office supply vendors
- Municipal Tax office
- Nursing homes
- On-call group
- **Patients**
- Pharmacies
- Phone, utility and Internet service providers
- Provincial **College of Physicians and Surgeons**
- Referring/consulting physicians and surgeons



Notification to Patients

The Canadian Medical Protective Association (CMPA) states that physicians must notify patients that they will be closing their practice, and provide instructions on how patients may obtain their medical records. Reasonable notice to patients is two to three months prior to the scheduled closure, to give patients time to arrange for a replacement, especially in areas where there is a physician shortage. If another physician is assuming the practice, the letter to patients should include an introduction to the new physician.

HOW TO NOTIFY PATIENTS

The College of Physicians and Surgeons of each province has a policy on acceptable methods of notification. Where possible, it is recommended that patients be notified:

- In person
- Phone call to active patients
- Mail Service: Letters to active patients
- Printed office notice, visible from inside and outside
- Local newspaper advertisement
- Recorded message on the office answering machine
- Post on your practice website (if applicable)
- Most Electronic Medical Records (EMR) systems allow the use of one-way email to patients



It is appropriate to provide patients with a list of physicians in the area who are accepting new patients, and be willing to discuss referrals with patients, although this may not always be possible. The retiring physician should review their patient list, and provide additional services to those who qualify as:

- *Urgent Referrals*
- *Chronic Pain Patients*
- *Obstetrical Patients*
- *Patients on medications that require frequent monitoring*
- *Patients who require ongoing care*

and arrange for someone to receive lab and specialists reports which are outstanding upon closure.

NOTE: In case of a legal dispute, be sure to keep a log that includes the method and date of notification for all active patients, receipts from certified mail notices and copies of any public advertisements you place.

DOCUdavit Solutions makes advising your patients easy by customizing our approach to patient communication.

- As recommended, we will mail a personalized letter to patients, notifying them about continued care and how to retrieve a copy of their medical records. A patient request form will also be included.
- We will place a phone call to all active patients, briefly explaining the closure of your practice and the importance of obtaining a copy of their medical records to ensure the proper maintenance of their healthcare moving forward.
- We will provide you with an “Office Notice” template to display in your medical office, on your clinic door, or in your building lobby.
- We can create an optional, modern web page that will provide patients with your letter, and serve as an alternate method of notification for patients. The web page would contain helpful links to provincial health legislation and patient placement.

We Recommend that you:

- Continue your clinic phone service for at least 3 months, with a recorded message reminding your patients of your practice closure, options for finding another physician, and details about where they can get a copy of their medical records. Calls can also be forward directly to us.
- Place a local newspaper ad about the closure (Costs may be reimbursed by DOCUdavit Solutions up to \$200.00).



Notification to Employees

Your team of employees can be considered a second family, and as such they are entitled to be directly informed, in advance, about your decision to close your practice. If your staff learns about the closure from somewhere else, it may invoke resentment and can potentially leave you without support during your transition. In some cases, certain individuals may need to remain employed past the closure date to assist with the completion of record transfers, reconciliation of billings, etc. Encouraging staff to stay on, despite the closure could prove to be beneficial for both parties.

Here are some recommendations that could deter your staff from seeking other employment or resigning prior to the practice closure date:

- Offer bonuses for staying up until a certain date
- Offer Severance packages
- Offer other Incentives
- Encourage them to find alternative employment for after a certain date
- Provide letters of recommendation
- Recommend to colleagues looking for staff, thus, aiding their job search



The minimum notification (or pay in lieu of notice) to employees is based on the number of years of employment. The laws differ if another doctor is assuming the practice. It is strongly recommended that you consult with a lawyer who has experience in employment law for advice on the obligations you hold towards your staff.

Employment law remains applicable to physicians closing a practice. When you must terminate any employment, consider these two scenarios.

- If there was a formal employment contract: Check the contract for information on notice requirements. Does the contract limit notice requirements to the Employment Standards Act (ESA)? If so, contact the Ministry of Labor
- If there was no employment agreement: Case law will determine the obligations toward the employee, which may exceed those requirements dictated by the ESA. If you have no formal agreement, it is advisable to contact a lawyer before proceeding.



