



Saskatchewan College of Psychologists

1026 Winnipeg Street
Regina SK S4R 8P8

Tel: (306) 352-1699

Fax: (306) 352-1697

Email: skcp@sasktel.net

www.skcp.ca

Membership Advisory

Responsibilities of the Member and their Professional Executor

Members of the College who are practicing or who have previously practiced and have in their possession client information and /or health records are annually required to identify for the Saskatchewan College of Psychologists (College) a Professional Executor for their practice. The executor is responsible to do the following in the event that the member is no longer able:

1. Ensure the security of the client health records and information.
2. Respond to requests for access to file information.
3. Assure or facilitate continuing client care.

Members are reminded that while they may resign from the membership of the College, Section 22 of the Health Information Protection Act (HIPA) requires trustees to maintain their client's health records and to ensure that clients have access to their health information if so requested. Psychologists are trustees under HIPA. Retired Psychologists and those who have resigned from the membership continue have the responsibility of a trustee under HIPA if they hold client health records / client information and have not transferred that responsibility to another trustee. The requirement to maintain one's client health records would not apply to those employed within public service, or those who are employed by community-based organization as the agency would assume the role of trustee under HIPA. While HIPA does not yet have a defined record retention period, it is assumed that the expectation of the legislation would be that at a minimum the retention period of the specific profession is observed. In the event of a planned retirement, members may choose to arrange to have a colleague who is a member of the profession assume responsibility for their client health records and to take physical custody of the client health records for them.

Members are encouraged to be cognizant of the possibility that their executor may be required to act on their behalf, and as such ensure:

1. That their Will in the event of death or their written directive in the event of incapacity clearly identifies who the professional executor is, and their contact information.
Consideration of a professional will is encouraged.
2. It may be prudent to consider identifying a second professional executor in the event that primary executor is not available / not able to serve in that role.
3. That their Will or written directive clearly identifies that the professional executor should be given possession of all client health records upon their passing, or incapacitation.
4. That their executor knows where and how to access their client health records, and has access to them (i.e. knows the location of the records, has computer or account passwords, keys etc.).
5. That client health records are clear and up to date.

6. Consideration of ensuring that there is money set aside in one's will / directive to assist with any costs (e.g. storage costs, mail costs, copying costs) that the professional executor may incur in fulfilling their responsibility.

The responsibilities of those serving in the capacity of a professional executor are as follows:

1. Client health records must be maintained securely according to the requirements of the HIPA and the College's record retention requirements. The record retention requirements are that a client health record must be maintained for a period of 7 years post-date of last service or in the case of minors 7 years post-date of the age of majority (age of majority in SK is 18 years). A secure document storage facility can be utilized to store client health records but this should be located within the province, and must be located within Canada.
2. Access to client health records must comply with the requirements of HIPA and any practice standards established by the College.
3. When assuming a colleague's client health records, it is important to identify their active clients (i.e. open health records, and /or seen within the last 6-12 months) and to determine any outstanding issues that may need to be addressed (e.g. provide information to another health provider, provide documentation for insurance, provide a report to facilitate a client's access to programs and services etc.).
4. Written notification of the close of practice should be sent in writing to all "active" clients.
5. Written notification of the close of practice and the plan for how the client health records will be managed **MUST** be sent to the College.
6. Notice of closure must include information regarding who is holding the client health records, how the records are being stored, how one can obtain their health record or information in the health record, and how one can access further services if need be.
7. Written notice of the closure of the practice should be posted in the local paper / online paper in the community (ies) in which their colleague practiced.
8. If the member who is no longer able to attend to their practice has a website for the practice, the notification of closure of the practice should also be posted to the site. The same should occur if the member had a voice message system.
9. Consideration of establishing a mailbox to which all requests for client health records can be sent. It will be important to be able to keep separate your own client health records from those of your colleague.
10. Facilitating ongoing services for a colleagues' clients may involve:
 - Making a referral to another resource or service provider or Psychologist
 - Referring a client back to their primary care physician for referral to another Psychologist
 - Providing clients who request it with a list of publicly funded services
 - Providing clients who request it a list of private "fee-for-service" providers
 - Providing another health provider of the client's choice with a copy of the health record
 - Assuming the client into your own practice should that be an option and should the client wish this
11. Professional executors should not release the original client health record to another health provider **unless care is being transferred to that provider**, rather they should release a copy and maintain the original record for the prescribed retention period.
12. A clear record of the information requested and released should be maintained.
13. Inactive client health records must be maintained for the retention period required by the College.