NOTIFYING THE COLLEGE

Physicians must notify their respective College of Physicians and Surgeons when they close their practice, and provide the location of the patient's medical records. Members can cancel their membership at any time by providing written notice. Once the resignation goes through, you must immediately cease all practice activities, including the prescription of medication. Please visit your Provincial CPS website, or contact their office for further details.

Patient Transfer and Access to Medical Records

Continuity of patient care is important, and access to their medical records can help to facilitate it. It is vital that physician make appropriate arrangements for the retention, storage or transfer of patient medical records. Taking on this task in-house is highly expensive and time-consuming since the original paper charts are legally your property and must never be distributed to patients; instead a copy must be made. Written authorization from the patient is required prior to making a copy, and the records can be requested at any time during the entirety of the retention period.

Some general rules regarding patient access:

- Patient requests to transfer records must be respected
- Patient records must be transferred in a timely manner
- A reasonable fee can be charged for copies of the medical records
 - Consult you Provincial CPS for fee guidelines
- Records must not be sold to another physician/entity
- You must ensure that you and your patients have full access to the medical records in the event that a liability issue should arise
- Both Paper and Electronic Medical Records (EMR) must be stored for the full retention period, and provided to the patient upon request



By entrusting **DOCUdavit Solutions** with the storage, destruction and transfer of your patients' medical records, you can enjoy your retirement worry-free, knowing that they will be securely stored for the full retention period, and your patients will have access to them at any time. We will:

- Provide Patients with an authorization form during the notification process
- Assist with requesting your extracted EMR records and patient list from your EMR or billing software (if applicable; extraction fee payable by doctor).
- Pick-up medical records for your urgent care patients and special requests prior to office closure, and complete their file transfers
- Manage the initial rush of patient requests prior to closure, as well as post-closure.
- The Canadian Medical Protective Association (CMPA) recommends that the transfer takes place as soon as possible, usually within six weeks of the request – DOCUdavit Solutions provides patients with a copy of their records within 4 weeks of the date of receipt.
- Pick-up boxes of medical records from your office or ship them via secure courier to our secure facility
- File late documents into patients' files after pick-up of records
- Patients, their doctors, or third parties such as lawyers and insurance companies (with patient's permission) can contact us to request medical records
- Requesting individuals will have the option to receive a copy of their medical records on paper, CD or online through a secure portal
- You will have access to all your patient files, if necessary.

Office Furniture and Equipment

There are a few different ways to deal with office furniture and Equipment.

If you are leasing furniture and/or equipment it would be ideal that the termination date of the lease coincides with the practice closure, but it doesn't always work out that way. If this is the case, contact the vendor and see if they will consider a buyout, otherwise the lease terms may need to be honored. If another physician is taking over the practice, the lease can be transferred to them.

If you own your furniture and Equipment, there are several options for selling or passing it on:

- Obtain an estimate of your furniture and equipment's worth
- If your furniture and equipment is in good condition, you can contact your medical equipment supplier and they may buy it from you or direct you to someone else who would be interested (You can also get an estimated worth from them)
- Advertise on free websites like kijiji or craigslist, as well as on medical publications and hospital notice boards
- Inform your colleagues, they may be interested or know someone who would want it
- If you are leaving a group practice, your colleagues may buyout your portion of the equipment and furniture
- If a physician is taking over your practice, you can negotiate with them to buyout the furniture or equipment
- If all else fails, you can consider donating the equipment to non-profit organizations or universities

It is important to note that certain equipment may be considered a medical "device" and therefore must follow the Food and Drug Act and Medical Devices Regulations that are regulated by Health Canada. Section 26 of the Medical Devices Regulations (SOR/98-282) states that "no person can import or sell a Class II, III or IV medical devices unless the manufacturer of the device holds a license in respect of that device".

Information on medical device classification can be found by contacting the device licensing division of Health Canada at: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-98-282/index.html>

Disposal of Medical Products

Disposing of your medical products and samples must be done cautiously, taking environmental, municipal, provincial and federal legislative requirements into consideration. Improper disposal can lead to the contamination of your local water supply and ground system or have legal ramifications.

Prior to disposing of any medical products, please contact the following entities to ensure safe and legal disposal:

- ***Drug Samples: Controlled Drugs and Substances Act (CDSA)*** at: <http://laws-lois.justice.gc.ca>
- ***Hazardous Waste & Management of Biomedical Waste:*** “Hazardous waste management: business and industry” at www.ene.gov.on.ca, and “The management of biomedical waste in Ontario” at www.ontario.ca.

Other options include:

- Transferring custody of medication to a physician taking over your practice
- Returning medication to the appropriate pharmaceutical representative
- Hiring a waste management company that has experience with medical waste
- In some instances, the company that removes waste and sharps can dispose of them
- Contacting your local pharmacy and seeing if they can dispose of them safely
- Finally, contacting your local police force may serve beneficial

NOTE: It is advisable that prescription pads be safely secured or destroyed once the practice is closed.



Practice Closure Checklist

1 YEAR BEFORE CLOSURE

- Setting the date
- Lease Considerations - Review for specifics on termination
 - Office Lease
 - Medical Equipment Lease
- Owned Space – Consult with Advisor: *Sell or Maintain?*
- Inform your **Lawyer** and **Accountant** about closure
- Employee Notification Research:
 - Contact Lawyer with experience in employment law

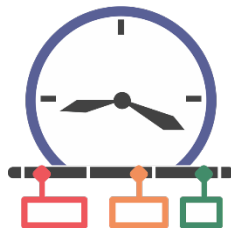
6 MONTHS BEFORE CLOSURE

- Medical Records**
 - Review medical Records Regulation set forth by you Province
 - Confirming Retention Period of your Patient Records
- Administrative Records**
 - Confirming Retention Period of Business Records with lawyer and accountant
- Source Storage Options**
 - Decide where medical records will be stored
 - Is a physician taking over your practice – if so, will you be transferring custody of your medical records as well?
- Create list of active patients
- Informing EMR Provider of Closure
- Financial Affairs and Notifications
- Notifying Colleagues that are part of a group practice



3 MONTHS BEFORE CLOSURE

- Patient Notification**
 - Patient Letter
 - Patient Request Form
 - Keep copy of letter, mailing is and returned envelopes
 - Place advertisement in local Newspaper
- Notification to Employees
- Peer Group Letter**
 - Hospitals
 - Referring Physicians
 - Nursing Homes
 - Laboratories
 - Local Pharmacies
- Office Furniture and Equipment**
 - Locate Sources for the sale of office equipment and furniture
 - Ensure you are following the regulations set forth by Health Canada in the Food and Drug Act and Medical Devices Regulations
- Drug Disposal Research**
 - Obtain information on legally approved methods for drug disposal
 - Inform Carriers of your intent to close your practice
- Inform utilities and service providers (hydro, gas, telephone etc.) of intent to close practice



1 MONTH BEFORE CLOSURE

- File for a change of address form with Canada Post
- Change address or cancel all periodicals, journal etc.
- Notify you Provincial College of Physicians and Surgeons
- Notify the board of medical examiners
- Packaging Medical Records in banker's boxes (12"x15"x10")
- Drug Disposal
- Disposal or safe storage of prescription pads

POST-CLOSURE

- EMR Extraction to universally recognized digital format (ex. PDF or TIFF)
- Destruction of medical records – Dependent on last visit and provincial regulations
- Lab reports – filing into patient chart
- Forward office telephone calls to DOCUdavit Solutions
- Forward client mail to home
- Bank accounts may need to be kept open for 60-90 days after closure in order to resolve account payable and pay any final bills

AT YOUR CONVENIENCE (if applicable)

Professional Associations

- Specialists: Royal College of Physicians and Surgeons of Canada (RCPSC)
- Family Physicians: College of Family Physicians of Canada (CFPF)
- Canadian Medical Protective Association (CMPA)
- Canadian Medical Association (CMA)

Business

- Landlord
- Computer Vendor
- Janitorial Services
- Medical and Office Supply Vendors
- Linen Service
- Landscaping Services
- Biological Waste Removal
- Website Administrator

Legal and Financial

- Credit Card companies
- Canada Revenue Agency
- Municipal Tax office
- Insurance Companies
- Financial Advisor



Contact Us

DOCUdavit Solutions can assist with, or completely take over most of these daunting tasks. By using our services, you can rest assured that your patients and their medical records will be taken care of while you focus on other ventures post-closure.

Please feel free to contact us directly, and we would be happy to answer any of your questions:

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